

BALTIMORE COUNTY GRIEVANCE APPEAL

File No

Distribution:

Original: Hearing Authority
2 Copies: Officer of Personnel
1 Copy: Employee
1 copy: Employee's Representative. If any

INSTRUCTIONS

Complete the original and four copies of this form. Send the original to the next highest authority to hear the grievance as specified in the applicable grievance procedure. Distribute copies as indicated above. Appeal must be filed within time limits also specified in the applicable grievance procedure. If you have any questions, call Employee Services in the Office of Personnel.

Employee's Name	Title	Date of Grievance Initiation
Baltimore County FOP Lodge #4	Exclusive Representative	10/5/17
Department or Bureau	Division	Location
Police Department		

1. I wish to appeal the grievance disposition signed by: (See Grievance Disposition Form)

Name: Terrence B. Sheridan	Title: Chief	Date: 10/19/17
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2. Nature of grievance:

On September 27, 2017 Baltimore County Fraternal Order of Police Lodge #4 became aware that the Chief of the Baltimore County Police Department and/or the Baltimore County Office of Human Resources posted a job opening for the position of "Police Officer Part Time" on the Baltimore County website. The position listed a salary of \$30-\$35 hourly. The Memorandum of Understanding (MOU) between the Baltimore County Government and the Baltimore County Fraternal Order of Police Lodge #4 (FOP), specifically article 1 section 1.2 "Employee Defined" states "Whenever used in this MOU, the term "employee" shall mean all sworn personnel up to and including the rank of Lieutenant of the Police Department." Furthermore, article 1 section 1.1 "Union Recognition" states "The Administration recognizes the FOP as the exclusive representative of its employees as defined in Section in Section 1.2 of this article with respect to wages, hours and other terms and conditions of employment." Through the Police Officer Part Time position, the Department and the County are altering the negotiated terms and conditions of employment.

3. What agreement, policy, regulation, or law do you think has been violated?

The Memorandum of Understanding (MOU) between the Baltimore County Government and the Baltimore County Fraternal Order of Police Lodge #4 (FOP), specifically article 1 section 1.2 "Employee Defined" states "Whenever used in this MOU, the term "employee" shall mean all sworn personnel up to and including the rank of Lieutenant of the Police Department." Furthermore, article 1 section 1.1 "Union Recognition" states "The Administration recognizes the FOP as the exclusive representative of its employees as defined in Section in Section 1.2 of this article with respect to wages, hours and other terms and conditions of employment." Through the Police Officer Part Time position, the Department and the County are altering the negotiated terms and conditions of employment.

4. Reason for appeal:

To the extent that the County seeks to alter the terms of the negotiated agreement, it may do so only through collective bargaining. Any posting or publishing of the position should be removed and any hiring should be halted until these terms are negotiated with the FOP. Additionally, any officers hired into part-time positions shall be made whole.

Employee's signature:

569 

Date:
10/23/17

TERRENCE B. SHERIDAN
Chief of Police



"INTEGRITY...FAIRNESS...SERVICE"

BALTIMORE COUNTY POLICE
Headquarters
700 East Joppa Road
Towson, MD 21286
(410) 887 - 2214
Fax (410) 821 - 8887
bcopd@ballimorecountymd.gov
www.baltimorecountymd.gov/police

October 19, 2017

Cole Weston
President
Fraternal Order of Police
Baltimore county Lodge No. 4
9304 Harford Road
Baltimore, Maryland 21234

Re: Baltimore County Grievance Initiation filed 10/5/17

Mr. Weston:

I am responding to your grievance initiation dated October 5, 2017 regarding the Police Department's posting on the Baltimore County employment webpage a position labelled "Police Officer Part-Time".

As you are well aware, under §4-5-202(a) of the Baltimore County Code, it is the exclusive right of the county to "exercise control and discretion over its organization and operations" as well as to "determine the methods, means, *personnel*, and other resources by which the county's operations are to be conducted". Additionally, Section 2.1 of the Memorandum of Understanding between the Baltimore County Administration and the Fraternal Order of Police (FOP) clearly indicates certain Management Rights, including the right to "determine the methods, means, *personnel*, and other resources...by which the County's operations are to be conducted".

Furthermore, individuals filling the position for Part Time Police Officers will be paid an hourly, part-time wage so they will not be a part of the Pay Schedule IV of the County Classification and Compensation Plans and thus are not members of the "representation unit" who are subject to representation by the FOP.

In light of these considerations, I decline your request to enter collective bargaining with the FOP on this matter and will not remove the posting from the County website for these part-time employee positions. Therefore, the grievance is denied.

Sincerely,

Terrence B. Sheridan
Chief of Police



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