

**HB0756/304765/1**

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 756  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “applying” in line 5 down through “officers;” in line 6; strike beginning with “authorizing” in line 8 down through “arbitration;” in line 10; in line 11, after “matters;” insert “authorizing a board of arbitration to exercise certain powers; requiring a board of arbitration to take certain actions within a certain period of time; requiring the Baltimore City Labor Commissioner or designated representative to provide each member of the board of arbitration with certain information; prohibiting a board of arbitration from providing for certain issues;”; strike beginning with “or” in line 12 down through “agreement” in line 13 and substitute “; providing that the decision of a certain board of arbitration is final and may not be appealed; requiring that certain city officials take certain action based on a certain decision of the board of arbitration”; strike beginning with “making” in line 15 down through “year” in line 16 and substitute “establishing that the cost of an arbitration proceeding under this Act be paid equally by the parties involved; defining a certain term”; and strike in their entirety lines 19 through 23, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

The Public Local Laws of Baltimore City

Section 16-8A

Article 4 – Public Local Laws of Maryland

(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)”.

AMENDMENT NO. 2

On pages 1 through 5, strike in their entirety the lines beginning with line 26 on page 1 through line 23 on page 5, inclusive, and substitute:

(Over)

“Article 4 – Baltimore City

16-8A.

(a) Except as otherwise provided in this section, the provisions of Sections 119 through 136 of Article 1 of the Baltimore City Code (1976 Edition) as amended from time to time, and any rules and regulations adopted pursuant thereto, governing or relating to labor relations or collective bargaining with general municipal employees of Baltimore City shall apply to labor relations and collective bargaining between the City and uniformed and civilian employees of the Baltimore City Police Department.

(b) (1) Negotiations with a certified exclusive representative of police officers shall be conducted jointly by the Police Commissioner of Baltimore City and the Labor Commissioner, or their designees, on behalf of the employer.

(2) An employee organization may not be denied certification as the exclusive representative of any police officers solely for the reason that it:

(i) admits to membership rank and file employees in addition to supervisory and/or professional employees; or

(ii) affiliates with another employee organization which admits to membership rank and file, supervisory, or professional employees.

**(3) (I) 1. IN THIS PARAGRAPH AND FOR PURPOSES OF ARBITRATION, “DIRECT COMPENSATION” MEANS WAGES, SALARIES, LONGEVITY, SHIFT DIFFERENTIAL, BONUSES IF APPLICABLE, AND LEAVE WITH MONETARY VALUE.**

**2. “DIRECT COMPENSATION” DOES NOT INCLUDE:**

A. PENSIONS OR ANY BENEFIT THAT IS TO BE PAID ON OR AFTER AN EMPLOYEE'S RETIREMENT OR TERMINATION OF EMPLOYMENT; OR

B. ISSUES THAT DO NOT RELATE TO DIRECT COMPENSATION, SUCH AS, BUT NOT LIMITED TO, JOB SECURITY, DISCIPLINARY PROCEDURES, INVESTIGATIONS AND ACTIONS, PROMOTIONS, DEPLOYMENT OR SCHEDULING, INCLUDING ELIGIBILITY AND ASSIGNMENT TO DETAILS AND POSITIONS, LOSS OF LEAVE AS PROVIDED IN THE GENERAL ORDERS, OR ISSUES RELATING TO ELIGIBILITY FOR OVERTIME COMPENSATION.

(II) IF THE CERTIFIED EMPLOYEE ORGANIZATION OR ORGANIZATIONS REPRESENTING POLICE OFFICERS WITHIN THE POLICE DEPARTMENT AND THE EMPLOYER HAVE NOT REACHED A WRITTEN AGREEMENT CONCERNING ALL ISSUES OF DIRECT COMPENSATION BY MARCH 1 OF ANY YEAR, EITHER PARTY MAY AT ANY TIME THEREAFTER REQUEST ARBITRATION BY A BOARD OF ARBITRATION, AS PROVIDED IN THIS PARAGRAPH, WHICH REQUEST MUST BE HONORED.

(III) 1. THE BOARD OF ARBITRATION SHALL BE COMPOSED OF THREE MEMBERS, OF WHICH ONE IS APPOINTED BY THE MAYOR AND ONE IS APPOINTED JOINTLY BY THE CERTIFIED EMPLOYEE ORGANIZATIONS REPRESENTING THE POLICE OFFICERS INVOLVED. THE TWO MEMBERS APPOINTED BY THE MAYOR AND THE EMPLOYEE ORGANIZATIONS SHALL BE SELECTED WITHIN 4 DAYS OF THE REQUEST FOR ARBITRATION. THE THIRD MEMBER SHALL BE SELECTED WITHIN 4 ADDITIONAL DAYS BY THE TWO ARBITRATORS PREVIOUSLY CHOSEN AND, IN ACCORDANCE WITH THE PROCEDURES OF THE AMERICAN ARBITRATION ASSOCIATION, MUST BE

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SELECTED FROM A LIST OF SEVEN ARBITRATORS FURNISHED BY THE AMERICAN ARBITRATION ASSOCIATION. ALL OF THE ARBITRATORS ON THE LIST FURNISHED BY THE AMERICAN ARBITRATION ASSOCIATION MUST BE MEMBERS OF THE NATIONAL ACADEMY OF ARBITRATORS. UNLESS THE PARTIES MUTUALLY AGREE ON THE THIRD ARBITRATOR, THE PARTIES ALTERNATELY SHALL STRIKE NAMES FROM THE LIST UNTIL ONE NAME REMAINS. THE PARTY REQUESTING ARBITRATION SHALL STRIKE THE FIRST NAME. THE THIRD MEMBER SELECTED IS THE CHAIRMAN OF THE BOARD OF ARBITRATION.

