

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

**1995 Legislative Session**

Bill No. \_\_\_\_\_ CB-24-1995

Chapter No. \_\_\_\_\_ 14

Proposed and Presented by Chairwoman MacKinnon (by request - County Executive)

Introduced by \_\_\_\_\_ Council Members MacKinnon and Bailey

Co-Sponsors

Date of Introduction \_\_\_\_\_ May 16, 1995

**EMERGENCY BILL**

AN EMERGENCY ACT concerning

Labor Code

For the purpose of amending the Labor Code regarding matters which must be uniform for all employees and providing that the employer may make certain changes in wages, hours or working conditions during periods between the expiration of a labor agreement and the conclusion of bargaining or arbitration.

BY repealing and reenacting with amendments:

SUBTITLE 13A. LABOR CODE.

Section 13A-109, 13A-111, 13A-111.01,

The Prince George's County Code

(1991 Edition, 1994 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 13A-109, 13A-111, and 13A-111.01 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 13A. LABOR CODE**

**DIVISION 1. COLLECTIVE BARGAINING GENERALLY.**

**Sec. 13A-109. Negotiations.**

\* \* \* \* \*

(b) The employer shall not be obligated to negotiate with respect to those Countywide matters which must necessarily be uniform for all employees, such as a Countywide pension

plan or reductions in force, unless a labor organization or council or group of labor organizations represent more than 50 percent of all employees, within the meaning of this law, subject to such uniform rules. However, the foregoing shall not (1) prevent the employer from meeting with any other labor organization for the purpose of hearing the views and requests of its members on such matters, provided that the organization or council or group designated as representing more than 50 percent of such employees is informed in advance of the meeting, and any changes in the terms of such Countywide matters is effected only through negotiations with it; or (2) be construed to deny to the employer or an exclusive representative the right to bargain for a variation of a particular application of any Countywide policy or variation of an agreement reached pursuant to these provisions, where considerations are special and unique to the class of employees or unit involved. Disputes over the identification of matters "which must necessarily be uniform" may be resolved pursuant to the procedures provided in Section 13A-111.

\* \* \* \* \*

**Sec. 13A-111. Procedures pertaining to collective bargaining impasses other than those involving protective service employees.**

\* \* \* \* \*

(d) Notwithstanding any other provision of this Section or Subtitle, any clause in a collective bargaining agreement which sets forth procedures for a reduction in force, layoff and recall, and/or guarantees against a reduction in force or a furlough of employees subject to that agreement, shall expire on the date that agreement expires by its express terms. If a collective bargaining agreement, which has remained in effect beyond its expiration date, provides for an annual merit increase for employees, payment of such increase shall be eliminated unless provided for in a successor bargaining agreement.

(e) Costs. The costs for mediation shall be borne by the County. All other costs shall be borne equally by the parties involved in the dispute, except in the unusual event that the National Center or an arbitrator appointed by it shall find pursuant to such rules as it shall issue, that the impasse has been caused or prolonged by flagrant conduct of one of the parties.

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**Sec. 13A-111.01. Procedures pertaining to collective bargaining impasses involving protective service employees.**

\* \* \* \* \*

(n) Notwithstanding any other provision of this Section or Subtitle, any clause in a collective bargaining agreement which sets forth procedures for a reduction in force, layoff and recall, and/or guarantees against a reduction in force or a furlough of employees subject to that agreement, shall expire on the date that agreement expires by its express terms. If a collective bargaining agreement, which has remained in effect beyond its expiration date, provides for an annual merit increase for employees, payment of such increase shall be eliminated unless provided for in a successor bargaining agreement.

(o) The AAA is authorized to adopt, amend, and rescind such rules and regulations as may be necessary for it to carry out its functions under this Section, and such rules and regulations shall be controlling to the extent that they do not conflict with the provisions of this Section.

[(o)] (p) All hearings referred to herein shall be held within the territorial jurisdiction of the County. The records incidental to such hearing and decisions shall be maintained within the County under the supervision and control of the AAA. Upon termination of a case, all records shall become property of the County and shall be maintained in the Public Documents Library.

SECTION 2. BE IT FURTHER ENACTED that an emergency is hereby declared to exist affecting the health, safety or welfare of the citizens of Prince George's County, Maryland, said emergency being the need to amend the labor code regarding uniform matters and allowing certain changes to the terms of expired collective bargaining agreements in order to effectively and timely meet the fiscal reductions which must be undertaken in response to the operating budget for FY96 which takes effect on July 1, 1995. SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on the date it becomes law.

Adopted this 13th day of June, 1995, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:

Anne T. MacKinnon  
Chairwoman

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.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.