

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2016 Legislative Session

Reference No.: CB-008-2016

Draft No.: 2

Committee: PUBLIC SAFTEY AND FISCAL MANAGEMENT

Date: 3/3/2016

Action: FAV(A)

REPORT:

CB-008-2016 as proposed 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. Currently, the PERB has 9 members consisting of 3 panels of 3 persons. In 2013 new appointments were made for all members. Those appointments expired in 2015. In 2014 the Attorney General found that holding certain positions as arbitrators in more than one jurisdiction violated the State constitutional prohibition against holding an office of profit. As a result of this ruling, one arbitrator resigned and another stated he would only hear cases involving non-safety employees. As proposed the new bill provides for a new system of selecting arbitrators for disputes and eliminates the PERB.

During the Committee meeting, we were provided an overview of the bill by Rhonda Weaver the County's Labor Negotiator. John Teletchea, President of FOP 89 offered the following two amendments: On page 7, line 19 delete the word "grievance" and insert the word "dispute". On page 21, delete the language beginning on line 22, "Within the same period of time for initiating a grievance under the applicable collective bargaining agreement for which the involved employee or labor organization is covered, written notice shall be given to all other parties and the Director of the request for arbitration, including a detailed description of the facts and issues involved and the relief sought" and insert "The allegation shall be filed with the Director within forty-five (45) days after the person became or reasonably should have become aware of the alleged violation. The complaint shall include a detailed description of the facts and issues involved and the relief sought." These suggested amendments were accepted by the County and will be included in Draft 2 of the bill.

The Office of Audits and Investigations reports that Arbitrators charge between \$450 and \$525 per hour. Since 2011 there has only been two or three dispute resolution cases initiated against the County. This being the case it is hard to give a fiscal impact.

The Office of Law reports the bill to be in proper legal form (Draft 2) and finds no legal impediments to its enactment.

After discussion the Public Safety and Fiscal Management Committee voted the bill out **4-0 favorably as amended.**