



Rushern L. Baker, III  
County Executive

PRINCE GEORGE'S COUNTY GOVERNMENT  
OFFICE OF THE COUNTY EXECUTIVE

January 29, 2016

The Honorable Derrick Leon Davis  
Chairman  
Prince George's County Council  
County Administration Building  
Upper Marlboro, Maryland 20772

Dear Chairman Davis:

Enclosed for the County Council's consideration is a Bill to amend the Labor Code. The current Labor Code established a Public Employee Relations Board ("PERB") for resolving disputes that arise between employers and collective bargaining groups. The PERB, which was created pursuant to County Labor Code § 13A-104, has three (3) panels of three (3) persons each, totaling nine (9) arbitrators. The three (3) panels are: (1) representation matters; (2) unfair labor practices/negotiability disputes; and (3) impasse arbitration.

Prior to the Baker Administration, new appointments had not been made to the PERB since 1983 or 1984. In 2013, new appointments were made for all members. Those appointments expired in 2015. In 2014, the Maryland Office of the Attorney General (AG) issued an opinion that impacted the PERB. In short, the AG found that holding certain positions as arbitrators in more than one (1) jurisdiction violated the State constitutional prohibition against holding more than one (1) office for profit. As a result of this opinion, one (1) arbitrator resigned from the unfair labor practice panel and a second, who serves on the impasse panel, stated that he would be willing to continue in his appointment, but would only hear matters involving non-public safety employees.

Substantively, the basis for arbitration remains the same, i.e. impasse, unfair labor practice/negotiability and representation. Only the process is being changed. Adopting a new system of selecting arbitrators would make the AG's decision inapplicable to the County. It would also remove the need for continual appointments. Both Montgomery and Anne Arundel counties utilize a system similar to that included in the proposed legislation. Draft copies of the proposed legislation have been sent to union leaders.

The Council's expeditious and favorable consideration of this legislation is greatly appreciated. If you have any questions, please contact my office or Stephanye R. Maxwell, Esq., CPM, Director of the Office of Human Resources Management, at 301-883-6344.

Sincerely,

Rushern L. Baker, III  
County Executive

Enclosures