

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 740

(Third Reading File Bill)

AMENDMENT NO. 1

In line 2, strike “Code of Public Local Laws - Publication” and substitute “Collective Bargaining”; strike beginning with “repealing” in line 3 down through the second “as” in line 5 and substitute “establishing certain procedures by which”; in line 6, strike “deem necessary” and substitute “are required to negotiate wages, hours, and other terms and conditions of employment with representatives elected by certain employees of the County; providing for the rights of County employees in connection with the procedures; providing for certain rights, duties, and obligations of the County Commissioners; making it unlawful for certain persons to engage in, induce, initiate, or ratify a strike by County employees; providing for certain penalties; providing for the appointment of certain neutral persons under certain circumstances; specifying certain actions as unfair labor practices subject to certain procedures; requiring certain exclusive representatives to keep certain records; requiring the Board of County Commissioners to recognize certain labor organizations as the exclusive representatives for the appropriate units and prohibiting an election under this Act before that recognition; defining certain terms; providing for the termination of this Act; and generally relating to collective bargaining in Washington County”; strike in its entirety line 7 and substitute “BY adding to”; and in line 9, strike “1-802” and substitute “1-901 through 1-912, inclusive, to be under the new subtitle “Subtitle 9. Collective Bargaining””.

AMENDMENT NO. 2

Strike in their entirety lines 15 through 20, inclusive, and substitute:

“SUBTITLE 9. COLLECTIVE BARGAINING.

1-901.

THE PURPOSE OF THIS SUBTITLE IS TO MANDATE PROCEDURES BY WHICH THE COUNTY COMMISSIONERS SHALL NEGOTIATE WAGES, HOURS, AND OTHER

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TERMS AND CONDITIONS OF EMPLOYMENT WITH REPRESENTATIVES ELECTED BY PERMANENT, FULL-TIME, HOURLY EMPLOYEES OF THE COUNTY.

1-902.

(A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) “APPROPRIATE UNIT” MEANS A GROUP OF FULL-TIME, PERMANENT, HOURLY COUNTY EMPLOYEES, RECOGNIZED BY THE COUNTY AS APPROPRIATE FOR REPRESENTATION BY AN EXCLUSIVE REPRESENTATIVE.

(2) “APPROPRIATE UNIT” INCLUDES A GROUP OF EMPLOYEES WHO ARE ELIGIBLE FOR COLLECTIVE BARGAINING UNDER THIS SUBTITLE WHO ARE EMPLOYED BY:

(I) THE PARKS DIVISION OF THE RECREATION AND PARKS DEPARTMENT;

(II) THE TRANSPORTATION DEPARTMENT;

(III) THE LANDFILL DEPARTMENT; AND

(IV) THE ROADS DEPARTMENT.

(C) “CERTIFICATION” MEANS THE PROCEDURE WHEREBY A LABOR ORGANIZATION IS ELECTED AND OFFICIALLY RECOGNIZED AS THE EXCLUSIVE BARGAINING REPRESENTATIVE OF A GROUP OF COUNTY EMPLOYEES.

(D) “COUNTY” MEANS THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND.

(E) (1) “COUNTY EMPLOYEE” MEANS ANY PERSON WHO OCCUPIES A PERMANENT, FULL-TIME, HOURLY POSITION IN THE EMPLOYMENT OF THE COUNTY.

(2) “COUNTY EMPLOYEE” DOES NOT INCLUDE:

(I) SUPERVISORS OR PROFESSIONAL EMPLOYEES;

(II) EMPLOYEES WHO FORMULATE COUNTY POLICY;

(III) EMPLOYEES WHO MAY REASONABLY BE REQUIRED ON BEHALF OF THE COUNTY TO ASSIST IN PREPARING FOR OR CONDUCTING LABOR NEGOTIATIONS;

(IV) EMPLOYEES WHO ASSIST IN ADMINISTERING MEMORANDA OF UNDERSTANDING;

(V) EMPLOYEES WHO HAVE A MAJOR ROLE IN PERSONNEL ADMINISTRATION OR SECURITY SERVICES OR WHO ACT IN A CONFIDENTIAL CAPACITY TO THOSE EMPLOYEES; OR

(VI) COUNTY EMPLOYEES EMPLOYED AT THE WASHINGTON COUNTY REGIONAL AIRPORT.

(F) “DECERTIFICATION” MEANS THE PROCEDURE BY WHICH OFFICIAL RECOGNITION OF A LABOR ORGANIZATION AS AN EXCLUSIVE BARGAINING REPRESENTATIVE IS WITHDRAWN OR REVOKED.

(G) “EMPLOYER” MEANS THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND.

(H) “EXCLUSIVE REPRESENTATIVE” MEANS THE LABOR ORGANIZATION WHICH HAS BEEN DULY CERTIFIED UNDER THESE PROCEDURES TO REPRESENT A UNIT OF EMPLOYEES.

