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**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

Legislative Session

1992

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Bill No. \_\_\_\_\_ CB-13-

1992

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Chapter No.

1

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Proposed and Presented by Council Members Castaldi,

Wineland, MacKinnon, Casula, Del Giudice, Mills and  
Fletcher

Introduced by Council Members Castaldi, Wineland,  
MacKinnon,

Casula, Del Giudice, Mills and  
Fletcher

Co-Sponsors

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Date of Introduction \_\_\_\_\_ February 18,  
1992

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**EMERGENCY BILL**

AN EMERGENCY ACT concerning

Labor Agreements and Salary Plans

FOR the purpose of declaring a fiscal emergency; of rescinding  
those portions of labor agreements by and between Prince

George's County and certain collective bargaining units which provide for any increases in the base hourly rates of pay beyond the rates in effect on January 1, 1992, and exclude certain employees from being subject to certain reduction-in-force and furlough actions; and of suspending provisions of any Schedule of the adopted Salary Plans of the County which provide for any such increase in the base hourly rates of pay until October 1, 1992.

WHEREAS, the Fiscal Year 1992 County Budget, approved and adopted pursuant to Section 814 of the Charter for Prince George's County by CB-55-1991 provided for total appropriations of \$984.6 million; and

WHEREAS, by November 30, 1991, Fiscal Year 1992 revenues had declined to approximately \$941 million, \$43 million less than required to provide for a balance between revenues and expenditures as required by the Charter; and

WHEREAS, the County Executive has advised the County Council that unrealized savings which were anticipated from employee attrition and programs designed to encourage County employees to retire may result in an involuntary reduction-in-force affecting approximately 125 County employees; and

WHEREAS, the County Executive has advised the County Council that an additional 250 county employees will be involuntarily separated from employment; and

WHEREAS, the County Executive has estimated that the cost

to fund scheduled increases in the base hourly rates of pay for only the last three months of Fiscal Year 1992 is approximately \$2.6 million; and

WHEREAS, if the scheduled increases in the base hourly rates of pay for the Fourth Quarter of Fiscal Year 1992 go into effect, an additional 250 County employees will be involuntarily separated from County employment; and

WHEREAS, by the adoption of CR-96-1991, the County Council approved an employee furlough plan, proposed by the County Executive pursuant to Section 16-229 of the County Code, which imposed an involuntary furlough of eighty hours upon approximately 2700 County employees paid pursuant to Salary Schedules A, D-1, G, PO, S-1(FO) and W-1, in an attempt to reduce the County's compensation expenditures by an estimated \$3.6 million and to avoid additional involuntary reductions-in-force; and

WHEREAS, statutory authority granted by the State of Maryland to the County to levy an energy tax is scheduled to expire on June 30, 1992, resulting in a negative fiscal impact of \$32.7 million; and

WHEREAS, statutory authority granted by the State of Maryland to the County to levy a transfer tax will be reduced from one and one-half percent to one percent on June 30, 1992, resulting in a negative fiscal impact of \$12.5 million; and

WHEREAS, the County Council has determined that the continuation of contractual immunity from separation -- reduction-in-force actions and furlough actions which benefit members of certain collective bargaining units would severely impact the ability of the remainder of County employees to deliver essential governmental services; and

WHEREAS, the County Council has determined, in order to minimize further reductions to essential governmental services provided by County employees subject to involuntary separation -- reduction-in-force actions and to safeguard the vital interest of the citizens of the County, that a limited and temporary suspension of certain contractual provisions of collective bargaining agreements will serve to meet the extraordinary and unanticipated revenue shortfalls experienced by the County in Fiscal Year 1992; and

WHEREAS, Section 9 of the Budget Reconciliation Act for Fiscal Year 1992 (Chapter 3, 1991 Laws of Maryland - Second Special Session) provides that:

[N]otwithstanding any other provision of law or any contractual provision, for Fiscal Year 1992 only:

(a) Subject to the provision of subsection (b) of this section, the governing body of a county or

Baltimore City, or other legal entity or authority within the county or Baltimore City, may take any action necessary, including any action to

reduce a previously approved appropriation, to prudently manage its fiscal affairs and to meet its obligations under this Act. This subsection may not be interpreted to authorize additional taxation authority.

WHEREAS, the County has not been authorized by the State of Maryland to levy and collect such additional taxes to obviate the need for causing the involuntary separations of County employees through reduction-in-force actions; now, therefore,

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that a severe and unanticipated fiscal emergency has arisen during Fiscal Year 1992 which is of such magnitude that the County Government is unable to bring revenues and expenditures into balance as required by law.

