



CITY COUNCIL WORK SESSION AGENDA
Work Session – Council Referral – Board Reports (CRAB/ERB)

This meeting will be held in-person and virtual.

**25 Crescent Road
Greenbelt, MD 20770**

OR

Virtual Participation

Zoom Webinar Attendees:

Please submit your request in writing via email to questions@greenbeltmd.gov

**[https://us02web.zoom.us/j/82618290951?](https://us02web.zoom.us/j/82618290951?pwd=YjgwM2ZFZEIKZkZEVkM2eVJ4MDVmdz09)
[pwd=YjgwM2ZFZEIKZkZEVkM2eVJ4MDVmdz09](https://us02web.zoom.us/j/82618290951?pwd=YjgwM2ZFZEIKZkZEVkM2eVJ4MDVmdz09)**

Dial-in: 301 715 8592

Webinar ID: 826 1829 0951

Passcode: 788741

**Wednesday, March 22, 2023
7:30 PM**

I. Work Session Packet

1. Work Session - Council Referral - Board Reports (CRAB/ERB)

Suggested Action:

Agenda

- Introductions
- Council Discussion
 - Council Referral - CBA Non-Managerial Employees

- Response from Community Relations Advisory Board
 - Comments from Employee Relations Board
 - Employee Relations Board Report - 2020-01 (Procedure for Employee Appeals and Grievances - Summary for Employees)
 - Questions and Answers
 - Other Items
- [CBA Non-Managerial Employees Council Referral_210309.pdf](#)
[Response re Bargaining Units for City Employees_111022, Final, 12-2022.pdf](#)
[ERB Comments on 3-8-21 CB referral.pdf](#)
[Employee Relations Board Report#2020-01.pdf](#)

2. Meetings

[Stakeholder Schedule.pdf](#)
[meetings.pdf](#)

City Council Work Session Agenda Item Report

Meeting Date: March 22, 2023

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: Work Session Item

Agenda Section: Work Session Packet

Subject:

Work Session - Council Referral - Board Reports (CRAB/ERB)

Suggested Action:

Agenda

- Introductions
- Council Discussion
 - Council Referral - CBA Non-Managerial Employees
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 - Employee Relations Board Report - 2020-01 (Procedure for Employee Appeals and Grievances - Summary for Employees)
- Questions and Answers
- Other Items

Attachments:

[CBA Non-Managerial Employees Council Referral_210309.pdf](#)

[Response re Bargaining Units for City Employees_111022, Final, 12-2022.pdf](#)

[ERB Comments on 3-8-21 CB referral.pdf](#)

[Employee Relations Board Report#2020-01.pdf](#)

**CITY OF GREENBELT
City Clerk's Office
25 Crescent Road
Greenbelt, Maryland 20770**

Memorandum

Date: March 9, 2021
To: David Moran, CRAB Staff Liaison
Bonita Anderson, ERB Staff Liaison
Todd Pounds, City Solicitor
Fr: Bonita Anderson, City Clerk *BIA*
RE: Council Referral – Collective Bargaining Agreement for all non-managerial employees

At its meeting on Monday, March 8, 2020, Council made the following referral to the Community Relations Advisory Board and Employee Relations Board to provide their input and information on collective bargaining for all non-managerial City employees.

And that the City Solicitor draft legislation on this topic. Afterward, Council would like to hold a work session to discuss this further.

Enclosed is the agenda item presented at the Council meeting.

City Council Agenda Item Report

Meeting Date: March 8, 2021

Submitted by: Bonita Anderson

Submitting Department: Administration

Item Type: OTHER BUSINESS

Agenda Section: OTHER BUSINESS

Subject:

Collective Bargaining for all City Employees

Suggested Action:

Mayor Byrd requested that this item be added to the agenda. The motion is to have the City Solicitor to draft legislation to provide all city employees (regardless of department) with the right to collectively bargain.

Attachments:

**COMMUNITY RELATIONS ADVISORY BOARD (CRAB)
REPORT TO CITY COUNCIL**

SUBJECT: Council Referral – Should a collective bargaining agreement (CBA) be extended to non-police City staff?

REFERRAL: Council Member Colin Byrd raised this issue

BACKGROUND: CRAB initially reviewed the referral at its meeting on February 10, 2022, then consulted with Council Member Byrd as well as a member of the Employee Relations Board.

DISCUSSION: In CRAB’s research, we found that no other Greenbelt employees are currently covered by CBAs. In addition, no other comparable municipalities employ CBAs for non-police.

In further conversation with Council Member Byrd, he withdrew the referral.

As such, CRAB will not provide specific recommendations to the City Council about this matter.