2. THE BOARD OF ARBITRATION SHALL BEGIN THE ARBITRATION PROCEEDINGS WITHIN 7 DAYS AFTER THE CHAIRMAN IS SELECTED AND MAKE ITS DECISION, BY A MAJORITY VOTE, WITHIN 30 DAYS AFTER BEGINNING THE PROCEEDINGS. FOR GOOD CAUSE THE CHAIRMAN MAY EXTEND ANY OF THE TIME REQUIREMENTS SET FORTH HEREIN.

(IV) WITHIN 3 DAYS AFTER THE SELECTION OF THE CHAIRMAN OF THE BOARD OF ARBITRATION, THE LABOR COMMISSIONER OR THE DESIGNATED REPRESENTATIVE OF THE LABOR COMMISSIONER SHALL PROVIDE EACH MEMBER OF THE BOARD OF ARBITRATION AND ALL PARTIES WITH A DETAILED ITEMIZATION OF THE LAST PROPOSAL MADE BY EACH OF THE RESPECTIVE PARTIES DURING THE NEGOTIATIONS WITH RESPECT TO ISSUES OF DIRECT COMPENSATION.

(V) THE PROVISIONS OF THIS PARAGRAPH GOVERNING INTEREST ARBITRATION FOR POLICE OFFICERS SHALL APPLY ONLY TO THE TERMS OF COLLECTIVE BARGAINING AGREEMENTS DIRECTLY RELATING TO DIRECT COMPENSATION. THE PROVISIONS OF THIS PARAGRAPH MAY NOT BE CONSTRUED AS BEING CONTRADICTORY TO THE PROVISIONS OF THE GENERAL ORDERS. IF THERE IS A DISPUTE OVER WHETHER AN ISSUE IS AN ISSUE OF

DIRECT COMPENSATION, THE BOARD OF ARBITRATION SHALL DECIDE THE ISSUE AND THE DECISION BY THE BOARD OF ARBITRATION IS FINAL AND BINDING ON BOTH PARTIES.

(VI) 1. THE BOARD OF ARBITRATION SHALL IDENTIFY THE MAJOR ISSUES IN THE DISPUTE, REVIEW THE POSITIONS OF ALL PARTIES, AND BASE THE AWARD ON THE FOLLOWING FACTORS:

A. THE LAWFUL AUTHORITY OF THE CITY;

B. THE FINANCIAL CONDITIONS OF THE CITY;

C. THE STIPULATIONS OF THE PARTIES;

D. THE TERMS OF THE EXISTING COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE PARTIES IN THE PAST PROVIDING FOR DIRECT COMPENSATION FOR EMPLOYEES INVOLVED IN THE ARBITRATION PROCEEDING;

E. THE OVERALL COMPENSATION AND BENEFITS PAID TO THE EMPLOYEES INVOLVED IN THE ARBITRATION PROCEEDING, WHETHER REACHED BY A COLLECTIVE BARGAINING AGREEMENT OR OTHERWISE, INCLUDING ANY INCREASED COST TO THE CITY FOR PROVIDING THE BENEFITS;

F. THE TERMS AND CONDITIONS OF OTHER EMPLOYEES OF THE MAYOR AND CITY COUNCIL OF BALTIMORE, INCLUDING BOTH EMPLOYEES REPRESENTED IN OTHER BARGAINING UNITS AND THE CITY'S UNREPRESENTED EMPLOYEES, AND INCLUDING ANY CHANGES IN THE TERMS

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AND CONDITIONS FOR THE PERIOD TO BE COVERED BY THE ARBITRATION AWARD;

G. THE OVERALL COMPENSATION AND BENEFITS OF OTHER POLICE DEPARTMENTS AND PUBLIC SAFETY EMPLOYEES IN THE STATE, AS WELL AS OF COMPARABLE METROPOLITAN POLITICAL SUBDIVISIONS IN OTHER STATES, AND THE CONSIDERATION OF THE VALUE OF OTHER BENEFITS AVAILABLE TO OR RECEIVED BY OTHER EMPLOYEES OF THE MAYOR AND CITY COUNCIL OF BALTIMORE AS COMPARED WITH PRIVATE SECTOR EMPLOYEES IN THE METROPOLITAN BALTIMORE CITY AREA AND AS COMPARED WITH EMPLOYEES OF OTHER POLICE DEPARTMENTS AND OTHER PUBLIC SAFETY EMPLOYEES;