(I) “IMPARTIAL AGENCY” MEANS ANY OF THE FOLLOWING ORGANIZATIONS OR OTHER SIMILAR ORGANIZATIONS:

(1) THE FEDERAL MEDIATION AND CONCILIATION SERVICE; OR

(2) THE AMERICAN ARBITRATION ASSOCIATION.

(Over)

(J) (1) "LABOR ORGANIZATION" MEANS ANY RECOGNIZED ORGANIZATION IN WHICH EMPLOYEES PARTICIPATE AND WHICH HAS AS ONE OF ITS PURPOSES THE REPRESENTATION OF EMPLOYEES CONCERNING THE TERMS AND CONDITIONS OF EMPLOYMENT.

(2) "LABOR ORGANIZATION" DOES NOT INCLUDE ANY ORGANIZATION THAT DISCRIMINATES BECAUSE OF AGE, RACE, COLOR, SEX, CREED, HANDICAP, OR NATIONAL ORIGIN, WITH REGARD TO THE ACQUISITIONS OR RETENTION OF MEMBERSHIP, OR IN ACCEPTING OR ADVANCING MEMBERS IN ANY TRAINING, APPRENTICESHIP, OR EMPLOYMENT PROGRAM.

(K) "PROFESSIONAL EMPLOYEE" MEANS ANY EMPLOYEE ENGAGED IN WORK WHICH IS PREDOMINATELY INTELLECTUAL AND VARIED IN CHARACTER AS OPPOSED TO ROUTINE MENTAL, MANUAL, MECHANICAL, OR PHYSICAL WORK, WHICH INVOLVES THE CONSISTENT EXERCISE OF DISCRETION AND JUDGMENT IN ITS PERFORMANCE, OR IS OF A CHARACTER THAT THE OUTPUT PRODUCED OR THE RESULT ACCOMPLISHED CANNOT BE STANDARDIZED IN RELATION TO A GIVEN TIME PERIOD, AND WHICH REQUIRES KNOWLEDGE OF AN ADVANCED TYPE IN A FIELD OF SCIENCE OR LEARNING CUSTOMARILY ACQUIRED BY A PROLONGED COURSE OF SPECIALIZED INTELLECTUAL INSTRUCTION AND A STUDY IN AN INSTITUTION OF HIGHER LEARNING AS DISTINGUISHED FROM A GENERAL ACADEMIC EDUCATION OR FROM AN APPRENTICESHIP OR FROM TRAINING IN THE PERFORMANCE OF ROUTINE MENTAL, MANUAL, OR PHYSICAL PROCESSES.

(L) "STRIKE" MEANS THE CONCERTED FAILURE OF COUNTY EMPLOYEES TO REPORT FOR DUTY, THE WILLFUL ABSENCE OF COUNTY EMPLOYEES FROM THEIR POSITIONS, THE STOPPAGE OR SLOWDOWN OF WORK OR THE ABSTINENCE IN WHOLE OR IN PART FROM THE FULL, FAITHFUL, AND PROPER PERFORMANCE OF THE EMPLOYEES' DUTIES OR IN ANY MANNER INTERFERING WITH THE OPERATION OF ANY PUBLIC EMPLOYER, WHERE THE OBJECT IS TO INDUCE, INFLUENCE, OR COERCE CHANGE OR CONTINUATION IN THE TERMS, CONDITIONS, RIGHTS, OR PRIVILEGES OF EMPLOYMENT, OR TO FORCE OR REQUIRE THE COUNTY TO ADOPT ANY POLICY OR TAKE OR NOT TAKE ANY COURSE OF ACTION.

(M) "SUPERVISOR" MEANS AN INDIVIDUAL HAVING AUTHORITY, IN THE INTEREST OF THE COUNTY, TO HIRE, TRANSFER, SUSPEND, LAY OFF, RECALL, PROMOTE, DISCHARGE, ASSIGN, REWARD, OR DISCIPLINE COUNTY EMPLOYEES, OR RESPONSIBILITY TO DIRECT THEM, OR TO EVALUATE THEIR PERFORMANCE, OR TO ADJUST THEIR GRIEVANCES, OR EFFECTIVELY TO RECOMMEND SUCH ACTION, IF IN CONNECTION WITH THE FOREGOING, THE EXERCISE OF AUTHORITY IS NOT MERELY ROUTINE OR CLERICAL IN NATURE, BUT REQUIRES THE USE OF INDEPENDENT JUDGMENT.

1-903.

