

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2010 Legislative Session

Resolution No. CR-75-2010

Proposed by Council Member Dean

Introduced by Council Members Dean, Harrison, Bland, Turner, Exum, Knotts, Olson,
Campos and Dernoga

Date of Introduction July 13, 2010

RESOLUTION

1 A RESOLUTION concerning

2 Adverse Actions by Appointing Authorities

3 For the purpose of expressing the County Council’s support of the rights and expectations of all
4 County employees to work in a respectful environment free from harassment and intimidation.

5 WHEREAS, a County employee’s freedom of speech, assembly and political speech are
6 fundamental protections memorialized in the First Amendment of the United States Constitution
7 which provides that Congress shall make no law respecting an establishment of religion, or
8 prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the
9 right of the people peaceably to assemble, and to petition the Government for a redress of
10 grievances; and

11 WHEREAS, by way of the incorporation doctrine by virtue of the Due Process Clause of
12 the Fourteenth Amendment of the United States Constitution most provisions contained in the
13 Bill of Rights are applicable to both State and local governments; and

14 WHEREAS, in the spirit of the First Amendment of the United States Constitution, these
15 fundamental rights and privileges are codified in the Prince George’s County Code ; and

16 WHEREAS, the County Code Section 16-108(a) states that “all appointing authorities and
17 supervisors shall have the following general responsibilities:

18 (1) To comply with and adhere to, the provisions of this Subtitle and any personnel
19 procedures developed, approved and issued pursuant hereto;

20

1 (2) To exercise continued respect towards employees under their respective
2 jurisdictions and the general public in their exercise of their duties and responsibilities;

3 (3) To recognize the rights of employees under their respective jurisdictions to openly
4 and freely express their views relative to their terms and conditions of employment and, in
5 furtherance thereof, to make reasonable efforts to periodically confer with said employees,
6 individually or collectively, when requested to do so in order to informally discuss their views
7 and recommendations regarding their terms and conditions of employment': and

8 WHEREAS, the County Employees Bill of Rights codified in Division 20, Subtitle 19 of
9 the County Code states in pertinent part that "if an adverse action has been taken against an
10 employee and the employee claims that such action was in retaliation for the exercise of rights
11 granted under this Division, the Personnel Board shall determine the validity of the claim in
12 accordance with Section 16-203 of the County Code"; and

13 WHEREAS, a County's employees freedom to either participate or refrain from
14 participating in partisan political activity outside of their hours of employment is one such right
15 granted under the same Division of the County Code; and

16 WHEREAS, a County employee shall be entitled to appeal any adverse action by an
17 Appointing Authority to the Personnel Board in accordance with Section 16-201 through 16-203;
18 and

19 WHEREAS, Section 16-204 states that, "Pursuant to Section 907 of Article IX of County
20 Charter any person, including Prince George's County, Maryland, aggrieved by a final decision
21 and order of the Personnel Board may, within thirty (30) calendar days of the date such decision
22 and order is issued, appeal such decision and order to the Circuit Court for Prince George's
23 County, Maryland;" and

24 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
25 County, Maryland, that the First Amendment of the United States Constitution and the local laws
26 derived there from shall be acknowledged and strictly enforced; and

27 BE IT FURTHER RESOLVED, that it is the desire of the Prince George's County Council
28 that County employees shall be free from harassment, intimidation, threats and adverse actions
29 resulting from the free exercise of their guaranteed fundamental rights; and
30
31

1 BE IT FURTHER RESOLVED that it is the desire of the Prince George's County Council
2 to effect a respectful peaceful work place for all County employees.

Adopted this 13th day of July, 2010.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council