

FROM	NAME & TITLE	Deborah F. Moore-Carter, Labor Commissioner <i>DMC</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Office of the Labor Commissioner 417 East Fayette, Suite 1405		
	SUBJECT	Council Bill 10-0622 Hiring Preferences – Individuals with Disabilities		

TO

The Honorable Bernard “Jack” Young
and Members of the
Baltimore City Council
c/o Karen Randle
Room 406 City Hall
100 N. Holiday Street

DATE:
1/13/11

Recommended Position

The Office of the Labor Commissioner has reviewed City Council Bill No 10-0622 Hiring Preferences for Persons with Disabilities. The Labor Commissioner supports this bill with amendments. Provisions in this bill may not necessarily be appropriate for all classified and unclassified positions.

Specifically, the impact of this bill on those Civil Service positions that fall within the bargaining units of the City Union of Baltimore (CUB), American Federation of State, County and Municipal Employees (AFSCME) Local 44, and International Association of Fire Fighters Local 734 (Fire Fighters) and Local 964 (Fire Officers) have certain contractual provisions that affect promotions into positions that fall within their bargaining units.

For example, Article 9 Seniority in the AFSCME Memorandum of Understanding provides the following:

The Employer and the Union recognize the principle of seniority as a factor in promotion, layoff, reemployment, transfer and other conditions of employment; and recognize the need of maintaining an efficient work force. The application of seniority under this Article shall prevail where the principle does not conflict with any provision of applicable law.

CUB’s Memorandum of Understanding has almost identical contract language in Article 25 Seniority.

In addition, Article 25 Promotional System in the IAFF, Local 734 (Fire Fighters) and Local 964 (Fire Officers) Memoranda of Understanding provide that the Employer must select the first candidate on an eligible list through all grades up to and including Battalion Chief. Local 734’s contract provides further protections and states that neither the Employer nor any of its constituent agencies will change that policy unless ordered to do so by court of competent jurisdiction.

It is recommended that a study be done with respect to the minimum job qualifications and the applicable Memorandums of Understanding for the aforementioned bargaining units, as well as unrepresented positions in order to assess the impact of this legislation.

F/A

cc: Sophie Dagenais, Chief of Staff
Kimberly Washington, Deputy Chief of Staff

