

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

**1998 Legislative Session**

Bill No. CB-10-1998

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Members Maloney and Hendershot

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, 1996 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 by a  
 26 collective bargaining agreement negotiated and approved pursuant to the provisions of Subtitle  
 27 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 which are listed on the agenda shall be appropriate for consideration  
 16 by 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 the County Executive shall prepare and  
 26 submit to the County Council for approval a written implementation plan which provides for the  
 27 election of representatives to the Employee Advisory Council.

28 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
 29 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
 30 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
 31 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining

1 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
2 Act, since the same would have been enacted without the incorporation in this Act of any such  
3 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

4 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
5 calendar days after it becomes law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Ronald V. Russell  
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.