SECTION 2. BE IT FURTHER ENACTED that, notwithstanding any provision of the Charter for Prince George's County, the Prince George's County Code, or any contract to the contrary, those portions of labor agreements by and between Prince George's County and the following collective bargaining units which provide for any increases in the base hourly rates of pay beyond the rates in effect on January 1, 1992, are hereby rescinded:

American Federation of State, County and  
Municipal

Employees, AFL-CIO Locals 2462 and 2735 -  
Salary

Schedule A

Local #1619, International Association of Fire  
Fighters

(Uniformed Civilian Unit) - Salary Schedule

B

Council 67, American Federation of State, County  
and

Municipal Employees, AFL-CIO (Local 3279) -  
Salary

Schedule C

Prince George's Correctional Officers'  
Association, Inc. -

Salary Schedule D

Prince George's Correctional Officers'  
Association, Inc.

(Food Services Employees) - Salary Schedule

F

Fraternal Order of Police, Lodge #89, Inc. -  
Salary

Schedule L

Local #1619, International Association of Fire  
Fighters,

AFL-CIO (Paramedics) - Salary Schedule M

Local #1619, International Association of Fire  
Fighters,

AFL-CIO (Fire Fighters) - Salary Schedule S

Deputy Sheriff's Association of Prince George's  
County,

Inc. - Salary Schedule W

American Federation of State, County and  
Municipal

Employees, AFL-CIO Local 241 - Salary  
Schedule X

SECTION 3. BE IT FURTHER ENACTED that, notwithstanding any provision of the Charter for Prince George's County, the Prince George's County Code, or any contract to the contrary, those portions of labor agreements by and between Prince George's County and the following collective bargaining units which provide that the members of such collective bargaining units shall not be subject to any separation -- reduction-in-force action pursuant to Section 16-188 of the County Code or which provide that such members shall not be subject to any furlough plan approved pursuant to Section 16-229 of the County Code, as enacted by CB-90-1991, are hereby rescinded:

American Federation of State, County and  
Municipal

Employees, AFL-CIO Locals 2462 and 2735 -  
Salary

Schedule A

Local #1619, International Association of Fire  
Fighters

(Uniformed Civilian Unit) - Salary Schedule

B

Council 67, American Federation of State, County  
and

Municipal Employees, AFL-CIO (Local 3279) -  
Salary

Schedule C

Prince George's Correctional Officers'  
Association, Inc. -

Salary Schedule D

Prince George's Correctional Officers'  
Association, Inc.

(Food Services Employees) - Salary Schedule

F

Fraternal Order of Police, Lodge #89, Inc. -  
Salary

Schedule L

Local #1619, International Association of Fire  
Fighters,

AFL-CIO (Paramedics) - Salary Schedule M

Local #1619, International Association of Fire  
Fighters,

AFL-CIO (Fire Fighters) - Salary Schedule S

Deputy Sheriff's Association of Prince George's  
County,

Inc. - Salary Schedule W

American Federation of State, County and

Municipal

Employees, AFL-CIO Local 241 - Salary

Schedule X

SECTION 4. BE IT FURTHER ENACTED that, notwithstanding any provision of the Charter for Prince George's County, the Prince George's County Code, or any Schedule of the Salary Plan of the County to the contrary, any provision which provides for any increase in the base hourly rates of pay beyond the rates in effect on January 1, 1992, such provision is hereby suspended.

SECTION 5. BE IT FURTHER ENACTED that the provisions of this Act shall expire on September 30, 1992, and be of no further force and effect without further legislative act.

SECTION 6. BE IT FURTHER ENACTED that increases to the base hourly wage which are suspended by this Act shall be reinstated on October 1, 1992.

SECTION 7. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, 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 8. BE IT FURTHER ENACTED that in accordance with the provisions of Section 317 of the Charter, the County Council hereby declares that a public emergency exists affecting the public health, safety, and welfare; said emergency being the need to reduce expenditures for wages and benefits in order to avoid the reduction in force of employees who provide necessary public health, safety and welfare services to the citizens of the County.

SECTION 9. BE IT FURTHER ENACTED that this Act shall take effect on the date it becomes law.

Adopted this 24th day of March, 1992, by an affirmative vote of two- thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:

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Richard J. Castaldi  
Chairman

ATTEST:

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Joyce T. Sweeney  
Acting Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_  
\_\_\_\_\_

BY:

Parris N. Glendening  
County Executive

Veto overridden by an affirmative vote of two thirds of the Members of the full County Council on March 31, 1992.

BY:

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Richard J. Castaldi  
Chairman

ATTEST:

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Joyce T. Sweeney  
Acting Clerk of the Council