

M-NCPPC Resolution No. 17-26

ADOPTION OF AMENDED COLLECTIVE BARGAINING AGREEMENT WITH
THE FRATERNAL ORDER OF POLICE LODGE NO. 30

WHEREAS, Section §16-307 of the Land Use Article of the Annotated Code of Maryland (the “Code”) requires the Maryland-National Capital Park and Planning Commission (the “Commission”) to engage in collective bargaining for certain employees and under specified circumstances; and

WHEREAS, eligible Commission employees are organized into the Park Police Bargaining Unit and have elected the Fraternal Order of Police (“FOP”) to be their exclusive representative for the purpose of collective bargaining with the Commission; and

WHEREAS, the Commission’s collective bargaining agreement with FOP expired as of January 31, 2017 (the “Expired Agreement”); and

WHEREAS, in the fall of 2016, the Commission’s designated management team began negotiations with FOP in good faith; and

WHEREAS, both parties collectively presented 61 initial proposals to amend, delete, or add various provisions to the Expired Agreement for Park Police Bargaining Unit; and

WHEREAS, both parties have reached agreement regarding a number of the initial proposals as generally described in the attached Exhibit A, with all other provisions of the Expired Agreement remaining in effect; and

WHEREAS, the negotiations have been constrained by the current and long-term fiscal challenges facing the Commission; including, without limitation, the projected cost associated with the Commission’s existing pension plan, health and other benefits programs, and the parties have expressed a mutual desire to identify other areas that will produce future savings in those costs areas; and

WHEREAS, the Commission expects to continue the Group Insurance Plan (Plan), but it is the Commission’s position that there is no implied contract between employees and the Commission to do so, and the Commission reserves the right at any time and for any reason to amend or terminate the Plan; and

WHEREAS, the respective bargaining teams have reached a proposed agreement that is subject to ratification by the Commission and FOP, such proposed agreement was attached and incorporated in the original Resolution 17-14 as Exhibit A; and

WHEREAS, the proposed agreement is effective retroactive to February 1, 2017, unless expressly specified otherwise therein; and

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WHEREAS, subsequent to the adoption of Resolution 17-14, the FOP failed to ratify the agreement approved by the Commission; and

WHEREAS, the parties later met and reached agreement with modification of two contract provisions as reflected in the amended Exhibit A;

NOW THEREFORE, BE IT RESOLVED, that the Maryland-National Capital Park and Planning Commission approves, and does hereby ratify, the provisions contained in the proposed collective bargaining agreement as amended and attached hereto amended Exhibit A; and

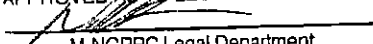
BE IT FURTHER RESOLVED, that the Maryland-National Capital Park and Planning Commission does hereby authorize the Executive Director and other officers to make, enter into, and execute such other agreements, instruments and further assurances as may be necessary to effectuate its decision to approve and ratify the proposed collective bargaining agreement attached hereto as amended Exhibit A.

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of Resolution No. 17-26, adopted by The Maryland-National Capital Park and Planning Commission on motion of Commissioner Geraldo, seconded by Commissioner Dreyfuss, with Commissioners Hewlett, Anderson, Bailey, Cichy, Doerner, Fani-Gonzalez, and Wells-Harley voting in favor of the motion, and Commissioner Washington being absent from the meeting held on June 21, 2017, in the Montgomery Regional Office in Silver Spring, Maryland.



Patricia Colihan Barney, Executive Director

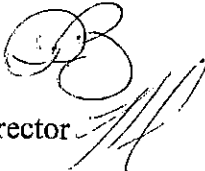
APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date 6/13/17

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Department of Human Resources and Management

June 21, 2017

TO: Commission

VIA: Patricia C. Barney, Executive Director 

FROM: William Spencer, Human Resources Director 

SUBJECT: Collective Bargaining Agreement Fraternal Order of Police, Lodge #30 for February 1, 2017 through January 31, 2020

SUMMARY UPDATE: Full Three-Year Contract Negotiations with the FOP (Amended)

BACKGROUND: In September 2016, the Management Team began negotiations with the Fraternal Order of Police (FOP). That Agreement will be effective for the period between February 1, 2017 and January 31, 2020. At the outset, the FOP came to the table with thirty-three (33) separate proposals whereas, the Management Team presented twenty-eight (28) proposals. The parties reached agreement on the items noted below (Summary of Tentative Agreement by Topic).

On April 27, 2017, the Commission approved Resolution 17-14, "Adoption of the Collective Bargaining Agreement with the Fraternal Order of Police Lodge No. 30 (FOP). Subsequent to Commission approval, the FOP held a ratification meeting to approve the same tentative agreement reached with the Commission through collective bargaining. The membership failed to pass the agreement.