(A) (1) EMPLOYEES SHALL HAVE THE RIGHT TO SELF-ORGANIZE, TO FORM, JOIN, OR ASSIST LABOR ORGANIZATIONS, TO BARGAIN COLLECTIVELY THROUGH REPRESENTATIVES OF THEIR OWN CHOOSING, AND TO ENGAGE IN OTHER CONCERTED ACTIVITIES FOR THE PURPOSE OF COLLECTIVE BARGAINING, AND SHALL ALSO HAVE THE RIGHT TO REFRAIN FROM ANY OR ALL OF SUCH ACTIVITIES EXCEPT TO THE EXTENT THAT SUCH RIGHT MAY BE AFFECTED BY AN AGREEMENT REQUIRING MEMBERSHIP IN A LABOR ORGANIZATION AS A CONDITION OF EMPLOYMENT OR THE PAYMENT OF A MONTHLY SERVICE CHARGE, IN AN AMOUNT NOT TO EXCEED THE REGULAR MONTHLY DUES PAID BY UNION EMPLOYEES TO SUCH LABOR ORGANIZATION AS A CONTRIBUTION TOWARD THE ADMINISTRATION OF THE AGREEMENT.

(2) EMPLOYEES HIRED PRIOR TO MARCH 30, 1993 AND WHO ARE NOT CURRENTLY MEMBERS OF AN EXISTING BARGAINING UNIT WHO ELECT NOT TO JOIN ARE NOT REQUIRED TO PAY ANY DUES OR SERVICE FEE TO THE LABOR ORGANIZATION REPRESENTING THEM.

(B) UPON THE FILING OF A VALID PETITION AS DESCRIBED IN § 1-907 OF THIS SUBTITLE, ELIGIBLE COUNTY EMPLOYEES SHALL HAVE THE RIGHT TO VOTE BY SECRET BALLOT FOR OR AGAINST THE DESIGNATION OF AN EXCLUSIVE REPRESENTATIVE FOR THE PURPOSE OF MEETING AND NEGOTIATING WITH THE

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COUNTY WITH RESPECT TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT WHICH ARE SUBJECT TO NEGOTIATION UNDER THIS POLICY.

(C) ANY INDIVIDUAL COUNTY EMPLOYEE OR GROUP OF COUNTY EMPLOYEES IN ANY APPROPRIATE UNIT IN WHICH A LABOR ORGANIZATION HAS BEEN CERTIFIED, SHALL HAVE THE RIGHT TO PRESENT GRIEVANCES TO THE COUNTY IN PERSON AND THE COUNTY SHALL CONFER WITH THE EMPLOYEE OR GROUP OF EMPLOYEES IN RELATION THERETO; PROVIDED FURTHER, HOWEVER, THAT THE CERTIFIED EXCLUSIVE REPRESENTATIVE WILL BE AFFORDED THE OPPORTUNITY TO BE PRESENT AT SUCH CONFERENCES AND ANY ADJUSTMENT OR DECISION RESULTING FROM SUCH CONFERENCES MAY NOT BE INCONSISTENT WITH THE TERMS OF ANY MEMORANDUM OF UNDERSTANDING OR CONDITIONS OF EMPLOYMENT ESTABLISHED BY THE CERTIFIED EXCLUSIVE REPRESENTATIVE AND THE COUNTY.

(D) (1) IT IS THE POLICY OF THE COUNTY TO PERMIT REASONABLE ACCESS TO EMPLOYEES BY REPRESENTATIVES OF LABOR ORGANIZATIONS FOR THE PURPOSE OF ORGANIZING.

(2) ANY LABOR ORGANIZATION DESIRING ACCESS TO COUNTY PROPERTY FOR THE PURPOSE OF ORGANIZING EMPLOYEES SHALL SUBMIT A REQUEST IN WRITING TO THE EMPLOYER DETAILING THE PROPOSED AREAS AND TIMES OF SOLICITATION.

(3) THE EMPLOYER SHALL PERMIT ACCESS TO NONWORKING AREAS TO PERMIT INTERESTED EMPLOYEES TO RECEIVE INFORMATION DURING NONWORK TIME WITHOUT UNDULY BURDENING EMPLOYEES WITH UNWANTED SOLICITATION OR DISRUPTING NORMAL BUSINESS OPERATIONS.

1-904.

THE EMPLOYER'S OBLIGATIONS UNDER THIS POLICY, EXCEPT AS EXPRESSLY MODIFIED BY AN AGREEMENT, DOES NOT AFFECT ITS EXCLUSIVE RIGHT TO:

(1) DIRECT COUNTY EMPLOYEES IN THE PERFORMANCE OF THEIR ASSIGNED DUTIES;

(2) HIRE, PROMOTE, TRANSFER, ASSIGN, LAY OFF, RECALL, RETAIN COUNTY EMPLOYEES IN POSITIONS, OR TO SUSPEND, DEMOTE, DISCHARGE, OR TAKE OTHER DISCIPLINARY ACTION AGAINST COUNTY EMPLOYEES FOR CAUSE;

(3) MAINTAIN THE EFFICIENCY OF ALL COUNTY OPERATIONS;

(4) DETERMINE THE METHOD, MEANS, AND EQUIPMENT BY WHICH OPERATIONS ARE TO BE CONDUCTED; OR

(5) DETERMINE THE MISSION OF THE COUNTY AND TAKE WHATEVER ACTIONS MAY BE NECESSARY TO DISCHARGE ITS RESPONSIBILITIES IN EMERGENCIES.

