

Expedited Bill No. 2-07
Concerning: Labor Relations – Term of
Permanent Umpire and Labor Relations
Administrator
Revised: 2-27-07 Draft No. 3
Introduced: January 16, 2007
Enacted: February 27, 2007
Executive: March 12, 2007
Effective: March 12, 2007
Sunset Date: None
Ch. 1, Laws of Mont. Co. 2007

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) clarify the procedure to be followed when a vacancy occurs in the position of permanent umpire or Labor Relations Administrator to administer the [[Police Labor Relations Law]] County's collective bargaining laws;
- (2) provide for the appointment of a replacement to serve the remainder of the umpire's or Administrator's term; and
- (3) generally amend the collective bargaining law regarding the appointment of permanent umpires and Labor Relations Administrators.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-37, 33-103, and 33-149

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

Sec. 1. [[Section]] Sections 33-77, 33-103, and 33-149 [[is]] are amended as follows:

33-77. Permanent umpire.

* * *

(b) The permanent umpire [shall] must be appointed by the County Executive, [with the] subject to confirmation [of] by the County Council, [shall] serve for a term of [five (5)] 5 years, and [shall be eligible for reappointment; provided, however, that the] may be reappointed to another 5-year term. The permanent umpire [shall] must not be reappointed if, during the period between [sixty (60)] 60 days and [thirty (30)] 30 days [prior to the expiration of his] before the umpire's term expires, the certified representative files a written objection to [such] the umpire's reappointment with the County Executive.

(c) If the permanent umpire dies, resigns, becomes disabled, or otherwise becomes unable or ineligible to continue to serve, the Executive must appoint a new permanent umpire, subject to confirmation by the Council, to serve [[out]] the remainder of the previous umpire's term. The umpire appointed under this subsection may be reappointed under subsection (b).

(d) The permanent umpire [shall] must be a person with experience as a neutral in the field of labor relations and [shall] must not be a person who, [[on account]] because of vocation, employment, or affiliation, can be [[classified]] categorized as a representative of the interests of the employer or any employee organization.

[(c)] (e) The permanent umpire [shall] must be paid a [[per diem]] daily fee as [set forth by] specified in a contract with the County, and [shall]

28 must be reimbursed for necessary expenses incurred in performing the
 29 duties of umpire.

30 **33-103. Labor Relations Administrator.**

31 * * *

32 (b) (1) The ~~[[labor relations administrator]]~~ Administrator must be a
 33 person with experience as a neutral in the field of labor
 34 relations, and must not be a person who, ~~[[on account]]~~ because
 35 of vocation, employment, or affiliation, can be ~~[[classed]]~~
 36 categorized as a representative of the interest of the employer or
 37 any employee organization.

38 (2) ~~[[The first labor relations administrator is appointed by the~~
 39 ~~county executive, with the confirmation of the county council,~~
 40 ~~serves for a term of four (4) years, and is eligible for~~
 41 ~~reappointment.]]~~

42 ~~[[~~(3) After the initial term of office of the labor relations
 43 administrator provided in subsection (b)(2), the county
 44 executive shall thereafter~~]]~~ The County Executive must appoint,
 45 subject to confirmation by the County Council, the ~~[[labor~~
 46 ~~relations administrator]]~~ Administrator for a term of ~~[[five (5)]]~~
 47 5 years from a list of ~~[[five (5)]]~~ 5 nominees agreed upon by
 48 any certified representative(s) and the ~~[[chief administrative~~
 49 ~~officer, which]]~~ Chief Administrative Officer. The list may
 50 include the incumbent ~~[[labor relations administrator]]~~
 51 Administrator. [[Such appointment must be confirmed by the
 52 county council.]] If the ~~[[county]]~~ Council does not confirm the
 53 appointment, the new appointment ~~[[shall]]~~ must be from a new
 54 agreed list of ~~[[five (5)]]~~ 5 nominees. ~~[[Should there be]]~~ If no

certified representative has been selected, the ~~[[labor relations administrator shall]]~~ Administrator must be appointed ~~[[under the procedure and for the term set forth in subsection (b)(2)]]~~ for a 4-year term by the Executive, subject to Council confirmation.

(c) If the Administrator dies, resigns, becomes disabled, or otherwise becomes unable or ineligible to continue to serve, the Executive must appoint a new Administrator, subject to Council confirmation, to serve the remainder of the previous Administrator's term. The Administrator appointed under this subsection may be reappointed as provided in subsection (b).

~~[[c)]]~~ (d) The ~~[[Labor Relations]]~~ Administrator ~~[[will]]~~ must be paid a daily fee as ~~[[set forth by]]~~ specified in a contract with the County, and ~~[[will]]~~ must be reimbursed for necessary expenses incurred in performing the duties of Administrator.

33-149. Labor Relations Administrator.

* * *

(b) The ~~[[Labor Relations]]~~ Administrator must be a person with experience as a neutral in labor relations, and must not be a person who, because of vocation, employment, or affiliation, can be ~~[[classified]]~~ categorized as a representative of the interest of the employer or any employee organization.

(c) The County Executive must appoint the ~~[[Labor Relations]]~~ Administrator, subject to confirmation by the County Council, from a list of 5 nominees agreed on by the certified representative and the Chief Administrative Officer. ~~[[The County Council must confirm the appointment.]]~~ If there is no certified representative, the ~~[[County]]~~

Executive must appoint an Administrator, ~~[[with the]]~~ subject to confirmation ~~[[of]]~~ by the ~~[[County]]~~ Council. If the ~~[[County]]~~ Council does not confirm an appointment, the ~~[[County]]~~ Executive must appoint another person from a new agreed list of 5 nominees and submit that appointee to the ~~[[County]]~~ Council for confirmation. The Administrator serves a term of 5 years. An incumbent Administrator is automatically reappointed for another 5-year term, subject to Council confirmation, unless, during the period between 60 and 30 days before the term expires, the certified representative notifies the ~~[[employer]]~~ Chief Administrative Officer or the ~~[[employer]]~~ Chief Administrative Officer notifies the certified representative that ~~[[it]]~~ either objects to the reappointment.

(d) If the Administrator dies, resigns, becomes disabled, or otherwise becomes unable or ineligible to continue to serve, the Executive must appoint a new Administrator, subject to Council confirmation, to serve the remainder of the previous Administrator's term. The Administrator appointed under this subsection may be reappointed as provided in subsection (c).

~~[[d)]]~~ (e) The ~~[[Labor Relations]]~~ Administrator must be paid a daily fee as specified ~~[[by]]~~ in a contract with the County, and must be reimbursed for necessary expenses incurred in performing the duties of Administrator.

Sec. 2. Expedited Effective Date.

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date when it becomes law.

108 *Approved:*

109 Marilyn J. Praisner March 1, 2007
Marilyn J. Praisner, President, County Council Date

110 *Approved:*

111 Isiah Leggett March 12, 2007
Isiah Leggett, County Executive Date

112 *This is a correct copy of Council action.*

113 Linda M. Lauer March 12, 2007
Linda M. Lauer, Clerk of the Council Date