Management's collective bargaining team subsequently met with the FOP bargaining representatives on June 1, 2017. As a result of that bargaining session, two items of major concern that led to the rejection of the agreement by the membership were addressed, Advertisement of Commission-Sponsored Overtime and College Credits for Promotions. It is the Management Team's opinion that neither of these issues has any significant impact on the agreement.

With respect to the Advertisement of Commission-Sponsored Overtime, this proposal was brought to the table by the FOP. It required the Commission to advertise Commission-sponsored overtime at the same time in both Park Police Divisions and prohibited preference granted to volunteers due to the location of the event. This proposal will be eliminated from the collective bargaining agreement; the current administrative procedures will remain in place and unchanged.

As to concerns regarding the increase of college credits to sit for promotional examinations from 15 to 30 credits for Sergeants; and for Lieutenants from 21 to 45 effective July 1, 2018, they have been resolved by phasing in 3 additional credits each year after July 1, 2018 and July 1, 2019. (i.e. 6 additional credits totals for Sergeants and Lieutenants).

The Summary below provides a high-level overview of the topics of the issues covered in the agreement.

SUMMARY OF TENTATIVE AGREEMENTS BY TOPIC:

The parties reached agreement as follows:

1. LONG TERM DISABILITY

A. Injured on the Job - Park Police Officer able to return to Police Duties

- 1) The officer will be placed into a vacant position, in either County, at the rank the officer held at the time of injury; or
- 2) The Park Police Officer will be placed in a temporary position in either County, at the rank the officer held at time of injury or until a permanent position at that rank becomes available, at which time the officer shall be placed into the permanent position.
- 3) In either instance the officer will be required to accept and fill the existing vacant or temporary position.

B. If the Officer is not able to return to Police Duties

- 1) The Officer will, pursuant to the Transitional Work Arrangement Section 9.4(P), be placed into vacant position, in either County, for which the officer qualifies at the time of the placement.
- 2) If no vacant position exists at the time of the officer's return, then the officer will be placed into a temporary position, in either County, until such time as a permanent position becomes available for which the officer qualifies.
- 3) If the officer's rate of pay exceeds the rate of the position into which s/he is placed, then the officer shall retain the same rate of pay for a period of one (1) year from the effective date of the change to the lower grade. At the end of that one year, the officer shall be placed at a rate in the lower grade which neither exceeds the officer rate of pay nor the maximum pay level of the lower grade.
- 4) In either instance the officer will be required to accept and fill the existing vacant or temporary position.

In both cases above, should any officer return to either police duties or other Commission duties and continue receiving compensation under Maryland Workers' Compensation laws, then Commission compensation paid to the officer will be reduced by an equal amount to those payments.

2. PROMOTIONS

- 1) Officer-in-Charge (OIC) experience will not count towards the 18 month time-in-grade requirement for promotions from Sergeant to Lieutenant. (This reverses the arbitrator's ruling).
- 2) Effective July 1, 2018, the number of college credits required to sit for the promotional exam for Sergeants will increase from 15 to 18 credits; and for Lieutenants from 21 to 24 college credits. Effective July 1, 2019, the number of college credits required to sit for the promotional exam for Sergeants will increase from 18 to 21 credits; and for Lieutenants from 24 to 27 college credits.

3. LAW ENFORCEMENT OFFICERS SAFETY ACT

- 1) Officers who retire during the contract term may use the Commission's Range to qualify with their own firearms in accordance with the Act. Range dates will be offered once each calendar year and a nominal fee may be required to cover cost of ammunition and targets.

4. CLOTHING ALLOWANCE

- 1) Increase annual clothing allowance for detectives, community relation officers, special operations (motorcycle or horse mounted) and public relations officers by \$200 (to \$1,500 effective February 1, 2017).

FY18 Fiscal Impact \$12,000

- 2) Increase annual clothing allowance for all other officers by \$200 (to \$1,400 effective February 1, 2017).

FY18 Fiscal Impact \$32,400

5. MULTILINGUAL PAY

- 1) Increase Multilingual lump sum payment from \$900 to \$1,400.

FY18 Fiscal Impact \$5,000

6. FIELD TRAINING OFFICER (FTO)

- 1) Increase Field Training Officer Pay to \$4.50 per hour (\$45 for a ten-hour schedule; \$36 for an eight-hour schedule). Effective first full pay period following July 1, 2017.

