

Expedited Bill No. 2-07
 Concerning: Labor Relations – Term of Permanent Umpire and Labor Relations Administrator
 Revised: 2-27-07 Draft No. 3
 Introduced: January 16, 2007
 Enacted: February 27, 2007
 Executive: March 12, 2007
 Effective: March 12, 2007
 Sunset Date: None
 Ch. 1, Laws of Mont. Co. 2007

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) clarify the procedure to be followed when a vacancy occurs in the position of permanent umpire or Labor Relations Administrator to administer the ~~[[Police Labor Relations Law]]~~ County's collective bargaining laws;
- (2) provide for the appointment of a replacement to serve the remainder of the umpire's or Administrator's term; and
- (3) generally amend the collective bargaining law regarding the appointment of permanent umpires and Labor Relations Administrators.

By amending

Montgomery County Code
 Chapter 33, Personnel and Human Resources
 Sections 33-37, 33-103, and 33-149

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. ~~[[Section]] Sections 33-77, 33-103, and 33-149~~ ~~[[is]] are~~ amended**
 2 **as follows:**

3 **33-77. Permanent umpire.**

4 * * *

5 (b) The permanent umpire ~~[shall]~~ must be appointed by the County
 6 Executive, ~~[with the]~~ subject to confirmation ~~[of]~~ by the County
 7 Council, ~~[shall]~~ serve for a term of ~~[five (5)]~~ 5 years, and ~~[shall be~~
 8 eligible for reappointment; provided, however, that the] may be
 9 reappointed to another 5-year term. The permanent umpire [shall]
 10 must not be reappointed if, during the period between [sixty (60)] 60
 11 days and [thirty (30)] 30 days ~~[prior to the expiration of his]~~ before
 12 the umpire's term expires, the certified representative files a written
 13 objection to ~~[such]~~ the umpire's reappointment with the County
 14 Executive.

15 (c) If the permanent umpire dies, resigns, becomes disabled, or otherwise
 16 becomes unable or ineligible to continue to serve, the Executive must
 17 appoint a new permanent umpire, subject to confirmation by the
 18 Council, to serve ~~[[out]]~~ the remainder of the previous umpire's term.
 19 The umpire appointed under this subsection may be reappointed under
 20 subsection (b).

21 (d) The permanent umpire ~~[shall]~~ must be a person with experience as a
 22 neutral in the field of labor relations and ~~[shall]~~ must not be a person
 23 who, ~~[[on account]]~~ because of vocation, employment, or affiliation,
 24 can be ~~[[classified]]~~ categorized as a representative of the interests of the
 25 employer or any employee organization.

26 ~~[[c)]~~ (e) The permanent umpire ~~[shall]~~ must be paid a ~~[[per diem]]~~ daily fee
 27 as ~~[set forth by]~~ specified in a contract with the County, and ~~[shall]~~

28 must be reimbursed for necessary expenses incurred in performing the
 29 duties of umpire.

30 **33-103. Labor Relations Administrator.**

31 * * *

32 (b) (1) The ~~[[labor relations administrator]]~~ Administrator must be a
 33 person with experience as a neutral in the field of labor
 34 relations, and must not be a person who, ~~[[on account]]~~ because
 35 of vocation, employment, or affiliation, can be ~~[[classed]]~~
 36 categorized as a representative of the interest of the employer or
 37 any employee organization.

38 (2) ~~[[The first labor relations administrator is appointed by the~~
 39 ~~county executive, with the confirmation of the county council,~~
 40 ~~serves for a term of four (4) years, and is eligible for~~
 41 ~~reappointment.]]~~

42 ~~[[~~(3) After the initial term of office of the labor relations
 43 administrator provided in subsection (b)(2), the county
 44 executive shall thereafter~~]]~~ The County Executive must appoint,
 45 subject to confirmation by the County Council, the ~~[[labor~~
 46 ~~relations administrator]]~~ Administrator for a term of ~~[[five (5)]]~~
 47 5 years from a list of ~~[[five (5)]]~~ 5 nominees agreed upon by
 48 any certified representative(s) and the ~~[[chief administrative~~
 49 ~~officer, which]]~~ Chief Administrative Officer. The list may
 50 include the incumbent ~~[[labor relations administrator]]~~
 51 Administrator. ~~[[Such appointment must be confirmed by the~~
 52 ~~county council.]]~~ If the ~~[[county]]~~ Council does not confirm the
 53 appointment, the new appointment ~~[[shall]]~~ must be from a new
 54 agreed list of ~~[[five (5)]]~~ 5 nominees. ~~[[Should there be]]~~ If no