May 17, 2021

To: Greenbelt City Council

From: Employee Relations Board

Re: Report to City Council on its March 8 Referral for Input on Collective Bargaining for Non-Managerial Employees

We appreciate the referral and hope that our comments are helpful to Council in your deliberations. We understand the Council is looking for our input as a prelude to a work session on the topic of extending collective bargaining rights to non-managerial City employees other than Police.

Discussion among Council members at its March 8 meeting seemed to focus on two main points: 1) multiple members of Council expressed support for collective bargaining rights, if employees themselves choose to exercise these rights, and 2) Council members were not in agreement as to the current status of City employees other than Police to form unions and collectively bargain with the City if they so choose. If we have misunderstood Council's discussion, please feel free, of course, to correct us.

We agree that employees should be able to collectively bargain, if the employees choose to exercise these rights. The focus of this memo is on whether non-managerial employees who are not currently covered under a collective bargaining agreement have the legal right to choose to form a union and collectively bargain, and what steps would need to be taken.

After review of relevant sections of the City Charter, City Code, and the Greenbelt Code of Personnel and Administrative Regulations (COPAR) City Code (these sections are attached), it seems to us that the City provides rights to City non-managerial employees to organize into employee organizations, but specifically stops short of providing collective bargaining rights to employees other than Police.

1. The City Charter authorizes the City "to recognize and engage in collective bargaining with one or more designated bargaining representatives of non-managerial, sworn police officers of the City of Greenbelt, Maryland Police Department..." (Section 3, paragraph 22). No authorization with regard to other employees is mentioned.
2. The City Code, in Section 13, Article VIII ("Labor Code") provides ten pages of detailed rules and descriptions of Police bargaining rights and responsibilities, description of the bargaining unit, procedures for dispute resolution, and the establishment of a labor commissioner on an as-needed basis to assist with administration of the code. This Labor Code refers only to Police – even to the point of defining "Bargaining unit" and "Employee" only with respect to Police.
3. Chapter 1, Section VII of COPAR addresses "Employee Organizations." This section:
 - a. Establishes the rights of employees to "become a member of any organization representing the interests of the employees" (with some exceptions with regard to supervisory and management employees) or to not become a member.
 - b. Describes the scope of activities in which such an organization can engage, including petitioning the City Council for official recognition (if the employee organization has at least ten members); one consequence of official recognition is that the organization can then request payroll deduction of dues for members who authorize such.

- c. Provides protections for employees from discrimination for exercising their rights.
- d. Specifically excludes collective bargaining rights (in Subsection J):

“The official recognition of an employee organization shall be for the purposes of petitioning and conferring with the City Manager and City Council and shall not be for the purpose of collective bargaining. An employee organization may be recognized for the purpose of collective bargaining only by procedures set forth by ordinances of the City or laws of the State of Maryland.”

We did not research the Maryland Code to see what it says about collective bargaining rights for employees in local jurisdictions. We understand that the City Solicitor’s view is that the State leaves this to each jurisdiction.

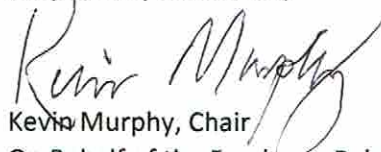
Providing the right to collectively bargain involves more than, in effect, inviting organized employees to lobby Council to change the law that does not currently provide these rights.

If Council wishes to proceed with establishing a specific right and/or process for an employee organization to achieve collective bargaining status, we believe the following are logical steps to consider. If the Council wishes, we are, of course, ready to assist.

1. Review the current Police-specific labor code in detail and the key choice points as to whether to apply its features to a broader labor code. The current labor code addresses most of the topics that a broader labor would address, other than bargaining unit determination since it is drafted only for a single defined bargaining unit.
2. Learn from existing examples by obtaining information about the extent to which other nearby small and mid-size Maryland cities allow for and engage in collective bargaining for employees other than Police. We are aware that such bargaining occurs in Bowie, Takoma Park and Rockville. Based on cursory review of these city codes/charters on-line, it appears that there is variation in how, and the degree to which, these cities address the details of union recognition and bargaining process in their charters/codes. We would need assistance in networking with those jurisdictions to obtain more information.
3. Provide further Council direction or feedback regarding any preference for how broadly or specifically to address collective bargaining rights for non-Police in an amendment to the Code/Charter. A detailed approach could include a level of detail similar to that in the police labor code. A broad approach could include a general acknowledgment of the right to engage in collective bargaining. A blended approach could include the general acknowledgment plus enough of a framework, including the use of a neutral “labor commissioner” (such as already in the code) to help administer the process and resolve disputes, so as to try to avoid the need for future ordinances as situations arise.

