



**WORK SESSION OF THE GREENBELT CITY COUNCIL held Wednesday, August 31, 2005, for the purpose of meeting with representatives of the FOP to discuss their request for right of collective bargaining with binding interest arbitration.**

Mayor Davis called the meeting to order at 8:10 p.m. It was held in the Council Room of the Municipal Building.

*PRESENT WERE: Councilmembers Konrad E. Herling, Leta M. Mach, Edward V. J. Putens, Rodney M. Roberts, and Mayor Judith F. Davis.*

*STAFF PRESENT WERE: Michael McLaughlin, City Manager; Chief James Craze and Captains Daniel O'Neil and Thomas Kemp, Police Department; Craig Rich, President, John Rogers, Past President and State Vice-President, Marty Parker, Treasurer, and Mike Lanier, member, FOP Greenbelt Lodge 32; Robert Manzi, City Solicitor; Consuella Harris, Human Resource Officer; David Moran, Assistant City Manager; and Kathleen Gallagher, City Clerk.*

*ALSO PRESENT WERE: Stephen M. Silvestri, Miles & Stockbridge; Patrick McAndrew and Terry McGrath, counsel and board members, FOP; Jeff Gibbs, labor attorney, FOP; Courtney Burns, Gazette; Marat Moore, Greenbelt News Review; Elizabeth Gaines, resident and member of the Employee Relations Board.*

*Mr. Rich introduced Mr. Rogers as chair of the FOP's committee on collective bargaining. Mr. Rogers stated that the FOP was waiting for Council's response to their request of last May that the City either grant the right to collective bargaining with binding interest arbitration or place the matter on the ballot for decision by the voters.*

*Mayor Davis said Council was of the opinion that the Meet & Confer process had worked very well for everyone concerned, with the result that Council was leaning toward a preference for continuing that system, though it was also open to considering other options. She said Council wanted to know specifically why the FOP wanted to change it, given that it was working. Mr. Rogers responded that with collective bargaining, there would be a contract; without a contract, anything they had gained could be taken away. He said they appreciated that Council was unlikely to do that, but it held the power to do so. He described binding arbitration as providing "checks and balances" on both sides.*

*Mayor Davis replied that Council was in agreement that, of the options to be considered, binding interest arbitration was not open to discussion, since it would permit a third-party to have some control of the budget process. She said it could be very costly and it would take the budget out of the hands of the taxpayers and the City Council. Mr. Rogers said that when there is good negotiation, there is no need to invoke the binding arbitration. He also said it only costs money when used.*

*Mr. Roberts asked about the costs of collective bargaining, saying he would prefer that any extra money to be spent be put directly into salaries or benefits rather than lawyers' fees. Mr. Rogers responded that even if he came up with a figure, Mr. Roberts could not say that this amount would be put into salaries in FY 2007.*

*Mr. Gibbs said there is a big difference between Meet & Confer and collective bargaining. He described collective bargaining "a fundamental right." He said the important thing is that it produces a contract. He said police officers have the same right to collective bargaining that other workers do. He said it is not cost-prohibitive, and it works. The Mayor replied that it works when the relationship is amicable, but not when it is not, and not when there is a budget crunch. Mr. Gibbs disagreed, saying it had worked throughout the state and that in times of tight money the county has come to the unions asking to reopen contracts, and the unions have agreed to cooperate.*

*Mr. Roberts said the bottom line should be the pay and benefits for employee, "not how we get there." He asked Mr. Gibbs to cite examples of municipalities that are fairly comparable to Greenbelt and have better benefits and working conditions. Mr. Gibbs replied that the position of the FOP is that the best way to have the best pay and benefits is via collective bargaining.*

*Mayor Davis said the Council was willing to commit to keeping salaries competitive, since not doing so would be counterproductive for the City. She said if there were other items of concern to the Police Department, the Council would be happy to talk about them. She said, "We always have."*

*Mr. Roberts said he wanted to see a benefit to employees that justifies the cost. Mr. Gibbs said it should not be necessary "to justify collective bargaining to an enlightened City Council."*

*Mr. Herling commented that history was very important in Greenbelt and that he would feel different about this topic were it not for the track record the City has. Mr. Gibbs said it is important that employees have a sense that they are being treated fairly. He said, "If you have collective bargaining, you must meet, and it's collective bargaining, not collective begging."*

