

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2000 Legislative Session

Bill No. CB-6-2000
 Chapter No. 6
 Proposed and Presented by Council Member Estepp
 Introduced by Council Member Estepp
 Co-Sponsors _____
 Date of Introduction February 29, 2000

BILL

1 AN ACT concerning

2 Personnel Board

3 For the purpose of providing for the partial reimbursement of attorney's fees for prevailing
 4 parties represented by attorneys provided by third parties.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 16. PERSONNEL.

7 Section 16-205,

8 The Prince George's County Code

9 (1995 Edition, 1998 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 11 Maryland, that Section 16-205 of the Prince George's County Code be and the same is hereby
 12 repealed and reenacted with the following amendments:

SUBTITLE 16. PERSONNEL.

DIVISION 14. GRIEVANCES, ADVERSE ACTIONS. AND APPEALS.

Sec. 16-205. Reimbursement for employee legal fees and/or court costs.

16 (a) Any employee shall be entitled to be reimbursed by the County for full or partial legal
 17 fees and/or court costs incurred by the employee or incurred by a collective bargaining agent or
 18 other third party provider of legal representation on behalf of an employee as a result of taking
 19 an appeal of an unresolved grievance or an adverse action under Sections 16-200 and 16-201,
 20 respectively, before the Personnel Board and/or before a court of law, on appeal, under the

1 following circumstances, and subject to the limitations established by the County Council
2 pursuant to Subsection (d), below:

3 (1) Where the employee takes an appeal of an unresolved grievance or an adverse
4 action under Sections 16-200 and 16-201, respectively, before the Personnel Board and the final
5 decision and order of the Board with respect to such appeal constitutes a ruling in the employee's
6 favor, the Board shall determine a full or partial reimbursement for any legal fees incurred by the
7 employee or incurred by a collective bargaining agent or other third party provider of legal
8 representation on behalf of an employee with respect to the appeal proceedings before the Board
9 and shall issue a final order for the payment thereof by the County;

10 (2) Where the employee takes an appeal of a final decision and order of the Personnel
11 Board before the courts as a result of the initial taking of an appeal of an unresolved grievance or
12 an adverse action, as the case may be, before the Board, and where the final court determination
13 with respect to such appeal constitutes a ruling in the employee's favor, the Board shall
14 determine a full or partial reimbursement for any legal fees and court costs incurred by the
15 employee or incurred by a collective bargaining agent or other third party provider of legal
16 representation on behalf of an employee with respect to the appeal proceedings before the courts,
17 and with respect to any initial appeal proceedings before the Board with respect thereto, if not
18 previously determined and awarded, and shall issue a final order for the payment thereof by the
19 County;

20 (3) Where the employee defends an appeal before the courts of a final decision and
21 order of the Personnel Board which constituted a ruling in the employee's favor, the Board shall
22 determine a full or partial reimbursement for any legal fees and court costs incurred by the
23 employee or incurred by a collective bargaining agent or other third party provider of legal
24 representation on behalf of an employee in defending the Board's final decision and order before
25 the courts, whether or not said final court determination constitutes a ruling in the employee's
26 favor, and shall issue a final order for the payment thereof by the County; or,

27 (4) Where a final decision and order of the Personnel Board constituting a ruling in
28 the employee's favor is not effectuated by the County within the time period stipulated in such
29 final order, or where such time period for compliance has been extended by the Board upon
30 application by the County, and where such final order of the Board is not subject to further
31 appeal, the Board shall determine a full or partial reimbursement for any legal fees and court

1 costs incurred by the employee or incurred by a collective bargaining agent or other third party
2 provider of legal representation on behalf of an employee in enforcing the Board's final order
3 before the courts, and shall issue a final order for payment thereof by the County.

4 (b) In deciding whether any final order or determination of the Personnel Board or the
5 courts constituted a ruling in employee's favor under the terms of Subsection (a), above, the
6 Board shall make any such decision based upon a determination as to whether or not the
7 employee was granted substantial relief and whether the final order or determination specified
8 impropriety or wrongdoing by the County, consistent with the allegations in the complaint.

9 (c) The Board shall issue a final order for the full or partial reimbursement of legal fees
10 and/or court costs under Subsection (a), above, only after the employee's attorney has submitted
11 an application setting forth the hours employed and the basis of the claim. A copy of said
12 application shall be served upon the County Attorney by the employee's attorney and a written
13 certification to that effect shall be served on the Personnel Board by the employee's attorney.
14 Any such application shall only be considered if filed with the Board no later than six (6) months
15 after the termination of all applicable proceedings. The Board may act upon any application
16 without a hearing unless a written objection with respect to such application is filed by the
17 County Attorney within five (5) working days of the date of service of the aforesaid application.
18 Where such objection is filed by the County Attorney, the Board shall hold a hearing on the
19 application and may issue a final order at any time thereafter. Any such final order may be
20 appealed to the Circuit Court by any aggrieved party to the proceedings before the Board in
21 accordance with Section 16-204.

22 (d) Prior to June 1 of each odd numbered year, the Personnel Board shall forward to the
23 County Council for approval by resolution, pursuant to Section 16-105(a)(1), a reimbursement
24 schedule for full or partial legal fees and court costs. Said schedule shall establish minimum and
25 maximum hourly fee rates and maximum total amounts of reimbursement per appeal. In no case
26 shall the Personnel Board issue a final order for the payment or reimbursement in excess of the
27 limitations established by the County Council. Prior to final approval of the reimbursement
28 schedule by the County Council, the County Executive shall be given an opportunity to comment
29 thereon.

30 (e) Any final order issued by the Personnel Board for the full or partial reimbursement of
31 an employee's legal fees and/or court costs under Subsection (a), above, shall constitute a

1 contingent liability on the County and, as a result thereof, the County Executive shall annually
2 recommend in the County's proposed expense budget, an appropriation of revenue in a special
3 nondepartmental fund sufficient to cover the County's anticipated liabilities with respect to such
4 payment of legal fees and/or court costs for employees. The County Director of Finance shall
5 make payment for any award of legal fees and/or court costs no later than forty-five (45)
6 calendar days after the presentation to the Director of a final order for payment as issued by the
7 Personnel Board under Subsection (a), above. In any case where there is insufficient revenue in
8 such special, nondepartmental fund to make payment upon the presentation of a final order for
9 payment thereof, the Director of Finance shall so advise the employee's attorney and interest
10 shall accrue on the unpaid balance at the rate of ten percent (10%) per annum. In any such event,
11 the Director shall advise the County Council and the County Executive of all such unpaid claims
12 and an amount of revenue sufficient to cover all such claims, and accrued interest, shall be
13 included by the County Executive in the ensuing fiscal year's County expense budget.

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

Adopted this 21st day of March, 2000.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

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

KEY:
Underscoring indicates language added to existing law.