Thank you for your attention to our report. We look forward to any questions and to discussion.

Respectfully Submitted,



Kevin Murphy, Chair

On Behalf of the Employee Relations Board

Report 2020-01

October 15, 2020

To: Greenbelt City Council

From: Employee Relations Advisory Board

Re: Procedure for Employee Appeals and Grievances – Summary for Employees

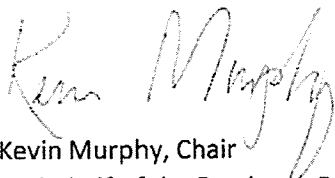
We completed updating the Summary for Employees of the Procedure for Employee Appeals and Grievances. It is attached. This was last updated in 2002.

It is intended as a summary of the process for non-represented classified employees in the City. With regard to represented employees in the Police Department, we understand that the scope of the grievance procedure and role of the Employee Relations Advisory Board is delineated in the Police CBA.

We recommend routinely posting the document on bulletin boards throughout City facilities in which information regarding compliance and other employment information is posted and accessible by all classified employees, including electronic bulletin boards and websites that provide human resource and employment information to classified employees, and distributed to classified employees at times they receive general information about human resource policies.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin Murphy".

Kevin Murphy, Chair

On behalf of the Employee Relations Board

Procedure for Employee Appeals and Grievances Summary for Employees

Any classified employee holding a regular appointment has the right to file an appeal or a grievance with the Employee Relations Board. The procedures for filing an appeal or grievance are defined in the Greenbelt City Code Article VI (Section 13-174 through 13-180), and they reflect the City's intention to try to resolve employee-employer problems at the lowest possible level before involving the Employee Relations Board. The purpose of this summary is to assist the employee by outlining the steps in an appeal or grievance procedures, including any time limits for the steps. However, it is the Code or ordinance currently in force that must be relied upon for complete and authoritative information.

An Appeal or a Grievance?

- A classified employee holding a regular appointment has the right to file an appeal only in the case of receiving a written action of dismissal, suspension or demotion.
- A classified employee has the right to file a grievance regarding a classification or reclassification; or any unreasonable, abusive, unfair, discriminatory, or oppressive treatment or working conditions; or any retaliation arising out of any grievance or testimony before the Employee Relations Board.

Appeals Procedure

1. **Right of Reconsideration.** Prior to filing an appeal, an employee may ask for reconsideration of a dismissal, suspension, or demotion by filing such a request with the City Manager, or the City Manager's designee, no later than 10 working days after the employee receives written action of dismissal, suspension or demotion. The City Manager, or the City Manager's designee, will respond to a timely request for reconsideration no later than 10 working days from receipt of the request. If the request for consideration is filed untimely, the employee has lost his/her right to reconsideration, and the employee's only recourse is to file an appeal.
2. **Filing the Appeal.** If the employee does not request reconsideration, or if the employee does not agree with the City Manager's decision on the reconsideration, the employee may appeal the dismissal, suspension or demotion to the Employee Relations Board. An appeal must be made in writing and filed with the City Clerk. It should include the reasons why the employee thinks the City's action should be modified or overturned. If the employee has requested consideration by the City Manager, the appeal must be filed with the Clerk no later than 10 working days from the day the employee receives the written response from the City Manager. If the employee has not requested reconsideration, the appeal must be filed with the Clerk no later than 10 working days from the day the employee received written notice of the action. (See Section 13-178(a)(6) of the Code for conditions for extension of the time limit for filing the appeal.)

3. **Handling of the Appeal by the City Clerk.** If the Clerk judges the appeal to have met the procedural requirements, the Clerk will mail or deliver copies to the Employee Relations Board and the City Manager within 3 working days. The City Clerk shall also acknowledge in writing receipt of such appeal. If the Clerk determines that the appeal does not meet the requirements, the Clerk will notify the employee no later than close of business on the next working day after receiving the appeal. The employee may then choose to appeal the Clerk's decision to the Employee Relations Board within 10 working days. If the appeal is not filed timely with the City Clerk, the Employee Relations Board may accept such appeal and grant a waiver of the filing requirements for up to thirty (30) additional calendar days from the date the appeal should have been filed if the board determines that extenuating circumstances caused the delay. If such time extension still does not make the appeal valid, then the appeal shall be dismissed. The burden to demonstrate good and sufficient reasons for the delay rests with the employee.
4. **Setting a Hearing Date.** Within 10 working days of receiving the appeal, the Employee Relations Board will set a hearing date. This date will be negotiated with the employee and the City Manager until a suitable date is found. Once the date is set, the Employee Relations Board shall notify the parties in writing of the agreed upon date. This date should be within 30 days of the filing of the appeal with the City Clerk unless both the employee and the City Manager agree to extend it. The maximum extension period is sixty (60) days from the date the request for appeal was filed with the City Clerk.
5. **The Hearing.** The employee (now called the appellant) may be represented by counsel, present testimony and other evidence, call witnesses and cross-examine any of the City's witnesses. The appellant may request that the hearing be held in public or in private. The burden of proof shall rest with the City Manager.
6. **The Decision.** No later than 15 working days after the closing date of the appeal hearing, the Employee Relations Board will give its decision in writing to the appellant, the City Council, and the City Manager. The board's decision on an appeal stands as the final decision of the City.

