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## Montgomery County Council, Leggett divided over cost of employee leave

Report: Price tag could reach \$7 million; lost productivity could result

by Erin Cunningham | Staff Writer

[http://www.gazette.net/stories/07142010/montnew194037\\_32533.php](http://www.gazette.net/stories/07142010/montnew194037_32533.php)

County Executive Isiah Leggett says a proposal to give Montgomery County employees additional paid leave for forgoing pay raises won't carry any cost, but the county's Office of Legislative Oversight sharply disagrees.

The office says the price tag could be \$7 million for 236,632 hours of leave shared among about 8,184 employees.

"We're not asking for any money," said Leggett (D), who reached the agreement with the employee unions as part of contract renegotiations. "Did you see an appropriation request from us? We're not asking for it." Leggett's Office of Management and Budget agreed with the county executive.

However, County Council members interviewed by The Gazette concluded that the paid leave will have a cost — whether in dollars or in lost productivity of employees.

Council Vice President Valerie Ervin (D-Dist. 5) and Councilwoman Nancy Navarro (D-Dist. 4) said they planned to vote against the renegotiated contracts. Both sit on the committee that had been scheduled to discuss the contracts Monday.

The renegotiated contracts include 26 hours of paid leave for police and county government employees and 48 hours for firefighters. Other provisions include the elimination of random drug testing for firefighters and \$135,000 in tuition assistance for police in 2012.

Leggett said the council was going "too far" by taking paid leave from county workers who already have given up pay raises and will be required to use furlough days this fiscal year.

The council was making a "politically convenient" decision to take a hard stance on the contracts, he said.

The disagreement over the cost of the leave — between two and three work days — has raised the question of whether the County Council is required to vote on that portion of the renegotiated contracts.

Monday's meeting was canceled as county attorneys worked to determine what the council should be voting on.

Chief Administrative Officer Timothy Firestine said council members do not approve contracts. They approve spending on items in contracts or legislation to implement contracts, he said.

"We don't really feel they have to take any action at all on additional leave," Firestine said.

Council attorneys disagreed.

An opinion is expected Monday, and the Management and Fiscal Policy Committee plans to take up the contracts again July 22.

The council votes on employee contracts, but has ultimate authority over fiscal items — meaning anything with a cost.

If the employees use all of the paid leave, the resulting time away from work would equal about 117 work years — meaning the amount of work 117 full-time employees complete in one year — the county's Office of Legislative Oversight reported.

"I don't think it's a credible argument to say that providing the amount of comp time that's provided for in the contracts that were sent over would not cost any money," said Councilman Philip Andrews (D-Dist. 3) of Gaithersburg. "I don't think that's credible to say that."

Councilwoman Duchy Trachtenberg (D-At large), who chairs the council's fiscal committee, said she canceled Monday's meeting after a last-minute discussion with Leggett's office.

Trachtenberg, who has questioned parts of the contracts, said it was a "jurisdictional issue."

When asked why Leggett's office would send over contracts to the council that it didn't want the council to vote on, Trachtenberg said, "You might want to ask them that."

Navarro said she planned to vote against the contracts because of the cost, saying it is inconsistent with the budget decisions the council made in May — when it voted against funding anything new for employees.

"We really didn't have a choice but to vote against it," she said.

If the council votes against the contracts, Leggett and the unions could return to the bargaining table for a third time, said county spokesman Patrick K. Lacefield.

That would be particularly difficult because the council would have struck down pay raises and paid time off, Lacefield said.

"We seemingly couldn't give them anything," Lacefield said of the unions.

Firestine said he is unsure what Leggett's office would do if the council takes a vote on the contracts.

"If they don't have a role, but they say, 'We don't agree with it,' would [Leggett] still proceed? I'm not sure what we would do," Firestine said