

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1999 Legislative Session

Bill No. CB-53-1999

Chapter No. _____

Proposed and Presented by Council Member Maloney

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Personnel Law - Employee Advisory Council

3 For the purpose of providing collective representation to employees not represented by a labor
4 organization and providing an employee - management conference board to facilitate employee
5 relations with non - union County employees.

6 BY adding:

7 SUBTITLE 16. PERSONNEL.

8 Sections 16-234, 16-235, and 16-236,

9 The Prince George's County Code

10 (1995 Edition, 1998 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Sections 16-234, 16-245, and 16-236 of the Prince George's County Code be and
13 the same are hereby added:

14 SUBTITLE 16. PERSONNEL.

15 DIVISION 19. COLLECTIVE BARGAINING.

16 **Sec. 16-234. Employee Advisory Council.**

17 (a) The Employee Advisory Council is created and shall consist of representatives elected
18 by Classified Service employees not governed by a collective bargaining agreement negotiated
19 and approved pursuant to the provisions of Subtitle 13A.

20 (b) Classified Service employees not represented by a labor organization or not governed
21 by a collective bargaining agreement negotiated and approved pursuant to the provisions of

1 Subtitle 13A shall be represented in discussions with management relating to pay, benefits,
 2 status, and working conditions by the Employee Advisory Council. It is the policy of the County
 3 that employees shall be provided the opportunity to participate, or decline to participate, in the
 4 functions and activities of the Employee Advisory Council, and that no employee shall be
 5 discriminated against in any way in the terms and conditions of employment or be the subject of
 6 any adverse action which is based in whole or in part upon the employee's participation in the
 7 functions and activities of the Employee Advisory Council.

8 (c) Each department, agency, office, or separate organizational unit within a department,
 9 agency or office with twenty five (25) or more Classified Service employees not represented by a
 10 labor organization shall elect one representative to the Employee Advisory Council for each
 11 twenty-five (25) employees. Any department, agency, office or separate organizational unit with
 12 less than twenty-five (25) employees shall be combined with one or more appropriate
 13 departments, agencies, offices, or separate organizational units by the Personnel Officer in a
 14 combined unit of less than fifty (50) employees in a manner which will maintain a community of
 15 interest of the employees in the combined unit.

16 (d) The Employee Advisory Council shall adopt bylaws to govern the election of
 17 representatives, the election of officers, and the appointment of committees.

18 (e) The Employee Advisory Council shall be considered a "labor organization" for
 19 purposes of the County Human Relations Code, but not for purposes of Subtitle 13A Labor
 20 Code.

21 **Sec. 16-235. Employee - Management Conference Board.**

22 (a) The Employee - Management Conference Board is created and shall consist of four
 23 representatives selected by the Employee Advisory Council and management representatives
 24 consisting of the Chief Administrative Officer, the Personnel Officer, and two heads of
 25 departments in which at least one half of the Classified Service employees are not governed
 26 by a collective bargaining agreement negotiated and approved pursuant to the provisions of
 27 Subtitle 13A.

28 (b) Prior to any change to the terms and conditions of employment affecting Classified
 29 Service employees not governed by a collective bargaining agreement negotiated and approved
 30 pursuant to the provisions of Subtitle 13A, the proposed action shall be presented to the
 31 Employee - Management Conference Board for evaluation and recommendations. Proposed

1 actions required to be submitted to the Employee - Management Conference Board shall include,
 2 but not be limited to, the proposed amendment of a salary plan or classification plan, the
 3 proposed amendment of Subtitle 16, the proposed amendment or suspension of personnel
 4 procedures and grievance procedures, including the suspension of desk audits, the proposed
 5 amendment of a pension or retirement plan, the proposed imposition of a reduction in force or
 6 furlough plan, and any other action which would affect the pay status or working conditions of
 7 groups of employees represented by the Employee Advisory Council.

8 (c) The Employee - Management Conference Board shall meet at least once per month
 9 during regular business hours. Employee representatives shall be granted administrative leave to
 10 attend meetings of the Board. The Personnel Officer shall be responsible for providing
 11 administrative and clerical support to the Board. The Personnel Officer shall prepare and
 12 promulgate the agenda for each regular meeting of the Board at least three working days prior to
 13 the meeting. Any member of the Board who desires that the Board consider an issue shall
 14 identify the issue to the Personnel Officer, in writing, at least five working days prior to the
 15 meeting. Only those issues that are listed on the agenda shall be appropriate for consideration by
 16 the Board.

17 **Sec. 16-236. Recognition of labor organization.**

18 (a) If a labor organization seeks to represent a group of employees represented by the
 19 Employee Advisory Council pursuant to the provisions of Subtitle 13A, the Employee Advisory
 20 Council shall continue to represent the group of employees until the labor organization is
 21 certified as the exclusive representative of the employees.

22 (b) During the period where certification as an exclusive representative is sought by a
 23 labor organization, no action of the Employee Advisory Council or of the Employee -
 24 Management Conference Board shall be deemed to be an unfair labor practice.

25 SECTION 2. BE IT FURTHER ENACTED that, within 30 days after the effective date of
 26 this Act, the County Executive shall prepare and submit to the County Council for approval a
 27 written implementation plan which provides for the election of representatives to the Employee
 28 Advisory Council.

29 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 30 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 31 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of

competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 4. 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.