

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 8

Bill No. 32 -2015

Introduced by: The Chairperson at the request of the County Executive

AN ACT approving an amendment to a multi-year collective bargaining agreement between Howard County and the FOP Lodge 143, Howard County Police Supervisors' Alliance that will be effective through the end of Fiscal Year 2017 and that includes payment of certain compensation in future fiscal years; ratifying certain previously approved provisions in a collective bargaining agreement between Howard County and the FOP Lodge 143, Howard County Police Supervisors' Alliance, that are in conflict with the provisions of Title 1 "Human Resources" of the Howard County Code or the Employee Manual; providing for the application of this Act; and generally relating to the collective bargaining agreement between Howard County and the FOP Lodge 143, Howard County Police Supervisors' Alliance.

Introduced and read first time _____, 2015. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2015.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2015 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2015 at ____ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2015

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, the FOP Lodge 143, Howard County Police Supervisors’ Alliance
2 (“Lodge 143”) and the County reached agreement through a Memorandum of Agreement
3 (the “Agreement”) that is effective July 1, 2014 through June 30, 2016; and
4

5 **WHEREAS**, in accordance with Section 1.111(e) of the Howard County Code, the
6 County Executive is required to submit to the County Council for its approval all provisions
7 in collective bargaining agreements that are in conflict with Title 1 “Human Resources” of
8 the Howard County Code or the Employee Manual (the “conflicting provisions”); and
9

10 **WHEREAS**, by passage of Council Bill No. 45-2014, the County Council approved
11 the Agreement’s conflicting provisions; and
12

13 **WHEREAS**, the Agreement includes the amount of compensation to be paid to
14 members of Lodge 143 in future fiscal years; and
15

16 **WHEREAS**, Council Bill No. 45-2014 also approved the Agreement as a multi-year
17 obligation under Section 612 of the Howard County Charter; and
18

19 **WHEREAS**, the Agreement includes a 4% Cost of Living Adjustment (COLA) that
20 goes into effect on January 1, 2016; and
21

22 **WHEREAS**, the parties have now entered into an “Amendment to Memorandum of
23 Agreement between Howard County, Maryland and Howard County Police Officers’
24 Association Lodge 143” (the “Amendment”) in substantially the form attached as Exhibit 1;
25 and
26

27 **WHEREAS**, the Amendment delays the already agreed upon COLA to June 30, 2016
28 (the last pay period in FY 16) and extends the Agreement to June 30, 2017; and
29

1 **WHEREAS**, pursuant to Section 1.111(e) of the Howard County Code, the
2 Amendment does not add any additional conflicting provisions to those attached to Council
3 Bill No. 45-2014; and

4
5 **WHEREAS**, because the Amendment extends the term of the Agreement, the
6 Amendment requires the payment by the County of funds from an appropriation in a later
7 fiscal year and therefore is subject to the multi-year provisions of Section 612 of the Howard
8 County Charter that requires Council approval of the Agreement.

9
10 **NOW, THEREFORE,**

11
12 ***Section 1. Be It Enacted** by the County Council of Howard County, Maryland that in*
13 *accordance with Section 612 of the Howard County Charter, it approves the terms of the*
14 *Amendment to Memorandum of Agreement between Howard County, Maryland and the FOP*
15 *Lodge 143, Howard County Police Supervisors' Alliance which shall be in substantially the*
16 *same form as Exhibit 1 attached to this Act.*

17
18 ***Section 2. And Be It Further Enacted** by the County Council of Howard County, Maryland*
19 *that the County Council hereby endorses and ratifies the County Executive's signature and*
20 *execution of the Amendment, which shall be in substantially the same form as Exhibit 1*
21 *attached to this Act, for such term in the name of and on behalf of the County.*

22
23 ***Section 3. And Be It Further Enacted** by the County Council of Howard County, Maryland*
24 *that, in regard to the Amendment to Memorandum of Agreement between Howard County,*
25 *Maryland and FOP Lodge 143, Howard County Police Supervisors' Alliance, the County*
26 *Council ratifies its approval of the Conflicting Provisions, attached to Council Bill No. 45-*
27 *2014 as Exhibit 2, that are in conflict with the provisions of Title 1 "Human Resources" of*
28 *the Howard County Code or the Employee Manual.*

