


MEMORANDUM

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Public Hearing:** Expedited Bill 30-10, Personnel – Equal Benefits – Fire and Rescue Employees

Expedited Bill 30-10, Personnel – Equal Benefits – Fire and Rescue Employees, sponsored by the Council President at the request of the County Executive, was introduced on May 4, 2010. A Management and Fiscal Policy (MFP) Committee worksession is tentatively scheduled for June 17 at 3:00 p.m.

The County has a longstanding policy, in law and practice, against employment discrimination based on sexual orientation. Bill 28-99, effective March 1, 2000, extended equal benefits to a same sex domestic partner of a County employee that is offered to an employee's spouse. As a result of collective bargaining in 2001, the Executive agreed with the union representing police officers, the Fraternal Order of Police, Lodge 35 (FOP), to extend equal benefits for an opposite sex domestic partner of a police officer. This collective bargaining agreement was approved by the Council and enacted into law.

The Executive agreed to a similar provision with the union representing fire and rescue employees, the Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664 (IAFF) in 2002. However, this agreement was never approved by the Council and enacted into law. The Office of Human Resources has been following the collective bargaining agreement with the IAFF since 2002. There are currently 49 members of the fire and rescue bargaining unit who are receiving benefits for a domestic partner of the opposite sex and 7 members who are receiving benefits for a same sex domestic partner.

Bill 30-10 would amend the law to implement the 2002 collective bargaining agreement with the IAFF by providing health and insurance benefits to opposite sex domestic partners of employees in the fire and rescue services bargaining unit.

This packet contains:

Expedited Bill 30-10

Legislative Request Report

Memo from County Executive

Fiscal Impact Statement

Circle #

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Expedited Bill No. 30 -10
Concerning: Personnel – Equal Benefits
– Fire and Rescue Employees
Revised: April 12, 2010 Draft No. 1
Introduced: May 4, 2010
Expires: November 4, 2011
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) provide benefits to an opposite sex domestic partner of a member of the fire and rescue bargaining unit; and
- (2) generally amend the law regarding benefits for domestic partners.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-22

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:

Sec. 1. Section 33-22 is amended as follows:

33-22. Benefits for Domestic Partner of Employee

* * *

(c) *Requirements for domestic partnership.* To establish a domestic partnership, the employee and the employee's partner must either:

(1) satisfy all of the following requirements:

(A) be the same sex, unless the employee is a member of the police bargaining unit or the fire and rescue employee bargaining unit;

* * *

Sec. 2. Effective Date.

The Council declares that this legislation is necessary for the immediate protection of the public interest. The amendment to Section 33-22 in Section 1 takes effect on July 1, 2002.

Approved:

Nancy Floreen, President, County Council	Date
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Approved:

Isiah Leggett, County Executive	Date
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This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council	Date
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LEGISLATIVE REQUEST REPORT

Expedited Bill 30-10
Personnel – Equal Benefits – Fire and Rescue Employees

DESCRIPTION: The legislation provides health and insurance benefits to opposite sex domestic partners for members of the fire and rescue services bargaining unit.

PROBLEM: The collective bargaining agreement between the County and the Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664, AFL-CIO, that became effective July 1, 2002, provides that all health and insurance benefits shall be extended to opposite-sex domestic partners of employees covered under the agreement. While reviewing Council Bill 37-09, which relates to providing benefits to same sex domestic partners of employees of County contractors, it came to light that the County had never amended Sec. 33-22(c)(1)(a) of the County Code to add opposite sex domestic partnerships for members of the fire bargaining unit.

GOALS AND OBJECTIVES: To correct an oversight that occurred in 2002.

COORDINATION: Office of Human Resources and Finance

FISCAL IMPACT: Office of Management and Budget

ECONOMIC IMPACT: Office of Management and Budget

EVALUATION: N/A

EXPERIENCE ELSEWHERE: N/A

SOURCE OF INFORMATION: Stuart Weisberg, Office of Human Resources (240-777-5154)

APPLICATION WITHIN MUNICIPALITIES: N/A

PENALTIES: N/A




OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

RECEIVED
MONTGOMERY COUNTY
COUNCIL
2009 APR -9 AM 9:44

TO: Nancy Floreen, President
Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Expedited Bill to Provide Benefits for Opposite Sex Domestic Partners

I am attaching for Council introduction an Expedited Bill to provide health and insurance benefits to opposite sex domestic partners of employees in the fire and rescue services bargaining unit.

This bill corrects an oversight that occurred in 2002. The collective bargaining agreement between the County and the Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664, AFL-CIO, that became effective July 1, 2002, provides that all health and insurance benefits shall be extended to opposite-sex domestic partners of employees covered under the agreement. While reviewing Council Bill 37-09, which relates to providing benefits to domestic partners of County contractors, it came to light that the County had never amended Sec. 33-22(c)(1)(a) of the County Code to add opposite sex domestic partnerships for members of the fire bargaining unit.

Attachments

IL: sw



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OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

Joseph F. Beach
Director

MEMORANDUM

May 3, 2010

TO: Nancy Floreen, President, County Council

FROM: Joseph F. Beach, Director, Office of Management and Budget

SUBJECT: Council Bill 30-10, Personnel – Benefits for Opposite Sex Domestic Partners – Fire and Rescue Services Bargaining Unit Employees

2010 MAY -3 PM 4:26

RECEIVED
MONTGOMERY COUNTY
COUNCIL

The purpose of this memorandum is to transmit a fiscal and economic impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

This legislation provides benefits to opposite sex domestic partners of employees in the fire and rescue bargaining unit. The collective bargaining agreement between the County and the Montgomery County Career Fire Fighters Association, International Association of Fire Fighters (IAFF), Local 1664, AFL-CIO that became effective July 1, 2002, provides that all health and insurance benefits shall be extended to opposite-sex domestic partners of employees covered under the agreement. It has recently come to light that the County had never amended Section 33-22 of the County Code to add coverage for opposite sex domestic partnerships for members of the IAFF. This bill corrects that oversight.

FISCAL AND ECONOMIC SUMMARY

This bill will not have a fiscal or economic impact on the County since the County has been providing benefits to opposite sex domestic partners of employees in the IAFF since 2002, under the terms of the bargaining agreement.

The following contributed to and concurred with this analysis: Stuart Weisberg, Office of Human Resources; Michael Coveyou, Department of Finance, and Lori O'Brien, Office of Management and Budget.

JFB:lob

c: Kathleen Boucher, Assistant Chief Administrative Officer
Dee Gonzalez, Offices of the County Executive
Joseph Adler, Director, Office of Human Resources
Michael Coveyou, Department of Finance
Wesley Girling, Office of Human Resources
Belinda Fulco, Office of Human Resources
Stuart Weisberg, Office of Human Resources
John Cuff, Office of Management and Budget

Office of the Director

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