FY18 Fiscal Impact \$3,000

7. SECURITY RELATED SECONDARY EMPLOYMENT

- 1) Officers working security related secondary employment must either provide proof that they are covered by a comprehensive policy in a minimum amount of \$500,000 or provide confirmation from their secondary employer that the secondary employer agrees to maintain a comprehensive general public liability insurance policy in a minimum amount of \$500,000 which will cover the employee against any all a claims and/or liability. Insurance amount was previously \$250,000.

8. SECONDARY EMPLOYMENT ON PARK PROPERTY

- 1) Payment to the officer by the renter shall increase from \$35.00 to \$40.00 per hour, except on holidays when the rate shall increase from \$45.00 to \$50.00 per hour.

9. COMMUTING IN TAKE-HOME VEHICLE FOR SECONDARY EMPLOYMENT NOT PERMITTED AT LIQUOR ESTABLISHMENTS

- 1) Additional clarity provided regarding the prohibition of officers use of take-home vehicles to secondary employment at "liquor establishments". The term "liquor establishments" does not include restaurants that sell liquor to customers.

10. GRIEVANCES TIME LIMIT FOR RESPONSE

- 1) Increase time to file a Step 1 grievance from fourteen (14) days to twenty-one (21) days after the event giving rise to the complaint.
- 2) Increase time to file a Step 2 (if not resolved) from fourteen (14) days to twenty-one (21) days and time for decision by the Division Chief increases from fourteen (14) days to twenty-one days (21) after meeting with the officer.

11. CANINE COMPENSATION

- 1) Increase Compensatory Leave from five (5) to six (6) hours each week for officers responsible for the care and feeding of police dogs; and maximum accumulated hours capped at 240 hours. Payout ratio remains at 30% of the hourly rate.

12. SUMMARY OF PUNISHMENT AND COUNSELING DOCUMENTATION

- 1) Include electronic documentation of summary punishment in addition to hardcopy documents that must be removed upon the officer's request, after three (3) years have elapsed from the time of punishment being imposed. This excludes information regarding the use of force, false statements or criminal misconduct (unless the charges were unfounded or not sustained, then it can be removed after three years have elapsed). Similarly electronic documentation of counseling in addition to hardcopy documents will be removed upon request after two (2) years.

13. OFFICERS DEPLOYED DURING AN EMERGENCY

- 1) Officers who are detailed or deployed to a state, county, or local declared emergency zone, *other than one declared by the Commission*, shall be

compensated at the rate of two times the officer's regular rate of pay for the hours covered by the period of the emergency.

14. UNIFORMS

- 1) Both divisions shall issue three blues sets and two tan sets of uniforms to new hires.

15. NO SMOKING POLICY

- 1) Consistent with Maryland law, the smoking of lighted tobacco products is prohibited on all Commission property. In addition, the use of other tobacco products and e-cigarettes is prohibited in accordance with Commission policy.

16. WORK SCHEDULES

- 1) Reduced the number of days of advance notice from thirty (30) to Twenty-one (21) days for schedules.

17. TRAINING

- 1) Reduced the number of days notice for schedule changes due to training from thirty (30) days to twenty-one (21) days.

18. Wages

- 1) Cost of Living 1.5% increase first full pay period after July 1, 2017 and 1.5% increase first full pay period after July 1, 2018.

FY18 Fiscal Impact \$226,823

FY19 Fiscal Impact \$230,225

- 2) Merit Increase – All Officers shall receive a one step 3.5% increase per year on their anniversary date provided they meet the performance requirements.

FY18 Fiscal Impact \$153,962

FY19 Fiscal Impact ~\$332,000

FY20 Fiscal Impact ~\$180,000

- 3) Wage reopener for FY 2020.

- 4) Additional Service Increment – increase the first ASI from 2.5% to 3.0% and the second from 2.5% to 3.25%. This enables the maximum salaries to be in the middle of the two counties.

FY18 Fiscal Impact \$27,550

- 5) Revise the anniversary date for all new candidates on July 1, 2017 to 12 months after they complete the Academy to prevent two merit step increases in one year.

19. Military Credited Service Buy Back for Retirement Plan C

- 1) Revise Plan C to permit a military buy back of service on the same terms as Plan B which will require the officer to pay the full cost as determined by the actuary with same

payment options (lump sum or with payments up to 5 years and interest at 4.5%) as Plan B members.

20. Medical Cost Share

- 1) Effective January 1, 2019 officers shall pay 23% on all plans.

FY19 Fiscal Impact ~\$45,492

FY20 Fiscal Impact ~\$90,984

21. Body Worn Camera Grace Period

- 1) During the first six months after each officer receives a body worn camera under the Body Worn Camera Program (BWC), the officer will not be subject to discipline for violating any BWC requirements, or damaging any BWC equipment when the result of mere negligence. If gross or intentional, the officer shall be subject to discipline and damage reimbursement.