H. THE CONSUMER PRICES FOR GOODS AND SERVICES AND OTHER RELATED ITEMS, COST-OF-LIVING DATA, AND OTHER FACTORS THAT ARE NORMALLY UTILIZED IN THE DETERMINATION OF WAGES AND OTHER BENEFITS IN THE COLLECTIVE BARGAINING PROCESS;

I. THE INCREASES AND DECREASES IN THE CONSUMER PRICE INDEX PUBLISHED BY THE BUREAU OF LABOR STATISTICS IN THE UNITED STATES DEPARTMENT OF LABOR; AND

J. THE PUBLIC WELFARE, INCLUDING THE IMPACT OF THE AWARD ON THE CITY'S ABILITY TO CONTINUE PROVIDING SERVICES GENERALLY TO THE RESIDENTS OF THE CITY.

2. NOTWITHSTANDING SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE BOARD OF ARBITRATION IN RENDERING AN AWARD MAY NOT PROVIDE FOR ISSUES RELATING TO DIRECT COMPENSATION THAT

ADVERSELY AFFECT THE CITY'S ABILITY TO CONTINUE TO FUND OTHER PUBLIC SERVICES GENERALLY. THE BOARD OF ARBITRATION SHALL ISSUE A WRITTEN DECISION THAT DEMONSTRATES THAT ALL THE FACTORS SET FORTH ABOVE HAVE BEEN CONSIDERED AND APPLIED AND INCLUDES THE EVIDENCE ON RECORD RELIED ON IN MAKING THE AWARD.

(VII) THE BOARD OF ARBITRATION SHALL HAVE THE POWER TO ADMINISTER OATHS, COMPEL THE ATTENDANCE OF WITNESSES, AND REQUIRE THE PRODUCTION OF EVIDENCE BY SUBPOENA.

(VIII) THE BOARD OF ARBITRATION AFTER HEARING WITNESSES AND RECEIVING AND CONSIDERING THE WRITTEN EVIDENCE THAT IS SUBMITTED SHALL ISSUE ITS WRITTEN DECISION THAT ORDERS THE IMPLEMENTATION, IN ITS ENTIRETY, OF THE LAST PROPOSAL OF ONE OF THE RESPECTIVE PARTIES SUBMITTED IN ACCORDANCE WITH SUBPARAGRAPH (IV) OF THIS PARAGRAPH.

(IX) 1. THE DECISION OF A MAJORITY OF THE MEMBERS OF THE BOARD OF ARBITRATION SHALL BE FINAL AND BINDING ON THE MAYOR AND CITY COUNCIL OF BALTIMORE AND ON THE CERTIFIED EMPLOYEE ORGANIZATIONS INVOLVED IN THE PROCEEDINGS. NO APPEAL OF THE DECISION SHALL BE ALLOWED. THE DECISION CONSTITUTES A MANDATE TO THE MAYOR OF BALTIMORE CITY WITH RESPECT TO THE MATTERS THAT CAN BE REMEDIED ADMINISTRATIVELY BY THE MAYOR AND A MANDATE TO THE BOARD OF ESTIMATES AND THE CITY COUNCIL WITH RESPECT TO THE MATTERS WHICH REQUIRE LEGISLATIVE ACTION NECESSARY TO IMPLEMENT THE DECISION OF THE BOARD OF ARBITRATION.

2. WITH RESPECT TO MATTERS THAT REQUIRE LEGISLATIVE ACTION FOR IMPLEMENTATION, THE LEGISLATION SHALL BE ENACTED WITHIN 45 DAYS FOLLOWING THE DATE OF THE ARBITRATION DECISION.

3. WITH RESPECT TO SALARIES AND WAGE SCALES, THE AMOUNTS DETERMINED BY THE FINAL DECISION OF THE BOARD OF ARBITRATION SHALL BE INCLUDED IN THE PROPOSED ORDINANCE OF ESTIMATES IN ACCORDANCE WITH ARTICLE VI, § 5 OF THE BALTIMORE CITY CHARTER, MAY NOT BE REDUCED BY THE CITY COUNCIL IN ACCORDANCE WITH ARTICLE VI, § 7 OF THE BALTIMORE CITY CHARTER, AND SHALL BE ADOPTED BY THE BOARD OF ESTIMATES AS THE SALARY AND WAGE SCALES FOR EMPLOYEES OF THE POLICE DEPARTMENT IN ACCORDANCE WITH ARTICLE VI, § 9 OF THE BALTIMORE CITY CHARTER.

(X) THE COST OF THE ARBITRATION PROCEEDINGS, INCLUDING THE COST FOR A COURT REPORTER, PROVIDED UNDER THIS PARAGRAPH SHALL BE PAID EQUALLY BY THE PARTIES INVOLVED.

(c) This section shall be construed to be consistent with and not to supersede other provisions of this subtitle, including, by way of illustration and not as a limitation:

(1) The provisions of this subtitle regarding the departmental budget;  
and

(2) The procedures or authority of the Board of Estimates, or the City Council.”.