

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 7/13/2010  
**Reference No.:** CB-025-2010  
**Draft No.:** 2  
**Proposer(s):** County Executive  
**Sponsor(s):** Dernoga, Harrison, Turner  
**Item Title:** An Act approving an amendment of the labor agreement by and between Prince George's County, Maryland and Prince George's County Correctional Officers' Association, Inc. (Correctional Officers), July 1, 2007 through June 30, 2009

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**Drafter:** Terry Bowen, Office of Human Resources Management  
**Resource Personnel:** Donald E. Bridgeman, Office of Human Resources Management

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	5/4/2010	<b>Executive Action:</b>	7/27/2010 S
<b>Committee Referral:</b>	5/4/2010 - PSFM	<b>Effective Date:</b>	9/13/2010

**Committee Action:** 6/9/2010 - FAV(A)

**Date Introduced:** 6/15/2010  
**Public Hearing:** 7/13/2010 - 10:00 AM

**Council Action (1)** 7/13/2010 - ENACTED  
**Council Votes:** MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:A  
**Pass/Fail:** P  
**Remarks:** Retroactive to July 1, 2007

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### AFFECTED CODE SECTIONS:

16-233

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### COMMITTEE REPORTS:

#### Public Safety and Fiscal Management

**Date 6/9/2010**

COMMITTEE VOTE: 4-0 Favorable/ as amended (In Favor Council Members Exum, Campos, Dean, and Turner)

This bill will amend Article 16 Discipline, Section B.2 the labor agreement between Prince George's County and the County's Correctional Officers' Association, Inc. (Correctional Officers) which was adopted pursuant to CB-62-2008.

On January 8, 2010, the Unfair Labor Practice Panel of the County's Public Employees Relations Board (PERB) issued a ruling that the parties, in negotiating the terms of the agreement, agreed to include a provision which will permit an employee to appeal to arbitration a disciplinary action to the Director. The PERB Board ordered the County to amend the agreement to include a provision on binding arbitration.

The legislation was amended on page 2, line 8 by inserting "not" after "does".

Committee requested that the following be included in the Committee Report:

#### ARTICLE 15 -- GRIEVANCE PROCEDURE

A. Any question arising out of and during the term of this Agreement involving its interpretation and application shall be considered a grievance and subject to resolution under the following procedures:

Step 3.

a. If the grievance shall have been submitted but not adjusted under Step 2, either the PGCOA President or the County may request in writing, within seven (7) working days after the grievance has been denied at Step 2, that the grievance be submitted to an Arbitrator mutually agreed upon by them. The County and PGCOA shall request the American Arbitration Association to provide them with a list of Arbitrators from which an Arbitrator shall be selected. The rules of the American Arbitration

Association shall govern the conduct of the arbitration hearing. The decision of the Arbitrator shall be final and binding on all parties. The fee and expenses of such Arbitrator shall be split equally by the County and the PGCOA.

b. Failure of the grieving party to adhere to the time limits established in this grievance procedure shall render the grievance null and void. The time limits established herein may be extended only by written consent of the parties involved at the particular step where the extension is agreed upon. The Arbitrator shall have the authority to make decisions only on issues presented to him and he shall have no authority to change, amend, add to or detract from any of the provisions of this Agreement.

The Office of Law has reviewed this bill and finds it to be in proper legislative form with no legal impediments to its enactment.

According to Office of Human Resources Management (OHRM), should this provision be applied in any eligible disciplinary action case, the County will be required to assume a portion of the related arbitration cost.

The enactment of CB-25-2010 may have a negative or adverse fiscal impact on the County, if the arbitration provision is utilized.

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#### **BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

On January 8, 2010 the Unfair Labor Practice Panel of the Prince George's County Public Employee Relations Board found that Prince George's County, Maryland and Prince George's Correctional Officers' Association, Inc. (Correctional Officers) had agreed to binding arbitration of disciplinary matters during negotiations of the labor agreement for Fiscal Years 2008 and 2009. As a result of this finding, the Panel ordered the County to amend the agreement to include the binding arbitration provision. This bill will adopt the amendment to the collective bargaining agreement in accordance with Section 16-233(e) of the Personnel Law. A fiscal impact statement will be provided by the Office of Management and Budget.

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#### **CODE INDEX TOPICS:**

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#### **INCLUSION FILES:**

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