

CITY OF BALTIMORE
RESOLUTION _____
Council Bill 06-439

Introduced by: Councilmembers Curran, D’Adamo, Spector, Young, Harris, Kraft, Holton,
President Dixon, Councilmembers Conaway, Reisinger, Mitchell, Clarke, Rawlings Blake,
Welch, Branch

Introduced and read first time: May 15, 2006

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable, with Amendments

Council action: Adopted

Read second time: August 14, 2006

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Charter Amendment – Grievance and Arbitration

FOR the purpose of authorizing collective bargaining agreements to provide for grievance and arbitration procedures for employees who have been discharged, reduced in pay or position, or suspended for more than 30 days; correcting, clarifying, and conforming certain language; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing an amendment to
Article VII - Executive Departments
Section(s) 95(f) and 100(a)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the City Charter is proposed to be amended to read as follows:

Baltimore City Charter

Article VII. Executive Departments

§ 95. Civil Service Commission: powers and duties.

The Commission:

(f) shall provide a hearing, [upon] ON written request, to any non-probationary member of the Civil Service who has been discharged from the Civil Service, reduced in pay or position, or suspended for longer than 30 days. If the Commission [shall find] FINDS that the intent and spirit of a provision of [the] THIS Charter has been violated, it shall report its findings to the Mayor[,]; and the appointing officer shall take [such] WHATEVER action [as directed by] the Commission DIRECTS to rectify the violation.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 § 100. Civil Service Commission: discharges, etc.; reductions in force.

2 (a) *Discharges, suspensions, reductions in pay or position.*

3 (1) No person [shall] MAY be discharged from the Civil Service, [or be] reduced in pay or
4 position, or suspended [by the appointing officer] because of political opinions or
5 affiliations, or for refusing to contribute to any political fund or refusing to render any
6 political service[;]. [but] BUT nothing in [the provisions of the] THIS Charter relating
7 to the Civil Service [shall forbid] FORBIDS the [removal, dismissal,] DISCHARGE,
8 reduction IN PAY OR POSITION, or suspension of [any such] AN officer or employee for
9 any just cause.

10 (2) [In all cases of] WHENEVER A NON-PROBATIONARY EMPLOYEE IS [discharge]
11 DISCHARGED, [reduction] REDUCED IN PAY OR POSITION, or [suspension] SUSPENDED
12 for more than [thirty] 30 days, the appointing officer shall furnish [the subordinate so
13 discharged, reduced, or suspended, and also the Commission,] a copy of the order of
14 discharge, reduction, or suspension, [and also] TOGETHER WITH A STATEMENT OF the
15 reasons for [such] THE action, TO THE EMPLOYEE AND TO THE COMMISSION.

16 (3) THE EMPLOYEE MAY CONTEST THE ACTION BY:

17 (I) REQUESTING A HEARING BEFORE THE COMMISSION; OR

18 (II) ~~PURSUING THE INITIATING A GRIEVANCE PURSUANT TO AN APPLICABLE~~
19 ~~GRIEVANCE AND ARBITRATION PROCEDURES PROCEDURE, IF ANY,~~ CONTAINED
20 IN AN APPLICABLE COLLECTIVE BARGAINING AGREEMENT.

21 (4) ONCE AN EMPLOYEE HAS CHOSEN TO CONTEST AN ACTION BY ELECTING ONE OF THE
22 PROCEDURES SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION, THE EMPLOYEE IS
23 BOUND BY THAT ELECTION AND MAY NOT SUBSEQUENTLY CHOOSE TO FOLLOW A
24 DIFFERENT PROCEDURE.

25 (5) (4) [The] IN ALL CASES, EXCEPT ONE IN WHICH AN EMPLOYEE ELECTS TO CONTEST AN
26 ACTION THROUGH A GRIEVANCE AND ARBITRATION PROCEDURE UNDER PARAGRAPH
27 (3)(II) OF THIS SUBSECTION, THE Commission may, [in all cases,] and [upon] ON the
28 written request of [any non-probationary] THE employee [discharged, reduced, or
29 suspended for more than 30 days], THE COMMISSION shall investigate the disciplinary
30 action[.]. [and if it shall find]IF THE COMMISSION FINDS that the intent and spirit of
31 the provisions of [the] THIS Charter have been violated in [such] THE discharge,
32 reduction, or suspension, it shall report its findings to the Mayor[.]; and the
33 appointing officer shall take [such] WHATEVER action [as directed by] the
34 Commission DIRECTS to rectify the violation.

35 SECTION 2. AND BE IT FURTHER RESOLVED, That this amendment applies only to grievance
36 and arbitration procedures that, after the effective date of this amendment, have been adopted as
37 part of a collective bargaining agreement to apply to employees who have been discharged,
38 reduced in pay or position, or suspended for more than 30 days.

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1 **SECTION 23. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
2 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or
3 rejection, in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form
4 specified by the City Solicitor.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City