

Referendum on Montgomery police ‘effects bargaining’ law to be put on ballot in 2012

By Victor Zapana

A referendum has been set for 2012 on a controversial law that rolled back the expansive collective bargaining rights of Montgomery's police union, a county official said.

The law, passed unanimously by the Montgomery County Council over the summer, takes aim at “effects bargaining,” a process that allows the police union, Fraternal Order of Police Lodge 35, to negotiate with county officials not only on wages and benefits but also over [day-to-day duties, such as regularly checking e-mail](#).

In a letter to union secretary Jane Milner on Friday, county elections director Margaret Jurgensen verified that the union’s petition for a referendum received enough signatures to land on the 2012 general election ballot. The minimum number was 30,234 and Milner had 34,828, according to the letter, which was provided to The Washington Post.

Walter Bader, the union president at the time when the effects bargaining law was debated, said Monday that the union is pleased with the public support. He said that the group will continue to educate voters about the law and persuade them to strike it down next November.

“With the petition, they’re supporting police officers,” Bader said. “This whole issue has been [caused] by political forces who are just simply opposed to collective bargaining.”

Union officials have said that since its creation in 1982, effects bargaining has had no impact on service to the public. Some police officers fear that the law allows management to make arbitrary and harmful decisions.

But Montgomery Police Chief J. Thomas Manger and other county officials have said the provision turned basic management decisions into cumbersome and time-intensive battles. In addition to e-mail, Manger has cited the distribution of ticket-writing devices as an issue. Instead of issuing them to the most prolific ticket writers, Manger has instead given them to officers based on seniority, he said.

When the bill was introduced, it struck a nerve with the police force. A packed public hearing on the bill in July had [some officials pleading for understanding while others shouting in frustration](#). Many police officers walked out during the hearing.

Shortly after the bill was passed in July, the union started work on the referendum petition. The union hired a petition-gathering firm and worked with members and volunteers to collect signatures, Bader said.

County officials and council staff say they aren't surprised by the referendum. Several have said since the summer that they have seen petition organizers gathering signatures at supermarkets over the last few months.

"I was approached by a number of petition gatherers," said Council member Phil Andrews (D-Gaithersburg-Rockville), who pushed for the bills during the summer. "When I was approached ... what was suggested was that traditional collective bargaining rights were being taken away. This is not a traditional or normal collective bargaining right by any definition."

Bader said effects bargaining has led to improved working conditions for police. "It's a good thing, not an evil," he said.

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