1-905.

(A) IT SHALL BE UNLAWFUL FOR ANY COUNTY EMPLOYEE, GROUP OF COUNTY EMPLOYEES, OR LABOR ORGANIZATION TO ENGAGE IN, INDUCE, INITIATE, OR RATIFY A STRIKE BY COUNTY EMPLOYEES.

(B) IN THE EVENT OF A VIOLATION OF THIS SUBSECTION, THE EMPLOYER SHALL TAKE WHATEVER ACTION IT DEEMS NECESSARY TO PROTECT THE PUBLIC AND THE INTEGRITY OF THESE PROCEDURES SUCH AS THE SUSPENSION OF CERTIFICATION HEREUNDER, OR ANY PRIVILEGE ACQUIRED AS THE RESULT OF THE CERTIFICATION, THE REVOCATION OF THE RIGHT OF A LABOR ORGANIZATION TO PARTICIPATE IN ANY REPRESENTATION ELECTION FOR A PERIOD OF NOT TO EXCEED 1 YEAR, THE SUSPENSION OR DISCHARGE OF COUNTY EMPLOYEES ENGAGED IN SUCH ILLEGAL CONDUCT, OR THE APPLICATION FOR RELIEF IN AN APPROPRIATE COURT OF LAW.

1-906.

(Over)

(A) WHENEVER A SITUATION OR DISPUTE ARISES FOR WHICH THIS POLICY AUTHORIZES THE APPOINTMENT OF A NEUTRAL PERSON, THE PARTIES SHALL PROMPTLY SELECT AN IMPARTIAL AGENCY TO ADMINISTER THE PROCEEDING.

(B) IF, WITHIN 15 DAYS, THE PARTIES ARE UNABLE TO REACH AN AGREEMENT ON THE APPOINTMENT OF THE INDIVIDUAL, THEY SHALL SECURE A LIST OF THE NAMES OF 11 INDIVIDUALS FROM AN IMPARTIAL AGENCY, WHICH MAINTAINS LISTS OF QUALIFIED INDIVIDUALS IN THE FIELD OF PUBLIC SECTOR LABOR RELATIONS.

(C) THE PARTIES SHALL ATTEMPT TO REACH AN AGREEMENT ON THE APPOINTMENT OF ONE OF THE PERSONS NAMED ON THE LIST. IF THEY ARE UNABLE TO REACH AN AGREEMENT, EACH PARTY TO THE PROCEEDING, IN ORDER DETERMINED BY RANDOM DRAWING, SHALL ALTERNATELY STRIKE NAMES FROM THE LIST UNTIL ONE NAME REMAINS, WHO SHALL BE THE NEUTRAL PERSON.

(D) NEUTRAL PERSONS SHALL BE COMPENSATED AT A DAILY RATE TO BE DETERMINED BY THE PARTIES AT THE TIME OF THEIR APPOINTMENT.

1-907.

(A) (1) THE COUNTY SHALL CERTIFY AND GRANT EXCLUSIVE RECOGNITION TO A LABOR ORGANIZATION WHICH DEMONSTRATES IN A SECRET BALLOT ELECTION THAT IT IS SUPPORTED BY THE REQUISITE PERCENTAGE OF EMPLOYEES IN A BARGAINING UNIT.

(2) A REPRESENTATION ELECTION MAY BE INITIATED AS PROVIDED IN THIS PARAGRAPH.

(3) A LABOR ORGANIZATION, A COUNTY EMPLOYEE OR A GROUP OF EMPLOYEES MAY FILE A PETITION WITH THE COUNTY, SUPPORTED BY EVIDENCE THAT AT LEAST 70% OF THE COUNTY EMPLOYEES IN AN APPROPRIATE UNIT WISH TO BE REPRESENTED BY A LABOR ORGANIZATION, OR ASSERT THAT THE LABOR



ORGANIZATION CURRENTLY RECOGNIZED AS THE EXCLUSIVE REPRESENTATIVE OF COUNTY EMPLOYEES IN AN APPROPRIATE UNIT, IS NO LONGER THE REPRESENTATIVE OF THE MAJORITY OF EMPLOYEES IN THE UNIT.

