COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2002 Legislative Session

Bill No.	CB-84-2002
Chapter No.	
Proposed and Presented by	The Chairman (by request – County Executive)
Introduced by	Council Member Shapiro
Co-Sponsors	
Date of Introduction	October 7, 2002

BILL

1 AN ACT concerning

2 Labor Code

3 For the purpose of amending Subtitle 13A to clarify the definition of employees and to define

4 confidential employees.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 13A. LABOR CODE.

7 Section 13A-102,

8 The Prince George's County Code

9 (1999 Edition, 2001 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,

11 Maryland, that Section 13A-102 of the Prince George's County Code be and the same is hereby

12 repealed and reenacted with the following amendments:

13 **SUBTITLE 13A. LABOR CODE.**

14 **DIVISION 1. COLLECTIVE BARGAINING GENERALLY.**

15 **Sec. 13A-102 Definitions.**

16 *   *   *   *   *   *   *

17 (g) **Employee** means any person whose salary and/or job description is determined in

18 whole or in part by the County, but shall not include elected officials, management level

19 employees, confidential employees,[and] officials appointed pursuant to law to a policy-making

20 position and persons appointed under the terms of a limited-term appointment. An individual

21 shall continue to be an employee within the meaning of this law even if his work has ceased as a

22 consequence of, or in connection with, any unfair labor practice. In addition, the term **employee**

1   shall include also such individuals to whom the coverage of this law is extended pursuant to

2   Section 13A-116 herein.

3   (h) **Confidential employee** means an employee who directly reports to an appointing

4   authority or an employee who has access to information used to formulate, determine, or

5   effectuate management policies in the field of labor-management relations.

6   [(h)] (i) **Employer** means the County Executive and any individual who represents him or

7   acts in his interests in dealing with employees, or any governmental body operating within the

8   County which elects to have the definition of employee contained in Section 13A-102(g) herein

9   extended to include its employees pursuant to Section 13A-116 herein, or any person acting as an

10   agent of said governmental body.

11   [(i)] (j) **Impartial agency** means any of the following or other similar organizations: The

12   American Arbitration Association, The Federal Mediation and Conciliation Service, The

13   Maryland State Department of Labor and Industry, The National Center for Dispute Settlement,

14   and The U.S. Department of Labor.

15   [(j)] (k) **Labor organization** means any labor union or other organization in which

16   employees participate and which has as one of its purposes the representation of employees

17   concerning wages, hours, or other terms and conditions of employment, but shall not include any

18   organization which unlawfully engages in discrimination with regard to race, color, religion, sex,

19   age, or national origin.

20   [(k)] (l) **Management level employee** means any individual who is involved directly in

21   the determination of policy or who responsibly directs the implementation thereof.

22   [(l)] (m) **Person** includes one or more individuals, labor organizations, employers,

23   employees, partnerships, associations, corporations, legal representatives, trustees, trustees in

24   bankruptcy, or receivers.

25   [(m)] (n) **Professional employee** means any employee whose work:

26   (1) Is predominantly intellectual and varied in character as opposed to routine mental,

27   manual, mechanical, or physical work;

28   (2) Requires consistent exercise of discretion and judgment;

29   (3) Is of such a character that the output produced or the result accomplished cannot

30   be standardized in relation to a given time period; and

1   (4)   Which requires knowledge of an advanced type in a field of science or learning

2   customarily acquired by a prolonged course of specialized intellectual instruction and study in an

3   institution of higher learning or a hospital, as distinguished from a general academic education or

4   from an apprenticeship or from training in the performance of routine mental, manual, or

5   physical processes.

6   [(n)] (o) **Strike** means the failure by concerted action with others to report for duty, the

7   willful absence from one's position, the stoppage of work, or the abstinence in whole or in part

8   from the full, faithful, and proper performance of the duties of employment, or in any manner

9   interfering with the operation of any public employer, for the purpose of inducing, influencing,

10   or coercing a change in the conditions or compensation or the rights, privileges, or obligations of

11   employment.

12   [(o)] (p) **Supervisor** means any individual having authority, in the interest of the

13   employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or

14   discipline other employees; or responsibly to direct them; or to adjust their grievances; or

15   effectively recommend such action, if, in connection with the foregoing, the exercise of such

16   authority is not of a merely routine or clerical nature, but requires the use of independent

17   judgment; provided, however, that the exercise of any single function of authority enumerated

18   above shall not necessarily require the conclusion that the individual so exercising that function

19   is a supervisor within the meaning of this law.

20   SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)

21   calendar days after it becomes law.

Adopted this _____ day of _____ , 2002.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Peter A. Shapiro
Chair

ATTEST:

_____
Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____   BY: _____
Wayne K. Curry
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.