

Attachment A

- “No other police union in the State of Maryland has ‘effects bargaining.’”

That is a false statement. In fact, police officers in most jurisdictions have the right to bargain over the effects of management decisions, but not under a clear, limiting statute. Rather, those officers must file time-consuming and costly labor litigation in the courts. The process to deal with the conflict can increase costs.

- “Under effects bargaining, the distribution of critical police equipment must be bargained with the Union.”

That is false. In fact, the right to “effects bargaining” would have no impact whatsoever on the decision to distribute critical police equipment. Indeed, if such a distribution is a significant public safety issue, the Chief could implement it immediately under the current law. Only an effect, if any, would have to be dealt with, and must be resolved in 50 days.

- “Under effects bargaining, police officers still don’t have to sign their time cards. Can you imagine working at an agency where managers can’t even require employees to sign time cards?”

This is both false and misleading. Police officers don’t have time cards. If there were a bona fide effects issue regarding time cards, the police department could resolve the issue in 50 days.

- “When the Police Chief needed to redeploy officers last year to immediately respond to an uptick in crimes against residents and property in Silver Spring and the Route 29 corridor last year, the Union leaders demanded that he bargain over that – even though officers had already volunteered to shift to meet the problems.”

This statement too is false and misleading. **There was never any delay in the deployment of these additional police officers – never.** The only request was to discuss the effects on the officers after the redeployment was over -- *e.g.*, after volunteering would they be permitted to return to their original locations?

The FOP never obstructed any effort to “beef up patrols.” The FOP accepted the County’s plan to assign officers to Silver Spring. The FOP agreed that the transfers would proceed unhindered despite the absence of a signed agreement. Chief Manger testified that the resolution was reached after the transfers programs had successfully ended.

And, to repeat: If this were a bona fide effects issue with “significant effect on the safety of the public,” the Department was free to implement this redeployment immediately – which it did.

This is a good example of the misrepresentations distributed under the authority of Executive Leggett and Council President Berliner.

- The Police Department’s revised policy on “Use of Force” – important to protecting the public and officers alike – was sent to the Police Union for their approval on June 27, 2008. More than four years later, Chief Manger is still waiting. In all, 15 policies are awaiting union approval – 12 of them for over two years.”

That statement is again false and misleading. This has nothing to do with effects bargaining. There is no dispute over the use of force. There is a Use of Force policy in effect that all parties agree applies to police officers. The current dispute is over the rights of police officers under the US Constitution. It addresses an issue that was never – and could never have been -- the subject of a request by the police force for “effects” bargaining. Moreover, police officers have repeatedly agreed to management proposals on this issue. After each time, management reneged on its proposal. The union is currently awaiting a fourth proposal. Thus, the delay rests entirely with management. Again, Executive Leggett and Council President Berliner omitted these facts.

- “The Police Chief could not even require that police officers have County email accounts – or check their email. It took months to negotiate that common sense measure with Union leaders.”

This statement is false and misleading. Everyone agrees that police officers have been checking their emails for years absent any policy, without a single complaint. Five months after the Council attempted to eliminate effects bargaining, the Chief proposed a formal policy; and the Chief and police agreed to that policy in under 40 days.

- “The Police Chief wanted to require that officers use yellow “Police” armbands in situations where officers in civilian clothes responded off-duty to incidents (such as the Discovery standoff) --- in order to protect officers from ‘friendly fire’ and make clear to civilians who were the police in a given situation. Using effects bargaining, the Union objected.”

This is also both false and misleading. This has nothing to do with effects bargaining. This is a matter of police officer safety. It is of paramount importance to police officers to bargain matters which impact their lives. In fact, the arm bands were distributed without delay.