



**Fraternal Order of Police
Montgomery County Lodge 35**

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Tuesday, April 29, 2003

By law, on or before May 1, the County Council must indicate its intention to either accept (fund) or reject funding for our contracts. Today, by a vote of 7-2, the County Council voted to do neither and delayed a decision for two weeks.

The problem with this action is that the law requires additional bargaining if Council votes to reject and that this bargaining and impasse take place between May 1 and May 10. Council's action effectively deprives of our ten-day bargaining window.

Therefore, immediately after the vote, the county executive's designee was served with a demand to bargain starting May 1 at 10:00 a.m. This shifts the matter to the executive who, by law, was required to support our agreement and is prohibited from either directly or indirectly opposing it. (Bruce Romer, the County CAO was present at Council to support confirmation of a political appointee. He didn't stick around for our vote.)

Within minutes of receipt of the Demand to Bargain, the Council staff attorney was talking with the assistant county attorney. (I'll let you draw your own conclusion.)

If Duncan refuses to bargain, we will file a Charge of Unfair Labor Practice ask our Permanent Umpire for an expedited hearing.

Council's action is unprecedented in the 22-year history of this law. We have always honored the spirit and intent of the law and acted in good faith. Council hasn't. They are playing games with the law and even acknowledge that it is "breaking new ground." They have breached faith with us.

Why are they doing this? Some Councilmembers feel that all employees should be lumped together despite differences in bargaining laws, the nature of work, relative standing in comparison to similar employees in other jurisdictions, and other factors. While talking tough publicly, the other unions are preparing to cut a deal on reduced wages and are insisting that whatever percentage cut they take should be shared equally.

What they fail to realize is that Arbitrator Sharnoff found our 6.8% final offer to be reasonable, "but for" the fiscal situation. We have already taken a reduction that other employees haven't. If we were at 6.8%, we would be advocating full funding. If, through the process (not backroom deals), that were to be reduced by the same percentage as other contracts, maybe that would be fair. Two cuts for the police with one for everyone else is inequitable.

Councilmembers Howard Denis and George Leventhal spoke in strong support of our pay and the process. Both deserve our appreciation.

See the website for voting records and updates. .