(B) A PETITION REQUESTING A REPRESENTATION ELECTION SHALL INCLUDE THE FOLLOWING:

(1) THE NAME, AFFILIATION, IF ANY, AND ADDRESS OF THE PETITIONER;

(2) THE NAMES AND TITLES OF THE OFFICERS AND AUTHORIZED AGENTS OF THE PETITIONER, IF THE PETITIONER IS A LABOR ORGANIZATION;

(3) A DESCRIPTION OF THE UNIT WHICH THE PETITIONER CLAIMS TO BE APPROPRIATE;

(4) THE NUMBER OF COUNTY EMPLOYEES IN THE ALLEGED APPROPRIATE UNIT;

(5) A STATEMENT THAT THE PETITIONER REPRESENTS AT LEAST 70% OF THE EMPLOYEES IN THE ALLEGED APPROPRIATE UNIT BY VIRTUE OF AUTHORIZATIONS TO REPRESENT, DUES DEDUCTION AUTHORIZATIONS, OR MEMBERSHIP, WITH THE PROOF OF SUCH A SHOWING OF INTEREST TO BE MADE TO A NEUTRAL PERSON SELECTED BY THE PARTIES IN ACCORDANCE WITH § 1-906 OF THIS SUBTITLE;

(6) AN AFFIRMATION THAT THE PETITIONER DOES NOT DISCRIMINATE WITH REGARD TO THE ACQUISITION OR RETENTION OF MEMBERSHIP OR IN ACCEPTING OR ADVANCING MEMBERS IN ANY TRAINING, APPRENTICESHIP, OR EMPLOYMENT PROGRAM BECAUSE OF RACE, SEX, AGE, COLOR, CREED, HANDICAP, OR NATIONAL ORIGIN;

(7) A CLEAR AND CONCISE STATEMENT OF ITS REASONS IN SUPPORT OF THE ALLEGED APPROPRIATE UNIT; AND

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(8) THE NAMES AND ADDRESSES OF ANY OTHER LABOR ORGANIZATIONS KNOWN TO REPRESENT EMPLOYEES WITHIN THE ALLEGED APPROPRIATE UNIT AND THE NAME AND ADDRESS OF ANY LABOR ORGANIZATION WHICH IS PARTY TO ANY MEMORANDUM OF UNDERSTANDING COVERING EMPLOYEES IN THE ALLEGED APPROPRIATE UNIT.

(C) NOTICE THAT SUCH PETITIONS HAVE BEEN FILED WILL BE MADE TO ALL INTERESTED PARTIES BY THE COUNTY WITHIN 5 WORKING DAYS OF THE DATE THE PETITION IS RECEIVED AND SHALL ESTABLISH THE TIME AND PLACE TO COMMENCE NEGOTIATIONS ON QUESTIONS CONCERNING REPRESENTATION.

(D) (1) ANY LABOR ORGANIZATION THAT WISHES TO INTERVENE IN SUCH REPRESENTATION PROCEEDINGS SHALL GIVE WRITTEN NOTICE OF INTENTION TO THE COUNTY ON OR BEFORE THE DATE SET FOR SUCH NEGOTIATIONS TO BEGIN.

(2) THE NOTICE SHALL CONTAIN THE FOLLOWING:

(I) THE NAME, AFFILIATION, IF ANY, AND ADDRESS OF THE INTERVENOR;

(II) A DESCRIPTION OF THE UNIT WHICH THE INTERVENOR CLAIMS TO BE APPROPRIATE;

(III) THE NUMBER OF COUNTY EMPLOYEES IN THE ALLEGED APPROPRIATE UNIT;

(IV) A STATEMENT THAT THE INTERVENOR REPRESENTS AT LEAST 20% OF THE EMPLOYEES IN THE ALLEGED APPROPRIATE UNIT BY VIRTUE OR AUTHORIZATIONS TO REPRESENT, DUES DEDUCTION AUTHORIZATIONS, OR MEMBERSHIP, WITH PROOF OF SUCH A SHOWING OF INTEREST TO BE MADE TO A NEUTRAL PERSON SELECTED BY THE PARTIES IN ACCORDANCE WITH § 1-906 OF THIS SUBTITLE;

(V) AN AFFIRMATION THAT THE INTERVENOR DOES NOT DISCRIMINATE WITH REGARD TO THE ACQUISITION OR RETENTION OF MEMBERSHIP OR IN ACCEPTING OR ADVANCING MEMBERS IN ANY TRAINING, APPRENTICESHIP, OR EMPLOYMENT PROGRAM BECAUSE OF RACE, SEX, AGE, COLOR, CREED, HANDICAP, OR NATIONAL ORIGIN; AND

(VI) A CLEAR AND CONCISE STATEMENT OF ITS REASONS IN SUPPORT OF THE ALLEGED APPROPRIATE UNIT.

(E) (1) WHENEVER A REPRESENTATION PROCEEDING IS INITIATED, THE EMPLOYER SHALL MEET WITH THE REPRESENTATIVES OF THE LABOR ORGANIZATION OR ORGANIZATIONS INVOLVED, AND ANY LABOR ORGANIZATION ALLOWED TO INTERVENE AND ATTEMPT TO REACH AN AGREEMENT ON ANY QUESTIONS CONCERNING REPRESENTATION WHICH EXIST, INCLUDING, BUT NOT LIMITED TO, DETERMINATION OF THE APPROPRIATE UNIT AND THE NUMBER OF EMPLOYEES IN THE UNIT.

