

4/8/2020

SENT VIA ELECTRONIC MAIL

HON. Michael Wolf
Labor Relations Administrator
Montgomery County, Maryland
Email: mwolfarb@outlook.com

RE: Charge of Prohibited Practice; Failure to Bargain

Dear Mr. Wolf:

The Municipal and County Government Employees Organization (“MCGEO” or the “Union”), through counsel, hereby files this unfair labor practice charge against the Maryland-National Capital Park and Planning Commission (“MNCPPC” or the “Commission”) pursuant to Md. Land Use Code Ann. Section 16-218 (the “Code”) which authorizes the filing of unfair labor practices. Specifically, the Union is charging the County with violating section 16-214(a)(1) of the Code which prohibits the Commission from making intimidating or coercive statements to Union members and section 16-214(a)(5) of the Code which requires the Commission to bargain in good faith with the Union.

This charge stems from a captive audience meeting held by MNCPPC Commissioner (Vice-Chair) Casey Anderson (“Mr. Anderson”) on or around April 2, 2020. Mr. Anderson made a visit to the Green Farm Conservation Park in Montgomery County, Maryland. During Mr. Anderson’s visit, he ordered several Union members to gather for a meeting. During this meeting, Mr. Anderson admonished the Union members for making complaints about safety concerns they had regarding the coronavirus disease (“COVID-19”). Mr. Anderson instructed employees to keep quiet because they were “lucky to still have jobs.” Mr. Anderson told the Union members that the Commission would not comply with any “social distancing” measures and that their working conditions would be “business as usual.”

At the time of the meeting on April 2, 2020, the Union and the Commission were bargaining over hazard premium pay in response to COVID-19. And, during the meeting on April 2, 2020, Mr. Anderson told the Union members that, if the Union successfully bargained for hazard pay, the result would be the “closing of the parks” or “layoffs and furloughs.” Clearly, are per se a violations of the Code.

The Commission also violated section 16-214(a)(5) by refusing to bargain with the Union over appropriate safety measures in response to COVID-19. Upon information and belief, several workers are being needlessly exposed to unsafe conditions. Both the Governor of Maryland and the Centers for Disease Control and Prevention (CDC) have recommended that individuals maintain a distance of approximately 6 feet from others when possible. Despite this guidance, several workers around (four or five) are being directed to drive in the same park vehicle all at once. Multiple workers are repeatedly required to drive in the same park vehicles to complete

assigned tasks, in conditions that violate CDC guidelines for social distancing. Members have also complained about groups of twenty or more congregating at the time clocks during punch-in and punch-out times. The Union should be afforded an opportunity to bargain about appropriate social distancing and other safety measures.

The Commission violated the Act by threatening members with park closure, layoffs, and furloughs. The Commission also violated the act by refusing to bargain over health and safety issues during a crisis that has been deemed a pandemic. The Union respectfully requests that the LRA fashion an appropriate remedy to cure the Commission's attempts to coerce and intimidate workers.

Respectfully Submitted,
/s
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