

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

FRATERNAL ORDER OF POLICE LODGE 89	)	
et al.,	)	
	)	Case No. 08-2455-AW
Plaintiffs,	)	
	)	
v.	)	
	)	
PRINCE GEORGE'S COUNTY, MARYLAND	)	
	)	
Defendant.	)	

FINAL ORDER

In light of the Court's Memorandum dated September 28, 2009, counsel for all parties have reached agreement to the following as a final order of the Court.

Therefore, it is this 6<sup>th</sup> day of October, 2009, by the United States District Court for the District of Maryland (Southern Division), ORDERED that:

1. By letters dated September 3 and 13, 2009 from Rajesh Kumar, Acting Deputy County Attorney, to counsel for the respective plaintiffs, the County has produced lengthy reports documenting by name and employee identification number all of the covered union employees affected by the FY09 Employee Furlough Plan. The reports, copies of which are incorporated herein by reference, identify the amount of hours and dollars deducted from each such employee's pay and hours owed to the County from selected employees. The following cumulative amounts were deducted from the

pay of the covered union employees, grouped by the bargaining units or sub-units listed below:

1. FOP Lodge 89	\$3,951,027.21
2. Police Civilian	\$844,960.09
3. IAFF (15) Civilians	\$1,872,402.27
4. IAFF (17) Sworn	\$186,852.40
5. IAFF Y	\$109,385.54
6. Deputy Sheriff	\$526,564.00
7. Sheriff Civilian	\$160,549.39
8. Corrections	\$1,013,612.05
9. PGCOA Civilian	\$171,076.46

Subtotal Public-Safety Plaintiffs \$8,836,429.41

1. Local 241	\$69,796.62
2. Local 1170	\$54,746.74
3. Local 2462	\$358,625.36
4. Local 2735	\$265,982.91
5. Local 3389	\$267,081.52

Subtotal for AFSCME Plaintiffs \$1,016,233.10

TOTAL for all Plaintiffs **\$9,852,659.51**

These amounts, subject to adjustment and reconciliation in accordance with paragraphs 2 through 6 below, shall be paid to all covered employees represented by the plaintiffs in this case.

2. The total amounts listed in paragraph 1 are believed to be accurate, but remain subject to adjustment and reconciliation with regard to individual employees through continuing discussions and exchange of relevant documents from the County or Unions to verify total amounts listed in paragraph 1. The parties have agreed to consult and meet in person when necessary to examine mutually exchanged

documentation to resolve any discrepancies in the exact dollar amount owed any individual employee(s) covered by this Order within sixty (60) days of the County's final reconciliation, which is expected to conclude at the end of October 2009.

3. In addition to the amounts listed in paragraphs 1 and 2, the County shall pay, as the employer of the covered employees, all of its usual financial obligations on these amounts, including the employer's obligations (if any) under the applicable pension plans, the Federal Insurance Contributions Act (FICA), the applicable unemployment insurance programs, and the applicable workers' compensation programs.

4. The amounts listed in paragraphs 1 and 2, but not the amounts listed in paragraph 3, shall be subject to the usual and customary deductions from each employee's pay.

5. The amounts listed in this Order shall be paid to all covered employees only if this Court's August 18, 2009 Memorandum Opinion and accompanying orders granting summary judgment to the plaintiffs in this case either are not timely appealed by the County or if that Memorandum Opinion and accompanying orders are affirmed by the U.S. Court of Appeals for the Fourth Circuit. If affirmed, the amounts listed in this Order shall be paid to all covered employees no later than sixty (60) days after issuance of the mandate by the Court of Appeals. Nothing in this paragraph shall prohibit the County from seeking or obtaining an additional stay of this Order or a stay of the issuance of the mandate by the Court of Appeals, either


pending a petition for rehearing or a petition for rehearing en banc by the Court of Appeals or pending a petition for a writ of certiorari from the U.S. Supreme Court.

6. Pre-judgment interest is denied. Post-judgment interest will be assessed in accordance with 28 U.S.C. § 1961(a).

7. The County's Motion to Stay (Doc. No. 57) this Order pending appeal to the U.S. Court of Appeals for the Fourth Circuit is GRANTED, provided that the County files a timely and proper appeal from this Order, and pursuant to the specific conditions listed in this Order.

8. The Court shall retain jurisdiction to address any further adjustments or other disputes arising from the money to be paid to or withheld from affected employees.

9. The Clerk shall transmit copies of this Order to all parties of record.

  
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Alexander Williams, Jr.  
United States District Court Judge