(2) IN THE EVENT THAT THE PARTIES FAIL TO AGREE ON ANY SUCH QUESTION CONCERNING REPRESENTATION, THE UNRESOLVED QUESTION SHALL BE REFERRED TO A NEUTRAL PERSON APPOINTED IN THE MANNER DESCRIBED IN § 1-906 OF THIS SUBTITLE, WHO SHALL MAKE A RECOMMENDATION TO THE COUNTY OF A FINAL RESOLUTION OF SUCH QUESTION.

(3) THE COUNTY RESERVES THE RIGHT TO MAKE THE FINAL DECISION OF THESE QUESTIONS.

(F) (1) ONCE THE APPROPRIATE UNIT AND THE NUMBER OF EMPLOYEES IN THE UNIT HAVE BEEN DETERMINED, THE LABOR ORGANIZATION OR ORGANIZATIONS SHALL SUBMIT PROOF OF THE REQUIRED SHOWING OF INTEREST TO A NEUTRAL PERSON.

(2) IF THE EMPLOYER CHALLENGES THE AUTHENTICITY OF THE SHOWING OF INTEREST, THE NEUTRAL PERSON SHALL CHECK THE EMPLOYEE SIGNATURES AGAINST SIGNATURES CONTAINED IN PERSONNEL RECORDS.

(3) THE NEUTRAL PERSON SHALL NOT ACCEPT AUTHORIZATION CARDS THAT ARE UNDATED OR MORE THAN 1 YEAR OLD.

(4) IF THE NEUTRAL PERSON DETERMINES THAT THE SHOWING OF INTEREST MEETS THE REQUIREMENTS OF THIS POLICY, AN ELECTION SHALL BE ORDERED.

(5) NO EMPLOYEE MAY SIGN A CARD OR SHOW INTEREST IN MORE THAN ONE LABOR ORGANIZATION REQUESTING THE RIGHT TO REPRESENT EMPLOYEES.

(G) (1) ONCE AN ELECTION HAS BEEN ORDERED, THE EMPLOYER AND REPRESENTATIVES OF THE LABOR ORGANIZATION OR ORGANIZATIONS INVOLVED SHALL MEET AND ATTEMPT TO AGREE ON THE ELECTION DATE, THE ELECTION PROCEDURES, AND THE EMPLOYEES ELIGIBLE TO VOTE.

(2) IF THE PARTIES ARE UNABLE TO AGREE ON THESE ELECTION ISSUES WITHIN 10 WORKING DAYS, THE UNRESOLVED ISSUES SHALL BE REFERRED TO THE NEUTRAL PERSON WHO SHALL MAKE A RECOMMENDATION TO THE COUNTY FOR FINAL RESOLUTION.

(3) THE COUNTY SHALL DECIDE THESE ISSUES AT ITS NEXT PUBLIC MEETING, OR AS SOON THEREAFTER AS REASONABLE.

(H) REPRESENTATION ELECTIONS SHALL BE CONDUCTED BY AND ALL ISSUES RELATING TO THE LEGALITY OF THE ELECTIONS SHALL BE FINALLY RESOLVED BY THE NEUTRAL PERSON.

(I) (1) REPRESENTATION ELECTIONS CONDUCTED PURSUANT TO THIS SECTION SHALL BE BY SECRET BALLOT. THE BALLOTS IN ALL REPRESENTATION ELECTIONS SHALL INCLUDE A CHOICE OF "NO REPRESENTATION".

(2) IF A LABOR ORGANIZATION RECEIVES A MAJORITY OF THE

BALLOTS OF ELIGIBLE PEOPLE IN THE UNIT, IT SHALL BE CERTIFIED BY THE COUNTY AND RECOGNIZED AS THE EXCLUSIVE REPRESENTATIVE OF ALL EMPLOYEES IN THE UNIT FOR THE PURPOSE OF COLLECTIVE NEGOTIATIONS AS MORE FULLY DESCRIBED HEREIN.

(J) IN AN ELECTION WHERE NONE OF THE CHOICES ON THE BALLOT RECEIVES A MAJORITY, A RUNOFF ELECTION SHALL BE CONDUCTED, IN WHICH THE BALLOT SHALL PROVIDE FOR A SELECTION BETWEEN THE TWO CHOICES OR PARTIES RECEIVING THE HIGHEST AND SECOND HIGHEST NUMBER OF BALLOTS CAST IN THE FIRST ELECTION.

(K) (1) FOR 2 YEARS FOLLOWING ANY REPRESENTATION ELECTION, THE EMPLOYER WILL NOT ACCEPT OR PROCESS A PETITION FOR ANOTHER REPRESENTATION ELECTION COVERING ALL OR PART OF THE SAME EMPLOYEE UNIT.

