

SB0699/877872/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 699
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after “time;” insert “authorizing a certain party under certain circumstances to request a hearing before the State Labor Relations Board; requiring a certain party under certain circumstances to provide written notice that an impasse has been reached; requiring each party to provide a certain final proposal to the State Board and the other party; requiring the State Board to conduct a hearing within a certain period of time and to issue a decision on or before a certain date; establishing certain powers and duties of the State Board; authorizing the State Board to receive and consider certain evidence; requiring the written decision of the State Board to be delivered to certain parties; requiring a party that rejects the decision of the State Board to submit a certain written notice to certain parties;”.

AMENDMENT NO. 2

On page 2, in line 23, strike “(G)” and substitute “(H)”; after line 25, insert:

“(4) “STATE BOARD” MEANS THE STATE LABOR RELATIONS BOARD.”;

in line 27, strike “, NONCOMMISSIONED”; and in the same line, after “EMPLOYEES” insert “HOLDING A NONCOMMISSIONED RANK”.

AMENDMENT NO. 3

On page 3, in line 11, strike “SEPTEMBER” and substitute “AUGUST”; and after line 18, insert:

(Over)

“(G) (1) (I) IF THE PARTIES HAVE NOT YET REACHED AN AGREEMENT BY SEPTEMBER 1, EITHER PARTY MAY DECLARE THAT AN IMPASSE HAS BEEN REACHED AND REQUEST A HEARING BEFORE THE STATE BOARD.

(II) THE PARTY DECLARING THE IMPASSE SHALL PROVIDE WRITTEN NOTICE THAT AN IMPASSE HAS BEEN REACHED TO:

1. THE OTHER PARTY; AND

2. THE STATE BOARD.

(2) EACH PARTY SHALL PROVIDE TO EACH MEMBER OF THE STATE BOARD AND TO THE OTHER PARTY A DETAILED ITEMIZATION OF THE PARTY’S FINAL PROPOSAL MADE PRIOR TO THE DECLARATION OF IMPASSE.

(3) THE STATE BOARD SHALL CONDUCT A HEARING WITHIN 10 DAYS AFTER RECEIVING A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(4) THE STATE BOARD:

(I) MAY CONSIDER ONLY ITEMS THAT WERE THE SUBJECT OF THE MOST RECENT COLLECTIVE BARGAINING NEGOTIATIONS AND ARE PRESENTED TO THE STATE BOARD BY EITHER PARTY AS DISPUTED ITEMS;

(II) MAY GIVE NOTICE AND HOLD HEARINGS IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT;

(III) SHALL SELECT THE LAST BEST OFFER OF EITHER PARTY IN ITS ENTIRETY; AND

(IV) BEFORE OCTOBER 1, SHALL ISSUE A WRITTEN DECISION EXPLAINING THE BASIS OF ITS DECISION REGARDING WAGES, HOURS, WORKING CONDITIONS, AND ANY OTHER TERMS OR CONDITIONS OF EMPLOYMENT THAT MAY BE IN DISPUTE.

(5) THE STATE BOARD MAY RECEIVE AND CONSIDER EVIDENCE REGARDING:

(I) THE HISTORY OF CURRENT AND PRIOR NEGOTIATIONS BETWEEN THE PARTIES;

(II) THE WAGES, HOURS, WORKING CONDITIONS, AND ANY OTHER TERMS OR CONDITIONS OF EMPLOYMENT OF OTHER LAW ENFORCEMENT OFFICERS IN THE STATE;

(III) THE WAGES, HOURS, WORKING CONDITIONS, AND ANY OTHER TERMS OR CONDITIONS OF EMPLOYMENT OF SIMILAR LAW ENFORCEMENT OFFICERS IN DELAWARE, NEW JERSEY, NEW YORK, PENNSYLVANIA, VIRGINIA, AND WEST VIRGINIA;

(IV) RECRUITMENT AND RETENTION DATA;

(V) THE FINANCIAL CONDITION AND FISCAL CONSTRAINTS OF THE STATE;

(VI) THE COSTS OF THE PROPOSALS OF EACH OF THE PARTIES;

(VII) LIMITATIONS PLACED ON THE EMPLOYER'S USE OF SPECIAL FUNDS BY FEDERAL OR STATE LAW;

(VIII) THE COST OF LIVING IN THE STATE, INCLUDING ANY RECENT CHANGES TO THE COST OF LIVING;

