

HOUSE BILL 797

L2, L5

3lr0545

By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: February 8, 2023

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Collective**
3 **Bargaining Agreement Implementation – Dispute Arbitration**

4 **MC/PG 103–23**

5 FOR the purpose of authorizing the parties to a collective bargaining agreement for
6 employees of the Maryland–National Capital Park and Planning Commission to
7 request the services of a mediator–arbitrator during the term of a certain collective
8 bargaining agreement under certain circumstances; establishing the process for
9 mediation–arbitration; requiring the parties to share equally the costs of the
10 mediator–arbitrator's services; and generally relating to collective bargaining for
11 employees of the Maryland–National Capital Park and Planning Commission.

12 BY adding to
13 Article – Land Use
14 Section 16–210.1
15 Annotated Code of Maryland
16 (2012 Volume and 2022 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Land Use**

20 **16–210.1.**

21 **(A) DURING THE TERM OF A COLLECTIVE BARGAINING AGREEMENT:**

22 **(1) EITHER PARTY MAY DECLARE AN IMPASSE AND REQUEST THE**
23 **SERVICES OF A MEDIATOR–ARBITRATOR; AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) THE PARTIES JOINTLY MAY REQUEST THE SERVICES OF A MEDIATOR-ARBITRATOR AT ANY TIME WITHOUT DECLARING AN IMPASSE.

(B) (1) IF THE SERVICES OF A MEDIATOR-ARBITRATOR HAVE BEEN REQUESTED, THE PARTIES JOINTLY SHALL APPOINT A MEDIATOR-ARBITRATOR.

(2) IF THE PARTIES ARE UNABLE TO AGREE ON A MEDIATOR-ARBITRATOR, THE LABOR RELATIONS ADMINISTRATOR SHALL APPOINT THE MEDIATOR-ARBITRATOR WITHIN 7 DAYS AFTER THE SERVICES OF A MEDIATOR-ARBITRATOR WERE REQUESTED.

(C) IF THE MEDIATOR-ARBITRATOR FINDS IN THE MEDIATOR-ARBITRATOR'S SOLE DISCRETION THAT THE PARTIES ARE AT A BONA FIDE IMPASSE, THE MEDIATOR-ARBITRATOR SHALL DIRECT EACH PARTY TO SUBMIT A SEPARATE MEMORANDUM OF EACH PARTY'S LAST FINAL OFFER ON ITEMS WITH REGARD TO WHICH THE PARTIES ARE IN DISPUTE.

(D) (1) WITHIN 10 DAYS AFTER THE SUBMISSION OF THE MEMORANDA UNDER SUBSECTION (C) OF THIS SECTION, THE MEDIATOR-ARBITRATOR SHALL HOLD A CLOSED HEARING ON THE PARTIES' OFFERS AT A TIME, DATE, AND PLACE SELECTED BY THE MEDIATOR-ARBITRATOR.

(2) EACH PARTY SHALL SUBMIT EVIDENCE OR MAKE ORAL AND WRITTEN ARGUMENTS IN SUPPORT OF THE PARTY'S FINAL OFFER.

(3) THE MEDIATOR-ARBITRATOR MAY NOT OPEN THE HEARING TO A PERSON THAT IS NOT A PARTY TO THE MEDIATION-ARBITRATION.

(E) (1) WITHIN 5 DAYS AFTER THE HEARING REQUIRED UNDER SUBSECTION (D)(1) OF THIS SECTION, THE MEDIATOR-ARBITRATOR SHALL ISSUE A REPORT SELECTING THE FINAL OFFER THAT THE MEDIATOR-ARBITRATOR DETERMINES TO BE MORE REASONABLE WHEN VIEWED AS A WHOLE.

