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Dear Republican Party Officials:

I write to express my strong opposition to Question B and to urge you as the Central Committee to take a position "AGAINST" Ballot Question B.

It is critical for our County residents and for basic fairness for our police officers that voters reject the Council's legislation which would put our public safety officers, and the families they leave at home, unable to discuss and resolve the adverse "effects" of some management decisions. One example: if police management suddenly decided to order a shift change, police officers want a chance to discuss the possible effects on child care – but without delaying the ability of management to implement the change immediately if public safety requires it. That is a fact under the law.

I served as a Montgomery County Republican Committeeman for 4 years before the current committee. I also served as Chairman of the Central Committee before Mark. I hope that my past service as an official, as a former federal prosecutor, my ongoing work in and with law enforcement, and my continuing status as a Montgomery County citizen demonstrates to you my capacity to speak at tomorrow night's meeting.

Please note: Allowing police to discuss the "effects" of management decision – within strict time frames provided under the law of less than two months – doesn't affect management's unrestricted rights to schedule, transfer, assign and determine all facets of operations. The subjects of wages, hours and working conditions remain subject to collective bargaining. All the police are asking for is the right to discuss "effects" of these management decisions on themselves and their families – and within a limited time frame and immediately if public safety is impacted.

In Montgomery County, police officers elect fellow officers to represent them through the Fraternal Order of Police – an organization founded in 1915 with the help of Republican Joseph G. Armstrong, who was the Mayor of Pittsburgh. Every Fraternal Order of Police official in Montgomery County either is currently, or once was a Montgomery County police officer. The FOP was the only Montgomery County union in 2002 that endorsed and supported Bob Ehrlich.

There isn't one Republican in office in Montgomery County today. The all Democrat County has unanimously lined up against Montgomery County police and their families. These officers are the individuals who come to our homes when we call 911. In recent days, at least one County employee -- paid by taxpayers and using government resources -- has distributed information that is demonstrably false. One employee, Karen Falcon, emailed out a paper wrongly blaming "effects" bargaining for a delay in Use of Force policies. As explained on Exhibit A of this letter, Use of Force policies are not subject to "effects" bargaining and have nothing to do with it -- nothing. This is particularly galling because police officers have now agreed to three different Use of Force proposals, only to be told after agreeing that management no longer agreed. The police are currently waiting for management's next proposal.

More generally, I will urge an "AGAINST" vote to Question B, and recommend overturning the all Democratic County Council law enacted last spring that would deprive our police officers of the right to discuss with the department the "effects" of management decisions, because of the following three facts:

- (1) Under current law, management may exercise all management rights -- which will not be affected at all by the right to discuss and work out the "effects" of those decisions. Management gets to do what they want to do;
- (2) There is zero downside to allowing such "effects" discussion to continue -- the police department can already implement immediately any decision that is a matter of significant public safety. If the matter is not such a public safety matter, the current law requires resolution to occur in less than two months on the appropriate solution to the "effects" of management decisions; and
- (3) Montgomery County's statutory clarity in the limits of the right to bargain over the effects of the exercise of a management right decision is an *advantage*, limiting legal expenses and litigation over "unfair labor practices." The change in law guarantees that management and its police officers will engage in costly litigation over matters that are now resolved quickly and inexpensively.

Many Democratic officials, including County Executive Ike Leggett, support this repeal of "effects bargaining" in the County. In a September 12 letter from Executive Leggett and Roger Berliner, County Council President, omitted every one of the above three facts. Moreover, their letter makes statements indicating that they misunderstand the facts as to how "effects" bargaining has actually worked in the County over the last three decades. Indeed, as you will note from the attachment to this letter, every single assertion in the Leggett and Berliner letter was either false, misleading, or both.

In the national debate over collective bargaining it has been the general practice, due to the nature of their work and prohibition from striking, to exempt public safety from

changes to collective bargaining. Even Governor Scott Walker exempted police from his collective bargaining legislation. The County Council and Executive Leggett, both Democrats, are singling out only police officers in this legislation.

Their letter describes (falsely and misleadingly, as Attachment A shows) the parade of horrors caused by the County police's right to "effects" bargaining over the years. But what they failed to mention in their letter is that not once over 30 years had the right to effects bargaining ever resulted in the 50 day process or the right to take action in an emergency. Not once.

In other words, there has been no downside in over 30 years in allowing police officers to have limited rights, defined by statute, to discuss the "effects" of management decisions by a police chief – while not having any right to challenge or prevent the actual management decisions themselves. There is no "delay" seen in over 30 years in allowing these rights – since the 50 day process has never been invoked. And in any event, under the law, the County could immediately implement all rules and policies immediately if he determined, in cases of a public emergency, they had a "significant effect on the safety of the public." The only thing police officers are asking for is the time and ability to soften the adverse impact of management decisions on them and most importantly the families who support them.

And even if he did not so determine -- and there were effects bargaining that resulted in the 50 day process, which there has never been to date - the maximum amount of time that arbitration decision could be made under the prior law was and would be less than two months.

The Democratic Executive and County Executive have, to put it simply, misstated the facts and are trying to mislead county voters by made-up examples of delays caused by current law. Maybe they think they can do that because no one will challenge them to tell the truth, because they think with one-party government they can get away with distortion of the facts.

I hope the Republican Central Committee does so – and supports our police and their families by recommending an "AGAINST" vote on Question B's sample ballot for the November 6 elections.

Sincerely,

James Shalleck