

Resolution No.: 19-819  
Introduced: April 20, 2021  
Adopted: April 27, 2021

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: County Council

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**SUBJECT:** Collective Bargaining Agreement with Fraternal Order of Police

**Background**

1. Section 510 of the County Charter requires the County Council to provide by law for collective bargaining with binding arbitration with an authorized representative of the County police officers.
2. Chapter 33, Article V of the County Code implements Section 510 of the Charter and provides for collective bargaining with representatives of certain police officers and for review of the resulting agreement by the County Council.
3. On March 31, 2021, the County Executive submitted to the Council Amendments to the agreement between the County government and Fraternal Order of Police for the year July 1, 2020 through June 30, 2023 for July 1, 2021 through June 30, 2022. A copy of the Amendments to the Agreement is attached to this Resolution.
4. The County Executive outlined the terms and conditions of the collective bargaining agreement that require or may require an appropriation of funds or changes in any County law or regulation in FY22.
5. The County Council considered these Amendments and made decisions at a worksession on April 27, 2021.
6. The County Council is required by law to indicate on or before May 1 its intention regarding the appropriation of funds or any legislation or regulations required to implement the agreement or to extend the time to do so.

**Action**


The County Council for Montgomery County, Maryland approves the following resolution:

The County Council intends to approve the following provisions for FY2022:

1. 2.5% GWA after January 1, 2022.
2. 3.5% service increments for all eligible members on their anniversary date.
3. Tuition assistance at \$135,000.
4. 3.5% longevity increments for eligible members after 16 or 20 years.
5. Cell phones issued to all bargaining unit members.

The County Council intends to reject the provision that would increase the County share of non-HMO group insurance premiums from 75% to 80% and intends to approve the group insurance cost share as currently adopted for FY2021.

This is a correct copy of Council action.

  
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Selena Mendy Singleton, Esq.  
Clerk of the Council

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE MONTGOMERY COUNTY GOVERNMENT  
AND THE  
FRATERNAL ORDER OF POLICE, MONTGOMERY COUNTY LODGE 35, INC**

The Montgomery County Government (Employer) and the Fraternal Order of Police, Montgomery County Lodge 35, Inc. (Union), conducted negotiations pursuant to Section 33-75, et sq., of the Montgomery County Code for the reopener of Article 36 of the Collective Bargaining Agreement for the term July 1, 2020 through June 30, 2023. As a result of those negotiations and as a result of County Council action to implement a general wage adjustment in FY21, the Employer and the Union agree that the Collective Bargaining Agreement shall be amended according to the terms set forth below.

Please use the following key when reading this agreement:

<u>Underlining</u>	<i>Added to existing agreement</i>
[Single boldface brackets]	<i>Deleted from existing agreement.</i>
* * *	<i>Existing language unchanged</i>

The parties agree to amend the contract as follows:

\* \* \*

**Article 30 Uniforms and Equipment**

\* \* \*

*Section O. Cellular Phones.* Subject to budget limitations and in accordance with the conditions agreed upon for the issuance of Blackberry PDA and cell phone devices, Unit members will be issued cellular phones for business use. Unit members shall not be eligible to be reimbursed for the cost of business calls that are made on personally owned cellular phones. [See MOA Tentatively Agreed to on January 23, 2020, executed on January 21, 2021, and made effective by Council Resolution 19-759 on June 20, 2021.] [*March 12, 2009.*]<sup>3</sup> Until such time as the FY21 GWA is funded, the March 12, 2009 MOA shall apply. The January 23, 2020 MOA shall become effective and shall replace the March 12, 2009 MOA on the first day of the same pay period that the FY21 GWA is funded.]

\* \* \*

*Section R. Electronic Control Weapons (ECW).* Subject to [budgetary limitations] availability and in accordance with the agreed upon order of issuance process, the Department will [increase the number of Tasers issued to patrol officers by 10 percent in year 2 and an additional 10 percent in year 3. The Department will distribute the Tasers to patrol officers in an effort to optimize their availability. [See MOA: *November 5, 2003*. Superseded by MOA: *January 23, 2020*]] issue ECWs to sworn officers whose assignments are considered to routinely involve public contact. All officers will be provided training prior to the initial issuance of a device and shall be required to re-certify as required by department policy. Officers required to carry an ECW shall do so whenever they are working in a uniformed capacity, including while engaged in secondary employment. [See ECW MOA Tentatively Agreed to on

January 23, 2020, executed on January 21, 2021, and made effective by Council Resolution 19-759 on June 20, 2021.]