(2) IF THE PRIOR REPRESENTATION ELECTION RESULTED IN A MEMORANDUM OF UNDERSTANDING, THE EMPLOYER MAY ACCEPT AND PROCESS A PETITION FOR ANOTHER REPRESENTATION ELECTION ONLY DURING THE OCTOBER OF THE FISCAL YEAR DURING WHICH THE MEMORANDUM OF UNDERSTANDING TERMINATES.

1-908.

(A) THE LABOR ORGANIZATION WHICH HAS BEEN CERTIFIED BY THE COUNTY SHALL BE THE EXCLUSIVE REPRESENTATIVE OF ALL EMPLOYEES IN THE UNIT WHO WISH TO JOIN THE LABOR ORGANIZATION AND AS SUCH SHALL HAVE THE RIGHT TO ACT FOR AND NEGOTIATE MEMORANDA OF UNDERSTANDING COVERING ALL SUCH LABOR ORGANIZATION EMPLOYEES IN THE UNIT AND SHALL BE RESPONSIBLE FOR REPRESENTING THE INTEREST OF SUCH EMPLOYEES WITHOUT DISCRIMINATION AND WITHOUT REGARD TO MEMBERSHIP IN THE LABOR ORGANIZATION.

(B) WHEN THE MEMORANDUM OF UNDERSTANDING PROVIDES FOR A GRIEVANCE PROCEDURE, ONLY THAT PROCEDURE SHALL BE APPLICABLE TO THE

(Over)

EMPLOYEES IN THE UNIT.

1-909.

(A) THE EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE SHALL MEET AT REASONABLE TIMES, INCLUDING MEETINGS IN ADVANCE OF THE COUNTY'S BUDGET-MAKING PROCESS, AND SHALL NEGOTIATE IN GOOD FAITH WITH RESPECT TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT WHICH ARE SET FORTH IN SUBSECTION (C) OF THIS SECTION AND WHICH ARE TO BE EMBODIED IN A WRITTEN AGREEMENT, OR ANY QUESTION ARISING THEREUNDER, BUT SUCH OBLIGATION MAY NOT COMPEL EITHER THE EMPLOYER OR THE EXCLUSIVE REPRESENTATIVE TO AGREE TO A PROPOSAL OR REQUIRE THE MAKING OF A CONCESSION.

(B) THE EMPLOYER MAY NOT BE REQUIRED TO NEGOTIATE COLLECTIVELY WITH ANY EXCLUSIVE REPRESENTATIVE CERTIFIED AFTER THE TIME THAT THE COUNTY APPROVES ITS ANNUAL OPERATING BUDGET WITH REGARD TO CONDITIONS OF EMPLOYMENT WHICH WOULD REQUIRE THE APPROPRIATION OF FUNDS IN THE ANNUAL OPERATING BUDGET.

(C) SHOULD A LABOR ORGANIZATION BE CERTIFIED AS THE EXCLUSIVE BARGAINING REPRESENTATIVE OF A GROUP OF COUNTY EMPLOYEES, MANDATORY ITEMS TO BE NEGOTIATED IN A MEMORANDUM OF UNDERSTANDING INCLUDE THE FOLLOWING:

(1) PERSONAL DAYS;

(2) GRIEVANCE AND ARBITRATION PROCEDURES FOR RESOLVING DISPUTES CONCERNING THE APPLICATION OF COLLECTIVE BARGAINING AGREEMENTS;

(3) BEREAVEMENT LEAVE;

(4) OVERTIME;

(5) HOURS OF WORK AND BASE HOURLY RATES OF PAY;

(6) SAFETY AND HEALTH;

(7) MEAL PERIODS; AND

(8) MILITARY LEAVE.

(D) SHOULD A LABOR ORGANIZATION BE CERTIFIED AS THE EXCLUSIVE BARGAINING REPRESENTATIVE OF A GROUP OF COUNTY EMPLOYEES, NONMANDATORY ITEMS TO BE NEGOTIATED IN A MEMORANDUM OF UNDERSTANDING INCLUDE THE FOLLOWING:

(1) HOLIDAYS OR HOLIDAY PAY;

(2) DUES CHECK-OFF PROCEDURES;

(3) PROMOTIONS AND DEMOTIONS;

(4) TRANSFERS AND NEW OR TEMPORARY JOB OPENINGS;

(5) BUMPING;

(6) LAYOFF AND RECALL;

(7) VACATIONS - LEAVE, PAY, CHOICE, CARRYOVER;

(8) HEALTH AND WELFARE INSURANCE;

(9) LEAVE OF ABSENCE;

(10) REST PERIODS, CLEANUP TIME, CALL TIME;

(Over)

(11) RATES, JOB CLASSIFICATION AND DESCRIPTIONS;

(12) RETIREMENT BENEFITS AND PLAN; AND

(13) WORKING CONDITIONS.

(E) ALL OTHER SUBJECTS OF EMPLOYMENT, INCLUDING BUT NOT LIMITED TO WORK RULES, DISCIPLINE, AND DISCHARGE, AND CONTRACTING AND SUBCONTRACTING WORK ARE NOT NEGOTIABLE AND MAY NOT BE THE SUBJECT OF NEGOTIATIONS.