Grievance Procedure

1. **Requirement to Notify Department Head.** In order to pursue a grievance with the Employee Relations Board, an employee must first notify his/her department head in writing, explaining the nature of the grievance. The department head shall promptly acknowledge, to the employee, receipt of the employee's notification. The notification to the department head must be done within 30 calendar days after the employee should reasonably have known the incident occurred. The department head will respond to the employee in writing within 10 working days.
2. **Requirement to Notify City Manager.** If the employee still wishes to grieve, the employee must then notify the City Manager by stating the nature of the grievance in writing. The City Manager shall promptly acknowledge, to the employee, receipt of the employee's notification. The notification to the City Manager must be done within 10 working days of receiving the response from the department head. (If the department head does not respond, the employee must

notify the City Manager regarding the grievance within 25 working days from the time the employee notified the department head). The City Manager will respond to the employee in writing within 10 working days.

3. **Filing the Grievance.** If the employee still wishes to grieve, the employee must file a grievance with the City Clerk that states the nature of the grievance in writing. This must be done within 10 working days of receiving the response from the City Manager. If the City Manager does not respond, the employee should file the grievance with the Clerk within 25 working days from the time the employee notified the City Manager. (See Section 13-180(b)(2) of the Code for conditions for extension of the time limit for filing the grievance.) If either notification to the department head or the City Manager, or the grievance to the City Clerk, are not filed timely, the Employee Relations Board may grant up to thirty (30) additional calendar days to the time period to file the grievance with the City Clerk, provided the board determines that extenuating circumstances caused the delay. If filed later than thirty (30) days, the Employee Relations Board shall dismiss such grievance as not timely filed. The burden to demonstrate good and sufficient reasons for the delay rests with the employee.
4. **Handling of the Grievance by the City Clerk.** After receiving the grievance, the Clerk will mail or deliver copies to the Employee Relations Board and the City Manager by the next working day. The City Manager will then promptly mail or deliver to the board and the Clerk copies of all responses to the employee's notification of the grievance.
5. **Setting a Hearing Date.** The Employee Relations Board will set a hearing date to be negotiated with the employee and the City Manager until a suitable date is found. This date should be within 30 calendar days of the filing of the grievance with the Clerk unless both the employee and the City Manager agree to extend it. The maximum extension period is sixty (60) calendar days from the date the request was filed with the City Clerk.
6. **The Hearing.** The employee (now called the grievant) may be represented by counsel, present testimony and other evidence, call witnesses and cross-examine any of the City's witnesses. The grievant may request that the hearing be held in public or in private. The burden of proof shall rest with the employee.
7. **The Recommendations.** No later than 15 working days after the closing day of the grievance hearing, the Employee Relations Board will give its findings and recommendations in writing to the grievant, the City Council, and the City Manager. These findings are not binding on the City. To the extent possible, the City Council will respond within 60 days after receiving the board's recommendations. The City will then notify the grievant, the City Manager, and the board of the Council's disposition of the board's recommendations.

October 1, 2019

(Based upon Article VI, Chapter 13 of the City Code: Ordinance No. 1212, passed April 22, 2002)

City Council Work Session Agenda Item Report

Meeting Date: March 22, 2023

Submitted by: Shaniya Lashley-Mullen

Submitting Department: Administration

Item Type: Work Session Item

Agenda Section: Work Session Packet

Subject:

Meetings

Suggested Action:

Attachments:

[Stakeholder Schedule.pdf](#)

[meetings.pdf](#)