(IX) THE MEDIAN HOUSEHOLD INCOME AND AVERAGE PER CAPITA INCOME IN THE STATE, INCLUDING ANY RECENT CHANGES TO THESE STATISTICS;

(X) THE UNIQUE CHARACTERISTICS OF THE JOB, INCLUDING THE HAZARDS OF EMPLOYMENT, TRAINING REQUIREMENTS, AND SHIFT SCHEDULES OF EMPLOYEES;

(XI) THE INTERESTS AND WELFARE OF THE RESIDENTS OF THE STATE;

(XII) THE INTERESTS AND WELFARE OF THE POLICE EMPLOYEES;

(XIII) ANY STIPULATIONS OF THE PARTIES; AND

(XIV) ANY OTHER INFORMATION THAT THE STATE BOARD CONSIDERS NECESSARY TO WEIGH FULLY THE FINAL PROPOSED OFFERS OF EACH PARTY.

(6) ON OR BEFORE OCTOBER 1, THE WRITTEN DECISION OF THE STATE BOARD RECOMMENDING THE IMPLEMENTATION, IN ITS ENTIRETY, OF THE LAST BEST OFFER OF ONE OF THE PARTIES SHALL BE DELIVERED TO:

- (I) THE GOVERNOR;
- (II) THE EXCLUSIVE REPRESENTATIVE;
- (III) THE PRESIDENT OF THE SENATE; AND
- (IV) THE SPEAKER OF THE HOUSE OF DELEGATES.

(7) (I) AFTER RECEIVING THE DECISION OF THE STATE BOARD, THE PARTIES MAY CONTINUE TO NEGOTIATE ANY DISPUTED ISSUES.

(II) WITHIN 14 DAYS AFTER THE STATE BOARD ISSUES ITS DECISION, EACH PARTY SHALL NOTIFY THE OTHER PARTY AS TO WHETHER IT ACCEPTS OR REJECTS THE DECISION OF THE STATE BOARD.

(III) IF EITHER PARTY REJECTS THE DECISION OF THE STATE BOARD AND DECLINES TO ENTER INTO A MEMORANDUM OF UNDERSTANDING, THE PARTY SHALL SUBMIT A WRITTEN NOTICE OF REJECTION TO THE OTHER PARTY WHICH SHALL INCLUDE THE REASONS FOR THE REJECTION.

(IV) A PARTY REJECTING THE DECISION OF THE STATE BOARD SHALL PROVIDE A COPY OF THE NOTICE REQUIRED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH TO:

- 1. THE GOVERNOR;
- 2. THE PRESIDENT OF THE SENATE; AND

3. THE SPEAKER OF THE HOUSE OF DELEGATES.

AMENDMENT NO. 4

On page 4, in line 22, strike “AND”; in line 25, strike the period and substitute “; AND”

(3) A MEMORANDUM OF UNDERSTANDING THAT INCORPORATES ALL MATTERS OF AGREEMENT REACHED BY THE PARTIES SHALL BE EXECUTED BY THE EXCLUSIVE REPRESENTATIVE AND THE GOVERNOR OR THE GOVERNOR’S DESIGNEE.

AMENDMENT NO. 5

On page 3, in line 19, strike “(G)” and substitute “(H)”.

On page 4, in lines 19 and 26, strike “(H)” and “(I)”, respectively, and substitute “(I)” and “(J)”, respectively.

On page 5, in lines 1, 4, 8, 10, and 23, strike “(J)”, “(K)”, “(L)”, “(M)”, and “(N)”, respectively, and substitute “(K)”, “(L)”, “(M)”, “(N)”, and “(O)”, respectively; and in line 6, strike “(I)” and substitute “(J)”.

On page 6, in line 23, strike “(O)” and substitute “(P)”.

On page 7, in lines 2, 17, 27, and 30, strike “(P)”, “(Q)”, “(R)”, and “(S)”, respectively, and substitute “(Q)”, “(R)”, “(S)”, and “(T)”, respectively; in line 18, strike “(L)” and substitute “(M)”; and in line 31, strike “(I)” and substitute “(J)”.

On page 8, in lines 3, 15, and 27, strike “(T)”, “(U)”, and “(V)”, respectively, and substitute “(U)”, “(V)”, and “(W)”, respectively; and in line 24, strike “RECOMMENDED” and substitute “RECOMMEND”.

On page 9, in lines 10 and 15, strike “**(U)**” and “**(W)**”, respectively, and substitute “**(V)**” and “**(X)**”, respectively.