

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1999 Legislative Session

Bill No. CB-8-1999

Chapter No. _____

Proposed and Presented by Council Member Hendershot

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Labor Code

3 For the purpose of amending the Labor Code regarding mandatory subjects of collective
4 bargaining and restricting the employer's authority to change the wages, hours, or working
5 conditions during period between the expiration of a labor agreement and the conclusion of
6 bargaining or arbitration.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 13A. LABOR CODE.

9 Sections 13A-109, 13A-111, and 13A-111.01,

10 The Prince George's County Code

11 (1995 Edition, 1998 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, that Sections 13A-109, 13A-111, and 13A-111.01 of the Prince George's County
14 Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 13A. LABOR CODE.

DIVISION 1. COLLECTIVELY BARGAINING GENERALLY.

Sec. 13A-109. Negotiations.

18 * * * * *

19 (b) The employer shall not be obligated to negotiate with respect to those Countywide
20 matters which must necessarily be uniform for all employees, such as a Countywide pension
21 plan[or reductions-in-force], unless a labor organization or council or group of labor

1 organizations represent more than 50 percent of all employees, within the meaning of this law,
 2 subject to such uniform rules. However, the foregoing shall not prevent the employer from
 3 meeting with any other labor organization for the purpose of hearing the views and requests of its
 4 members on such matters, provided that the organization or council or group designated as
 5 representing more than 50 percent of such employees is informed in advance of the meeting, and
 6 any changes in the terms of such Countywide matters is effected only through negotiations with
 7 it; or be construed to deny to the employer or an exclusive representative the right to bargain for
 8 a variation of a particular application of any Countywide policy or variation of an agreement
 9 reached pursuant to these provisions, where considerations are special and unique to the class of
 10 employees or unit involved. Disputes over the identification of matters "which must necessarily
 11 be uniform" may be resolved pursuant to the procedures provided in Section 13A-111. The
 12 employer shall be obligated to negotiate with respect to the following matters which shall be
 13 regarded as mandatory subjects of bargaining and which need not be uniform for all employees:

14 (1) Employee seniority rights and all matters relating to reductions in force;

15 (2) Administration of annual merit increases: and

16 (3) Layoff, recall, and furlough provisions.

17 * * * * *

18 **Sec. 13A-111. Procedures pertaining to collective bargaining impasses other than those**
 19 **involving protective service employees.**

20 * * * * *

21 (d) [Notwithstanding any other provision of this Section or Subtitle, any clause in a
 22 collective bargaining agreement which sets forth procedures for a reduction-in-force, layoff, and
 23 recall, and/or guarantees against a reduction-in-force or a furlough of employees subject to that
 24 agreement, shall expire on the date that agreement expires by its express terms. If a collective
 25 bargaining agreement, which has remained in effect beyond its expiration date, provides for an
 26 annual merit increase for employees, payment of such increase shall be eliminated unless
 27 provided for in a successor bargaining agreement.

28 (e)] **Costs.** The costs for mediation shall be borne by the County. All other costs shall be
 29 borne equally by the parties involved in the dispute, except in the unusual event that the National
 30 Center or an arbitrator appointed by it shall find pursuant to such rules as it shall issue, that the
 31 impasse has been caused or prolonged by flagrant conduct of one of the parties.

Sec. 13A-111.01. Procedures pertaining to collective bargaining impasses involving protective service employees.

* * * * *

(n) [Notwithstanding any other provision of this Section or Subtitle, any clause in a collective bargaining agreement which sets forth procedures for a reduction-in-force, layoff, and recall, and/or guarantees against a reduction-in-force or a furlough of employees subject to that agreement, shall expire on the date that agreement expires by its express terms. If a collective bargaining agreement, which has remained in effect beyond its expiration date, provides for an annual merit increase for employees, payment of such increase shall be eliminated unless provided for in a successor bargaining agreement.

(o) The AAA is authorized to adopt, amend, and rescind such rules and regulations as may be necessary for it to carry out its functions under this Section, and such rules and regulations shall be controlling to the extent that they do not conflict with the provisions of this Section.

[(p)] (o) All hearings referred to herein shall be held within the territorial jurisdiction of the County. The records incidental to such hearing and decisions shall be maintained within the County under the supervision and control of the AAA. Upon termination of a case, all records shall become property of the County and shall be maintained in the Public Documents Library.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this _____ day of _____, 1999.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
M. H. Jim Estepp
Chairman

ATTEST:

Joyce T. Sweeney
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.