Annual															
Advisory Group Chairs	7/22														
Franklin Park at Greenbelt Station Mgmt.	12/21	12/22													
Greenbelt Center HOAs	3/23														
Greenbelt East HOAs and COAs/Greenbelt East Advisory Coalition	4/22														
Greenbelt Homes, Inc.	8/22														
Greenbelt Station HOA/Verde Apts.	8/22														
School Board Member	9/21	2/23													
State Highway Administration	11/20	11/22													
Biennial															
Beltsville Ag. Research Center	8/18	11/22													
Beltway Plaza	9/22														
NASA/GSFC	3/22														
Greenbelt Business Alliance	10/22														
Greenbelt Park NPS	1/22	3/23													
Greenway Shopping Center	12/20	2/23													
Religious/Spiritual Organizations	6/22														
Twice a Year															
County Council Person and At Large Members															
Meetings as Needed															
Apartments	4/21														
Comcast/Verizon	3/21														
Greenbelt Office Parks															
Greenbelt Watershed Groups	10/19														
Hotels															
PEPCO/WSSC	2/22														
Prince George's Economic Development Corp.	11/21														
Prince George's Planning Board	10/19														
Roosevelt Center Owner	8/20														
University of Maryland	4/15														
WMATA/PGDPW&T (Semi-Annual)	5/22														
Newly Elected/Appointed Officials (Presentation of a Council Regular Meeting)															
County Executive															
School Board CEO															
State's Attorney	1/23														

CITY OF GREENBELT, MARYLAND
25 Crescent Road, Greenbelt, MD 20770-1891



3/17/2023 12:30 PM

City Council Meetings & Work Sessions
March – April

1 st Public Hearing – City Manager Residency Charter Amendment	Thurs.	03/23	7:30 pm
NLC Congressional City Conference (Washington, DC)	Sun. – Tues	03/26 - 03/28	
Regular Meeting	Mon.	03/27	7:30 pm
Budget Work Session – Overview, Revenues & General Government/Other Funds/ Non- Departmental & Fund Transfers/ Economic Development	Wed.	03/29	7:30 pm
2 nd Public Hearing – City Manager Residency Charter Amendment	Sat.	04/01	10:00am
Budget Work Session – Misc. – Grants & Contributions/Social Services	Mon.	04/03	7:30 pm
Work Session – TBD	Wed.	04/05	7:30 pm
No Meeting – Easter Monday	Mon.	04/10	
Regular Meeting	Tues.	04/11	7:30 pm
Work Session – NASA Goddard/ Greenbelt Fire Department	Wed.	04/12	7:30 pm
Budget Work Session – Planning	Mon.	04/17	7:30 pm
Budget Work Session – Public Works/Capital Projects	Wed.	04/19	7:30 pm
Regular Meeting/1 st Public Hearing	Mon.	04/24	7:30 pm
Budget Work Session – Recreation/Museum	Wed.	04/26	7:30 pm
Four Cities Meeting (Greenbelt)	Thurs.	04/27	7:30 pm

This schedule is subject to change. For confirmation, call 301-474-8000. Regular and Special meetings and Work Sessions are open to the public. If special accommodations are required for any disabled person, please call 301-474-8000 or 301-474-3870 no later than 10 a.m. on the meeting day. Deaf individuals are advised to use Video Relay Services (VRS) at 711 or e-mail banderson@greenbeltmd.gov to reach the City Clerk. Unless otherwise noted, meetings will be held in the Council Chambers in the Municipal Building (MB) at 25 Crescent Road and virtually by Zoom. Zoom meeting information for public participation is posted on the City's website at www.greenbeltmd.gov on the meeting calendar.

Bonita Anderson, City Clerk

A NATIONAL HISTORIC LANDMARK

(301) 474-8000

fax (301) 441-8248
www.greenbeltmd.gov

MD RELAY 711

CITY OF GREENBELT, MARYLAND
25 Crescent Road, Greenbelt, MD 20770-1891



3/17/2023 12:30 PM

Ready to be scheduled:

Closed Session (*Cable Ordinance*)
Parke Crescent Apartment Complex
Virtual Meetings Accessibility for Blind and
Visually Impaired
Walk-way Light Fixture
Prince George's County Council
Space Study
Greenbelt Fire Department/Prince George's
County Fire Department
City Contracting Policy
Greenbelt East HOAs/COAs

For later scheduling:

Zoning Enforcement
Parkway Apartment Owners/GHI (*parking*)
Northway Fields Master Plan
City Manager Updates (Jan, Pre-budget; July &
Sept/Oct)
Meeting with County on Transportation Plan
Department of Permitting, Inspections &
Enforcement (DPIE)
Museum Plan
Bernard Penney (*Memorial Donation in honor of
Leonie Penney*)
Potential Bond Referendum/Capital Financing
Cemetery Plans
MARC Train Service/ MDOT
Arts & Entertainment District
Street Lights (Pepco)