- [1. Effective July 1, 2020, subject to budgetary limitations, ECW's will be issued to all sworn officers who work in an assignment that routinely involves public contact. [See MOA: January 23, 2020]]
- [2. This agreement will become effective the same pay period that the FY21 GWA is funded. Until such time, the language in the Collective Bargaining Agreement July 1, 2019 – June 30, 2020 Article 30 Section R and the November 5, 2003 MOA only apply.]

\* \* \*

### **Article 36 Wages**

#### *Section A. Wages*

\* \* \*

[Effective June 20, 2021, the salary schedule shall be increased by adding 3.5% at Step 0, Year 1 with increments and promotions for all other steps and pay grades calculated from the new Step 0, Year 1 basis. Increments and longevity shall continue to be calculated as required by Article 28. The percentage increases upon promotion shall continue (up to the maximum for each rank) to be: 5% between POI and POII; 5% POII and POIII; 5% between POIII and MPO; 10% between MPO and Sergeant; and, subject to Section D, infra, 5% between POC and POI. Step 14, Year 15 shall be removed from the salary schedule.]

[Effective June 20, 2021, each unit member shall receive a wage increase of one percent (1.0%). If the bargained wage increase is not funded in the FY21 Council approved budget, the employer agrees not to further reduce the salary of FOP Lodge 35 bargaining unit members though furlough during FY21 (Article 50).]

[For FY21, the County Executive agrees to timely submit a supplemental appropriation from the County Council for earlier funding (prior to June 20, 2021) of the GWA and other deferred provisions under the following circumstance:]

- The County's total revenue and revenue projections for FY21, as determined by the Montgomery County Department of Finance and Office of Management and Budget, are in excess of the FY21 Council approved revenue by at least \$20 million. The County will review the revenue and revenue projections at the end of each quarter for the conditions above. This review will be completed no later than one month after the conclusion of each quarter, and the results will be shared with the Union;]
- The Council grants increase to any Montgomery County Government employee group (excluding service increments or longevity steps, or statutorily-granted increases to elected officials' compensation); or]
- The Council approves tax-supported spending in excess of the approved FY21 tax-supported budget (excluding spending related to a response to COVID-19) by at least \$200,000.00.]

[If the Council approves the supplemental appropriation, the adjustments shall be effective the first full pay period after the appropriation is approved. The adjustment may not show on an employee's pay advice for up to two full pay periods, but the adjustment will be paid retroactive to the effective date.<sup>7</sup> Effective the first full pay period after July 1, 2022, each unit member shall receive a wage increase of two percent (2.0%).]

Effective the pay period beginning on April 11, 2021, each unit member shall be eligible to receive service increments and longevity in accordance with Article 28 of this agreement. Service increments and longevity earned but not approved during Fiscal Year 2021 shall be issued effective April 11, 2021; shall not include any retroactive compensation; and shall not alter the date upon which future service increments shall be given.

Effective the pay period beginning on June 20, 2021, each unit member shall receive a general wage adjustment of one-and-one-half percent (1.5%).

Effective the first full pay period following January 1, 2022, each unit member shall receive a wage increase of two-and-one-half percent (2.5%).

\* \* \*

IN WITNESS WHEREOF, the parties hereto have caused their names to be subscribed by their duly authorized officers and representatives as of the dates indicated below.

Fraternal Order of Police  
Montgomery County Lodge 35

  
Torrie Cooke  
president

3/30/2021  
Date

  
Lee Holland  
Chief Negotiator

3/30/2021  
Date


Montgomery County Government  
Montgomery County, Maryland

  
Marc Elrich  
County Executive

3/31/2021  
Date

  
Jennifer Harling, Esq.  
Chief Labor Relations Officer

Mar 30, 2021  
Date

  
Marcus G. Jones  
Chief of Police

Mar 30, 2021  
Date

  
Steven N. Blivess  
Lead Negotiator

Mar 30, 2021  
Date

Approved for form and legality by:



Edward E. Haenftling, Jr.  
Associate County Attorney

Mar 30, 2021

Date