

AMENDMENT 1 to Bill NO. 20-01

Introduced By: Council Member Kai Hagen (At-Large)
Introduction Date: February 18, 2020
Adopted/Rejected/Withdrawn: Vote 6-1

An ACT to: Revise the Frederick County Code to comply with Charter section 705(b) as approved by the voters of Frederick County on November 6, 2018, by adding binding arbitration to collective bargaining for Fire Service Employees.

On Exhibit 1, Page 7, Amend Number 9 as follows:

9) If the impasse is not resolved prior to the conclusion of the hearing the arbitrator shall prepare a written ~~[report]~~ **AWARD THAT CHOOSES BETWEEN AND SUSTAINS IN ITS ENTIRETY EITHER THE FINAL OFFER OF THE COUNTY OR THAT OF THE EXCLUSIVE REPRESENTATIVE AND THAT BRIEFLY STATES AN EXPLANATION AS TO WHY THE SELECTED FINAL OFFER WAS CHOSEN AND WHY THE REJECTED OFFER WAS NOT.** ~~[-which shall include the arbitrator's separate decision as to each disputed subject area of bargaining as to whether he or she adopts the County or the exclusive representative's final offer as to each subject area of bargaining.]~~

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EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strikethrough~~ indicate matter deleted from the bill.]

AMENDMENT 2 to Bill NO. 20-01

Introduced By: Council Member Kai Hagen (At-Large)
Introduction Date: February 18, 2020
Adopted/Rejected/Withdrawn: Vote 6-1

An ACT to: Revise the Frederick County Code to comply with Charter section 705(b) as approved by the voters of Frederick County on November 6, 2018, by adding binding arbitration to collective bargaining for Fire Service Employees.

On Exhibit 1, Page 10, Amend Letter D and E as follows:

(D) Council Action. The County Council is ~~[not]~~ bound by the arbitrator's decision made under this section and ~~[may]~~ **MUST** act upon the submitted budget to implement the arbitrator's decision under this section ~~[in accordance with applicable law. The County Council retains the right to approve or disapprove, in whole or in part, any additional funding required as the result of the arbitrator's decision].~~

(E) Continuing Negotiations.

(1) The parties are strongly encouraged to reach an agreement on all issues whenever possible.

~~[(2) On or before March 10, the County Council may indicate its intention to appropriate funds for or otherwise implement the agreement of the parties or the arbitrator's decision, whichever is applicable, or its intention not to do so, and state its reasons for any intent to reject any part of the agreement or arbitrator's decision. If the Council indicates its intention to reject any part, it shall designate a representative to meet with the parties and present the Council's views in their further negotiations. The parties shall thereafter meet as promptly as possible and attempt to negotiate an agreement acceptable to the Council. The results of the negotiations shall be submitted to the Council on or before March 15.]~~

~~[(3) This section may not be construed to interfere with any efforts the parties may undertake to reach a negotiated agreement concerning any disputes at any time.]~~

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EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strikethrough~~ indicate matter deleted from the bill.]

AMENDMENT 3 to Bill NO. 20-01

Introduced By: Council Member Kai Hagen (At-Large)
Introduction Date: February 18, 2020
Adopted/Rejected/Withdrawn: Vote 6-1

An ACT to: Revise the Frederick County Code to comply with Charter section 705(b) as approved by the voters of Frederick County on November 6, 2018, by adding binding arbitration to collective bargaining for Fire Service Employees.

On Exhibit 1, Page 2, Amend Management Rights as follows:

The county's obligations under this article **AND ANY MEMORANDUM OF UNDERSTANDING MADE UNDER** it do not impair or affect its exclusive rights and responsibilities to:

- (1) Determine the overall budget and mission of the County and any agency of County government;
- (2) Maintain and improve the efficiency and effectiveness of operations;
- (3) Determine the services to be rendered and the operations to be performed;
- (4) Determine the overall organizational structure, methods, processes, means, job classifications, and personnel by which operations are conducted, and the location of facilities;
- (5) Direct, supervise, and discipline employees [~~in accordance with County policies~~];
- (6) Hire, select, and establish the standards governing promotion of employees, and classify positions;
- (7) Relieve employees from duties because of lack of work or funds, or when the County determines continued work would be inefficient or nonproductive;
- (8) Take actions to carry out the mission of government in emergency situations;
- (9) Transfer, assign, and schedule employees [~~to meet daily operational needs~~];
- (10) Determine the size, grades, and composition of the work force;

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strikethrough~~ indicate matter deleted from the bill.

(11) Set ~~[system performance]~~ standards **OF PRODUCTIVITY AND TECHNOLOGY**;

(12) Establish employee performance standards and evaluate employees, **BUT EVALUATION PROCEDURES ARE SUBJECT TO BARGAINING**;

(13) Make and implement systems for awarding outstanding service increments, extraordinary performance awards, and other merit awards;

(14) Introduce new or improved technology, research, development, and services;

(15) Control and regulate the ~~[purchase of]~~ use of ~~[, disposal of,]~~ machinery, equipment, ~~[supplies, tools,]~~ and other property and facilities ~~[and, capital assets]~~ used in the delivery of fire and rescue services in Frederick County **EXCEPT AS REQUIRED BY §1-2-126(D)**;

(16) Maintain internal security standards;

(17) Create, alter, combine, contract out, or abolish any job classification, department, operation, unit, or other division or service, **BUT THE EMPLOYER MUST NOT CONTRACT WORK WHICH WILL DISPLACE EMPLOYEES UNLESS IT GIVES WRITTEN NOTICE TO THE CERTIFIED REPRESENTATIVE 90 DAYS BEFORE SIGNING THE CONTRACT OR OTHER NOTICE AGREED BY THE PARTIES**;

(18) Suspend, discharge, or otherwise discipline employees **FOR CAUSE, EXCEPT THAT ANY SUCH ACTION MAY BE SUBJECT TO A GRIEVANCE PROCEDURE INCLUDED IN A COLLECTIVE BARGAINING AGREEMENT**;
and

(19) Issue and enforce rules, policies, and regulations necessary to carry out these and all other managerial functions which are not inconsistent with this Article, Federal or State law, or the terms of a memorandum of understanding.

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EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~striketrough~~] indicate matter deleted from the bill.