(2) IN DETERMINING WHICH OFFER IS MORE REASONABLE, THE MEDIATOR-ARBITRATOR:

(I) MAY CONSIDER ONLY:

1. PAST COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE PARTIES, INCLUDING THE PAST BARGAINING HISTORY THAT LED TO THE AGREEMENT OR THE PRECOLLECTIVE BARGAINING HISTORY OF EMPLOYEE WAGES, HOURS, BENEFITS, AND OTHER WORKING CONDITIONS;

1 2. A COMPARISON OF WAGES, HOURS, BENEFITS, AND
2 CONDITIONS OF EMPLOYMENT OF SIMILAR EMPLOYEES OF OTHER PUBLIC
3 EMPLOYERS IN THE WASHINGTON METROPOLITAN AREA AND THE STATE;

4 3. A COMPARISON OF WAGES, HOURS, BENEFITS, AND
5 CONDITIONS OF EMPLOYMENT OF SIMILAR EMPLOYEES OF PRIVATE EMPLOYERS IN
6 MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY;

7 4. THE PUBLIC INTEREST AND WELFARE;

8 5. THE ABILITY OF THE COMMISSION TO FINANCE ANY
9 ECONOMIC ADJUSTMENTS REQUIRED UNDER THE PROPOSED AGREEMENT;

10 6. THE EFFECTS OF ANY ECONOMIC ADJUSTMENTS ON
11 THE STANDARD OF PUBLIC SERVICES NORMALLY PROVIDED BY THE COMMISSION;
12 AND

13 7. THE ANNUAL INCREASE OR DECREASE IN CONSUMER
14 PRICES FOR ALL ITEMS AS REFLECTED IN THE MOST RECENT CONSUMER PRICE
15 INDEX – URBAN WAGE EARNERS AND CLERICAL WORKERS ("CPI-W") FOR THE
16 WASHINGTON METROPOLITAN AREA; AND

17 (II) SHALL CONSIDER ALL ITEMS ON WHICH THE PARTIES
18 AGREED BEFORE THE MEDIATION-ARBITRATION BEGAN TO BE INTEGRATED INTO
19 EACH OFFER.

20 (3) (I) THE MEDIATOR-ARBITRATOR MAY NOT RECEIVE OR
21 CONSIDER THE HISTORY OF COLLECTIVE BARGAINING RELATING TO THE
22 IMMEDIATE DISPUTE, INCLUDING ANY OFFERS OF SETTLEMENT NOT CONTAINED IN
23 THE OFFER SUBMITTED TO THE MEDIATOR-ARBITRATOR.

24 (II) THE MEDIATOR-ARBITRATOR MAY NOT COMPROMISE OR
25 ALTER THE FINAL OFFER THAT THE MEDIATOR-ARBITRATOR SELECTS.

26 (F) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
27 OFFER SELECTED BY THE MEDIATOR-ARBITRATOR, AS INTEGRATED WITH THE
28 GOVERNING COLLECTIVE BARGAINING AGREEMENT AT THE TIME OF THE DISPUTE,
29 SHALL BE THE FINAL AGREEMENT BETWEEN THE COMMISSION AND THE EXCLUSIVE
30 REPRESENTATIVE WITHOUT RATIFICATION BY THE PARTIES.

31 (II) THE ECONOMIC PROVISIONS OF THE FINAL AGREEMENT
32 ARE SUBJECT TO FUNDING BY THE MONTGOMERY COUNTY COUNCIL AND THE

1 **PRINCE GEORGE'S COUNTY COUNCIL.**

2 **(III) THE COMMISSION SHALL REQUEST FUNDS IN THE**
3 **COMMISSION'S FINAL BUDGET FROM THE MONTGOMERY COUNTY COUNCIL AND**
4 **THE PRINCE GEORGE'S COUNTY COUNCIL FOR ALL ECONOMIC PROVISIONS OF THE**
5 **FINAL AGREEMENT.**

6 **(2) THE PARTIES SHALL EXECUTE AN AGREEMENT INCORPORATING**
7 **THE FINAL AGREEMENT, INCLUDING ARBITRATION AWARDS AND ALL ISSUES**
8 **AGREED TO UNDER THIS SECTION.**

9 **(G) THE COMMISSION AND THE EMPLOYEE ORGANIZATION SHALL SHARE**
10 **EQUALLY THE COSTS OF THE MEDIATOR-ARBITRATOR'S SERVICES.**

11 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
12 **October 1, 2023.**