

Article - Land Use

§16–308.

(a) (1) If the parties to collective bargaining have not reached an agreement on or before December 1 or any later date determined by mutual agreement of the parties on a collective bargaining agreement that would succeed the existing collective bargaining agreement:

- (i) either party may declare a bargaining impasse; and
- (ii) the parties jointly shall appoint an arbitrator.

(2) If the parties are unable to agree on an arbitrator, the labor relations administrator shall appoint the arbitrator on or before December 7 or any later date determined by mutual agreement of the parties.

(3) Notwithstanding appointment of the arbitrator, this subtitle does not require arbitration to begin before February 1 or any later date determined by mutual agreement of the parties.

(b) On or before February 1 or any later date determined by mutual agreement of the parties, the arbitrator shall direct the parties to submit:

- (1) a joint memorandum listing all items to which the parties previously agreed; and
- (2) a separate memorandum of each party's last final offer presented in negotiations on all items to which the parties previously did not agree.

(c) (1) On or before February 10 or any later date determined by mutual agreement of the parties, the arbitrator shall hold a closed hearing on the parties' proposals at a time, date, and place selected by the arbitrator.

(2) Each party shall submit evidence or make oral and written arguments in support of the party's last final offer.

(3) The arbitrator may not open the hearing to a person that is not a party to the arbitration.

(d) (1) On or before February 15 or any later date determined by mutual agreement of the parties, the arbitrator shall issue a report selecting the last final offer submitted by the parties that the arbitrator determines to be more reasonable when viewed as a whole.

(2) In determining which last final offer is more reasonable, the arbitrator may consider only:

- (i) past collective bargaining agreements between the parties,

including the past bargaining history that led to the collective bargaining agreement or the precollective bargaining history of employee wages, hours, benefits, and other working conditions;

(ii) a comparison of wages, hours, benefits, and other conditions of employment of police officers in Montgomery County and Prince George's County;

(iii) the public interest and welfare;

(iv) the ability of the Commission to finance any economic adjustments required under the proposed collective bargaining agreement; and

(v) the effects of any economic adjustments on the standard of public services normally provided by the Commission.

(3) In determining which last final offer is more reasonable, the arbitrator shall consider all items on which the parties agreed before the arbitration began to be integrated into each offer.

(4) The arbitrator may not:

(i) receive or consider the history of collective bargaining relating to the immediate dispute, including any offers of settlement not contained in the last final offer submitted to the arbitrator; or

(ii) compromise or alter the last final offer that the arbitrator selects.

(e) (1) Subject to § 16–310(a) of this subtitle, the last final offer selected by the arbitrator, as integrated with the items on which the parties previously agreed, shall be the final agreement between the Commission and the exclusive representative without ratification by the parties.

(2) The parties shall execute a collective bargaining agreement incorporating the final agreement, including arbitration awards and all issues agreed to under this section.

(f) The Commission and the exclusive representative shall share equally the costs of the arbitrator's services.