55 certified representative has been selected, the ~~[[labor relations~~
 56 administrator shall]] Administrator must be appointed ~~[[under~~
 57 the procedure and for the term set forth in subsection (b)(2)]]
 58 for a 4-year term by the Executive, subject to Council
 59 confirmation.

60 (c) If the Administrator dies, resigns, becomes disabled, or otherwise
 61 becomes unable or ineligible to continue to serve, the Executive must
 62 appoint a new Administrator, subject to Council confirmation, to
 63 serve the remainder of the previous Administrator's term. The
 64 Administrator appointed under this subsection may be reappointed as
 65 provided in subsection (b).

66 ~~[[c)]]~~ (d) The ~~[[Labor Relations]]~~ Administrator ~~[[will]]~~ must be paid a
 67 daily fee as ~~[[set forth by]]~~ specified in a contract with the County,
 68 and ~~[[will]]~~ must be reimbursed for necessary expenses incurred in
 69 performing the duties of Administrator.

70 **33-149. Labor Relations Administrator.**

71 * * *

72 (b) The ~~[[Labor Relations]]~~ Administrator must be a person with
 73 experience as a neutral in labor relations, and must not be a person
 74 who, because of vocation, employment, or affiliation, can be
 75 ~~[[classified]]~~ categorized as a representative of the interest of the
 76 employer or any employee organization.

77 (c) The County Executive must appoint the ~~[[Labor Relations]]~~
 78 Administrator, subject to confirmation by the County Council, from a
 79 list of 5 nominees agreed on by the certified representative and the
 80 Chief Administrative Officer. ~~[[The County Council must confirm the~~
 81 appointment.]] If there is no certified representative, the ~~[[County]]~~

82 Executive must appoint an Administrator, ~~[[with the]]~~ subject to
 83 confirmation ~~[[of]]~~ by the ~~[[County]]~~ Council. If the ~~[[County]]~~
 84 Council does not confirm an appointment, the ~~[[County]]~~ Executive
 85 must appoint another person from a new agreed list of 5 nominees and
 86 submit that appointee to the ~~[[County]]~~ Council for confirmation. The
 87 Administrator serves a term of 5 years. An incumbent Administrator
 88 is automatically reappointed for another 5-year term, subject to
 89 Council confirmation, unless, during the period between 60 and 30
 90 days before the term expires, the certified representative notifies the
 91 ~~[[employer]]~~ Chief Administrative Officer or the ~~[[employer]]~~ Chief
 92 Administrative Officer notifies the certified representative that ~~[[it]]~~
 93 either objects to the reappointment.

94 (d) If the Administrator dies, resigns, becomes disabled, or otherwise
 95 becomes unable or ineligible to continue to serve, the Executive must
 96 appoint a new Administrator, subject to Council confirmation, to
 97 serve the remainder of the previous Administrator's term. The
 98 Administrator appointed under this subsection may be reappointed as
 99 provided in subsection (c).

100 ~~[[d)]]~~ (e) The ~~[[Labor Relations]]~~ Administrator must be paid a daily fee as
 101 specified ~~[[by]]~~ in a contract with the County, and must be reimbursed
 102 for necessary expenses incurred in performing the duties of
 103 Administrator.

104 **Sec. 2. Expedited Effective Date.**

105 The Council declares that this legislation is necessary for the immediate
 106 protection of the public interest. This Act takes effect on the date when it becomes
 107 law.

108 *Approved:*

109 *Marilyn J. Lawrence* *March 1, 2007*
Marilyn J. Lawrence, President, County Council Date

110 *Approved:*

111 *Isiah Leggett* *March 12, 2007*
Isiah Leggett, County Executive Date

112 *This is a correct copy of Council action.*

113 *Linda M. Lauer* *March 12, 2007*
Linda M. Lauer, Clerk of the Council Date