*Since several references had been made to the state and county, Councilmembers made the point that the City should not be compared to the state or county but to similar municipalities.*

*Mr. Putens expressed a concern that Council had to be fair to all City employees, not just police officers. He said he was also concerned about having the process become confrontational. Mr. Gibbs said it did not need to be confrontational and that it would still be the City's "own officers" that it would be negotiating with. Mr. Rogers agreed with that, remarking that each FOP lodge has "a lot of leeway" and that the national office never comes in to bargain for a local lodge.*

*Mr. McAndrew said Council had "staked out" the position that Meet & Confer works but that the FOP leadership wants to take it to the next level. He said, "It's about the future, and they're saying to you that there needs to be a change." He said there are other issues not directly controlled by Council: for example, departmental matters like*

*how much notice is given on shift changes. He described the existing internal process for grievances as "cumbersome" and said there was no direct way to bring these matters to Council. He said he was "shocked" at Council's resistance to seeing the need for collective bargaining. He added that it was a "scare tactic" to tell the citizens their taxes would go up because of this. He said, "Greenbelt doesn't flinch at raising taxes."*

*Ms. Mach said Mr. McAndrew was now raising matters that had not previously been complained of. She said it was still not clear what the benefit of collective bargaining would be to the City. Mr. McGrath responded that there are benefits that are not economic that have been won via collective bargaining: for example, the right to privacy of internal affairs files. He said it is "paternalistic" for Council to say that the current system is good enough because it has always worked in the past.*

*Mayor Davis said she knew from her own experience that the process was costly to union members. Mr. McGrath said that she had undoubtedly gained overall, but Mayor Davis said she was not sure that was true.*

*Mr. Rogers reiterated that they were not asking because of any one or more particular issues; rather, they were concerned with the right to collective bargaining and to a contract.*

*Mr. Roberts commented that when the FOP had raised the issue of collective bargaining in the past, binding interest arbitration had not been requested. He asked if they were open to considering the collective bargaining without the binding arbitration. Mr. Rogers said, "The binding arbitration is what keeps it fair." The Mayor clarified that the Council had not taken a position one way or the other on collective bargaining yet.*

*Mr. Rogers said, "We're here to ask Council to put it on the ballot and let the citizens decide." He said it was late now for the FOP to get a petition to have it placed on the ballot. He said if Council placed it on the ballot and the citizens supported it, then Council's concerns about the attitudes of taxpayers would be satisfied.*

*Referring back to Mr. McAndrew's comment, Mr. Putens said if there are personnel policy issues that are problems, these items should be raised and dealt with through the appropriate channels. Mr. Rogers again said this was not about any specific issues or problems but about the officers' right to have a guaranty. He said it would cover pay, benefits, and working conditions and that "Meet & Confer does work, but collective bargaining would work better."*

*Mr. McAndrew asked when Council would make a decision and get back to them. Mayor Davis said Council had not finished discussing it yet.*

*In response to a question from Mr. Herling about collective bargaining without binding interest arbitration, Mr. Gibbs said the advantage to collective bargaining over Meet & Confer, beyond the contract, is that matters can be dealt with in greater depth in a negotiation process than in an annual meeting or even a meeting held two or three times a year. He said that type of meeting process is inadequate to discussing issues thoroughly.*

*Ms. Gaines spoke to say that she had heard the entire litany tonight of hostile anti-union remarks, ranging from concern with changing the status quo, to cost, to creating an adversarial relationship, to fears about interference by third parties. She said she was very disappointed that a Greenbelt City Council could not understand that this is a basic right. The FOP members present applauded Ms. Gaines. Mayor Davis replied that Council had not taken a position yet, and she asked Ms. Gaines not to overstate the case. She said an arbitrator is a third party and could interfere in the budget process. Mr. Gibbs replied that he had heard Ms. Gaines addressing collective bargaining, not binding interest arbitration.*

### **Other Business**

*Several informational announcements were made. The Mayor also said that Neal Fitzpatrick of the Audubon Society was seeking additional plaintiffs to sign on to their lawsuit against the Inter-County Connector. A concern, however, is possible state retribution, so that jurisdictions might want to think twice about it if there was something the Governor could take away from them.*

*The meeting was adjourned at 9:50 p.m.*

*Respectfully submitted,  
Kathleen Gallagher  
City Clerk*