29
30 ***Section 4. And Be It Further Enacted** by the County Council of Howard County, Maryland*
31 *that the provisions of this act shall apply beginning with the first pay date after July 1, 2015.*

1

2 ***Section 5. And Be It Further Enacted*** by the County Council of Howard County, Maryland
3 *that if there is a conflict between the Amendment attached to this Act and the Howard County*
4 *Pay Plan, the provisions contained in the Amendment shall control.*

5

6 ***Section 6. And Be It Further Enacted*** by the County Council of Howard County, Maryland
7 *that, in accordance with Section 612 of the Howard County Charter, Section 1 and Section 2*
8 *of this Act shall be effective immediately upon its enactment.*

9

10 ***Section 7. And Be It Further Enacted*** by the County Council of Howard County, Maryland
11 *that, subject to Section 6, this Act shall become effective 61 days after its enactment.*

**AMENDMENT TO MEMORANDUM OF AGREEMENT BETWEEN
HOWARD COUNTY, MARYLAND
AND**

FOP LODGE 143, HOWARD COUNTY POLICE SUPERVISORS' ALLIANCE

Whereas, Howard County, Maryland and FOP Lodge 143, Howard County Police Supervisors' Alliance (FOP Lodge 143) entered into a collective bargaining agreement (Agreement) effective July 1, 2014 thru June 30, 2016;

Whereas Section 7.1 of the Agreement provides for 4% cost-of-living (COLA) pay increases effective January 1, 2015 and January 1, 2016;

Whereas, in light of the County's current fiscal position, the County Administration sought to reduce expenditures in a number of areas, including wages, and engaged Union leadership in negotiations regarding same;

Whereas, as a result of those discussions, the parties agreed that: a) the January 1, 2016 COLA of 4% will be delayed until June 30, 2016 (*i.e.*, the last pay period in FY 16 will reflect the 4% COLA); b) the term of the Agreement will be extended by one (1) additional year, until June 30, 2017; c) the County will provide a COLA of 2% beginning with the last pay period in FY 17; and d) the County agrees not to furlough or layoff any employee covered by the Agreement through FY17; and

Whereas, FOP Lodge 143 submitted the proposed changes enumerated above to its membership for vote the week of April 13-24, 2015 and the changes were duly ratified by the membership in accordance with the union's required procedures;

Now, therefore, the following sections of the Agreement are amended as indicated:

1. Strike Sections 7.1 (g) and (h) of Article 7 and are replace with the following:
 - (g) Effective June 30, 2016, each member shall receive a 4% cost-of-living adjustment.
 - (h) Effective with the last pay period in FY17, each member shall receive a 2% cost-of-living adjustment.
2. In Article 26, strike "TWO YEAR AGREEMENT" and replace with "THREE YEAR AGREEMENT", and strike paragraph (a) and replace with the following:
 - (a) This agreement shall become effective as of July 1, 2014 and remain in full force and effect until June 30, 2017.
3. Strike Sections 6.1 and 6.2 of Article 6 and replace with the following:

6.1 During FY15, FY16, and FY17, no bargaining unit member shall be subject to layoff.

6.2 During FY15, FY16, and FY17, no bargaining unit member shall be subject to an unpaid furlough.

All other terms and conditions of the Agreement not enumerated above shall remain in full force and effect.

These Amendments shall be effective upon an affirmative vote of a majority of the County Council, pursuant to proposed legislation submitted by the Administration to the Council.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement, this _____ day of _____, 2015.

FOR THE COUNTY:

COUNTY EXECUTIVE
Allan H. Kittleman

CHIEF ADMINISTRATIVE OFFICER
Lonnie R. Robbins

COUNTY SOLICITOR
Gary W. Kuc

CHIEF OF POLICE
Gary Gardner

FOR THE UNION:

PRESIDENT, LODGE 143
Ronald "Jason" Baker