

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 927
Finance

(Senator Rosapepe)

Charter and Code Home Rule Counties - Furlough of County Employees - Public Safety Officers

This bill grants charter and code home rule counties the express power to provide for the furlough of county employees. However, the bill prohibits these counties from furloughing a public safety officer (*i.e.*, a police officer, a paid or volunteer firefighter, an emergency medical technician, a rescue squad member, the State Fire Marshal, or sworn officer of the State Fire Marshal) who is a member of a collective bargaining unit without the consent of the public safety officer's exclusive bargaining representative.

Fiscal Summary

State Effect: None.

Local Effect: Charter and code home rule counties with public safety employees who are represented by collective bargaining units may incur increased personnel expenses. Revenues are not affected. **This bill may impose a mandate on a unit of local government**

Small Business Effect: None.

Analysis

Current Law: There is no specific requirement or limitation on how charter and code home rule counties may provide for the furlough of county employees.

Background: Maryland counties operate under three forms of government: commission, charter home rule, and code home rule. **Exhibit 1** shows the form of government for each Maryland county.

Exhibit 1
Form of County Government

| <u>Charter</u> | <u>Commission</u> | <u>Code</u> |
|-----------------------|--------------------------|--------------------|
| Anne Arundel | Calvert | Allegany |
| Baltimore | Carroll | Caroline |
| Dorchester | Cecil | Charles |
| Harford | Frederick | Kent |
| Howard | Garrett | Queen Anne's |
| Montgomery | St. Mary's | Worcester |
| Prince George's | Somerset | |
| Talbot | Washington | |
| Wicomico | | |

Source: Department of Legislative Services

The Express Powers Act grants charter counties and code home rule counties the authority to enact local laws, but does not provide an express power to counties regarding furloughs. Certain county employees are granted collective bargaining rights through State law, county code, or by county charter. Charter counties (and municipal corporations) have the authority to enact a local law or ordinance to permit voluntary collective bargaining for fire, EMS, paramedic, or rescue employees.

Collective bargaining rights in counties vary by jurisdiction. As examples, Prince George's County has collective bargaining agreements with firefighters, paramedics, emergency response technicians, police officers, and others; in Montgomery County, collective bargaining units represent both police officers and firefighters; while Kent County advises it has no union employee and would not be affected by the bill.

Local Expenditures: Those charter and code home rule counties with public safety employees who are represented by collective bargaining units may incur increased personnel expenses if collective bargaining units do not consent to furlough actions, or to the extent that collective bargaining units negotiate concessions from counties in exchange for consent to furlough public safety officers.

Prince George's County advises that a new barrier to furloughing public safety employees may result in more severe furloughs for nonpublic safety employees than would otherwise be necessary.

Montgomery County advises that its current collective bargaining agreement with the Fraternal Order of Police (FOP) unit stipulates that its county members receive compensation leave on an hour for hour basis for every hour that they are furloughed. To the extent that similar agreements are already in place in other counties, the increase in county personnel expenditures resulting from the bill will be lessened.

Additional Information

Prior Introductions: None.

Cross File: Although listed as a cross file, HB 1338 is not identical.

Information Source(s): Kent County, Montgomery County, Prince George's County, Washington County, Worcester County, Maryland Association of Counties, Department of Legislative Services

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mlm/mwc

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