

THE EFFECTIVE DATE OF THIS RESOLUTION IS JULY 26, 2022

RESOLUTION NO. 22-29

RESOLUTION OF THE COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND

Re: Charter Amendment – Right to Organize, Collectively Bargain, and Binding Arbitration for
Career Fire Fighters.

The Frederick County Charter, Section 701, provides that the Charter may be amended by the procedures provided in Article XI-A of the Maryland Constitution.

Article XI-A, §5 of the Maryland Constitution provides, in relevant part, that amendments to any charter adopted by any County may be proposed by a Resolution of the County Council.

Article XI-A, §5 of the Maryland Constitution provides that a Charter Amendment shall be published by the President of the County Council once a week for five successive weeks prior to the election in at least one newspaper published in the County.

Article XI-A, §5 of the Maryland Constitution provides that an amendment so proposed shall be submitted to the voters of the County at the next general or congressional election occurring after the passage of the resolution.

Article XI-A, §5 of the Maryland Constitution provides that if at the election the majority of the votes cast for and against the amendment shall be in favor thereof, the amendment shall be adopted and become a part of the charter of the County from and after the thirtieth day after the election.

The Frederick County Charter currently grants career firefighters the right to organize, collectively bargain with the County for wages, benefits, working conditions, and/or terms and

conditions of employment, and provides for binding arbitration. Specifically, Subsection 705 states:

705. Right to Organize, Collectively Bargain, and Binding Arbitration for Career Fire Fighters.

- (a) Career fire fighters shall have the right to organize and bargain collectively regarding wages, benefits, working conditions and/or terms and conditions of employment through representative employee organizations of their own choosing as provided by ordinance of the County Council.
- (b) In addition to the rights granted in subsection (a) of this Section to organize and bargain collectively, the County Council shall provide by ordinance for binding arbitration with authorized representatives of the appropriate employee bargaining unit in order to resolve labor disputes with the County's career fire fighters. The ordinance shall provide for the appointment of a neutral arbitrator by the parties to the arbitration who shall issue a binding decision to be implemented as part of the following year's budget process.

The current language of the Charter section provides that a binding arbitration decision is "to be implemented as a part of the following year's budget process." This language raises the question as to whether the decision is binding on the County Executive, the County Council, or both. The Council believes that they should retain the authority granted it in Charter section 506.

The County Council, therefore, adopts this Resolution to amend Subsection 705 of the County Charter to read:

705. Right to Organize, Collectively Bargain, and Binding Arbitration for Career Fire Fighters.

- (a) Career fire fighters shall have the right to organize and bargain collectively regarding wages, benefits, working conditions and/or terms and conditions of employment through representative employee organizations of their own choosing as provided by ordinance of the County Council.
- (b) In addition to the rights granted in subsection (a) of this Section to organize and bargain collectively, the County Council shall provide by ordinance for binding arbitration with authorized representatives of the appropriate employee bargaining unit in order to resolve labor **NEGOTIATION** disputes with the County's career fire fighters. The ordinance shall provide for the appointment of a neutral arbitrator by the parties to the arbitration who shall issue **AN AWARD** [a binding decision] to be implemented as

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE CHARTER.
[Strikethrough] indicate matter deleted from the Charter.

part of the following year's budget process. **THAT AWARD SHALL BE BINDING ON THE COUNTY EXECUTIVE, PROVIDED THAT DECISION IS FINAL NO LATER THAN MARCH 1. THE COUNTY EXECUTIVE SHALL PROPOSE A BUDGET FOR THE FOLLOWING FISCAL YEAR THAT FUNDS THE ARBITRATOR'S AWARD IN ACCORDANCE WITH SECTION 503 OF THIS CHARTER. ANY ARBITRATION AWARD MADE PURSUANT TO SUCH ORDINANCE SHALL NOT BE BINDING ON THE COUNTY COUNCIL IN ACCORDANCE WITH SECTION 506 OF THIS CHARTER.**

The County Council held a duly advertised public hearing on this proposed resolution on July 21, 2022. The public had an opportunity to comment on the proposed Resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the County Council of Frederick County that the following amendment to the Frederick County Charter shall be submitted to the voters of the County at the next general or congressional election in accordance with Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution:

705. Right to Organize, Collectively Bargain, and Binding Arbitration for Career Fire Fighters.

- (a) Career fire fighters shall have the right to organize and bargain collectively regarding wages, benefits, working conditions and/or terms and conditions of employment through representative employee organizations of their own choosing as provided by ordinance of the County Council.
- (b) In addition to the rights granted in subsection (a) of this Section to organize and bargain collectively, the County Council shall provide by ordinance for binding arbitration with authorized representatives of the appropriate employee bargaining unit in order to resolve labor negotiation disputes with the County's career fire fighters. The ordinance shall provide for the appointment of a neutral arbitrator by the parties to the arbitration who shall issue an award to be implemented as part of the following year's budget process. That award shall be binding on the County Executive, provided that decision is final no later than March 1. The County Executive shall propose a budget for the following fiscal year that funds the arbitrator's award in accordance with section 503 of this Charter. Any arbitration award made pursuant to such ordinance shall not be binding on the County Council in accordance with section 506 of this Charter.

AND BE IT HEREBY FURTHER RESOLVED by the County Council of Frederick County, that pursuant to Section 701 of the Frederick County Charter and Article XI-A, §5 of the

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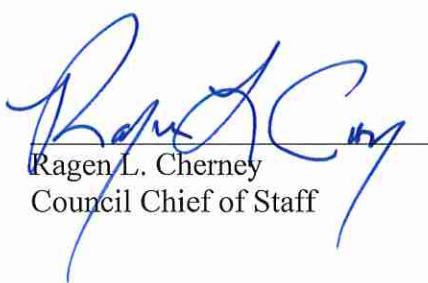
[Strikethrough] indicate matter deleted from the Charter.

Maryland Constitution, the amendment shall be published by the President of the County Council at least once a week for five successive weeks prior to the election in at least one newspaper published in said County;

AND BE IT HEREBY FURTHER RESOLVED by the County Council of Frederick County, that pursuant to Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution, this proposed Charter Amendment shall be submitted to the voters of the County at the next general or congressional election occurring after the passage of this Resolution.

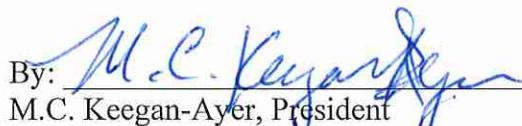
The undersigned hereby certifies that this Resolution was approved and adopted on the 26th day of July, 2022.

ATTEST:



Ragen L. Cherney
Council Chief of Staff

CONTY COUNCIL OF
FREDERICK COUNTY, MARYLAND

By: 
M.C. Keegan-Ayer, President

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