(F) THE TERM OF ALL MEMORANDA OF UNDERSTANDING SHALL COINCIDE WITH THE COUNTY'S FISCAL YEAR OR YEARS.

(G) THE COUNTY SHALL INCLUDE IN ITS ANNUAL OPERATING BUDGET PROVISIONS FOR THE FUNDING OF ALL TERMS INCLUDED IN ALL MEMORANDA OF UNDERSTANDING.

(H) IF THE COUNTY DELETES ANY ITEM FROM THE COUNTY'S ANNUAL OPERATING BUDGET WHICH AFFECTS THE IMPLEMENTATION OF ANY TERMS OF A MEMORANDUM OF UNDERSTANDING, THE MUTUAL OBLIGATION TO NEGOTIATE COLLECTIVELY AS DESCRIBED HEREIN SHALL CONTINUE, SUBJECT TO SUBSECTION (B) OF THIS SECTION.

1-910.

(A) IT SHALL BE AN UNFAIR LABOR PRACTICE FOR THE EMPLOYER OR ANY LABOR ORGANIZATION TO VIOLATE ANY OF THE PROVISIONS OF THIS SUBTITLE BY ENGAGING IN ANY CONDUCT WHICH INTERFERES WITH, RESTRAINS, OR COERCES COUNTY EMPLOYEES IN THE EXERCISE OF THEIR RIGHTS UNDER THIS SUBTITLE OR BY REFUSING TO NEGOTIATE COLLECTIVELY AS DESCRIBED IN THIS SUBTITLE.

(B) ANY CHARGE THAT AN UNFAIR LABOR PRACTICE HAS BEEN COMMITTED



MUST BE IN WRITING AND SERVED BY THE CHARGING PARTY WHO MUST BE AN AFFECTED PARTY OR A REPRESENTATIVE OF THE AFFECTED PARTY ON THE PARTY ALLEGED TO HAVE ENGAGED IN THE VIOLATION WITHIN 10 DAYS OF THE OCCURRENCE OF THE VIOLATION. WITHIN 5 DAYS OF THE CHARGE, THE PARTIES SHALL APPOINT A NEUTRAL PERSON TO INVESTIGATE THE CHARGE, HOLD HEARINGS, MAKE A DETERMINATION AS TO WHETHER AN UNFAIR LABOR PRACTICE HAS BEEN COMMITTED, AND ISSUE A REPORT TO THE COUNTY RECOMMENDING A REMEDY FOR ANY VIOLATION FOUND.

(C) THE COST OF ANY UNFAIR LABOR PRACTICE PROCEEDINGS SHALL BE PAID BY THE CHARGING PARTY WHERE NO VIOLATION IS FOUND AND BY THE OFFENDING PARTY WHERE A VIOLATION IS FOUND.

1-911.

THE EXPRESSION OR DISSEMINATION OF ANY VIEWS, ARGUMENT, OR OPINION, WHETHER ORALLY, IN WRITING, OR OTHERWISE, DOES NOT CONSTITUTE AND IS NOT EVIDENCE OF AN UNFAIR LABOR PRACTICE UNDER ANY OF THE PROVISIONS OF THIS PROCEDURE NOR IS IT GROUNDS FOR INVALIDATING ANY ELECTION CONDUCTED UNDER THIS SUBTITLE IF THE EXPRESSION OR DISSEMINATION DOES NOT CONTAIN A THREAT OF REPRISAL OR PROMISE OF BENEFIT.

1-912.

(A) EVERY EXCLUSIVE REPRESENTATIVE IN WHICH ANY COUNTY EMPLOYEES ARE DUES-PAYING MEMBERS, SHALL KEEP AN ACCURATE RECORD OF ITS FINANCIAL TRANSACTIONS AND SHALL, UPON REQUEST, WITHIN 60 DAYS AFTER THE END OF ITS FISCAL YEAR, MAKE AVAILABLE ANNUALLY TO SUCH COUNTY EMPLOYEES A DETAILED WRITTEN FINANCIAL REPORT IN THE FORM OF A BALANCE SHEET AND AN OPERATING STATEMENT, CERTIFIED AS TO ACCURACY BY A CERTIFIED PUBLIC ACCOUNTANT.

(Over)

(B) IN THE EVENT OF FAILURE OF COMPLIANCE WITH THIS SECTION, THE COUNTY MAY TAKE WHATEVER ACTION IT DEEMS NECESSARY TO PROTECT COUNTY EMPLOYEES, INCLUDING THE SUSPENSION OF CERTIFICATION UNDER THIS SUBTITLE OR ANY PRIVILEGE ACQUIRED AS THE RESULT OF SUCH CERTIFICATION OR THE REVOCATION OF THE RIGHT TO PARTICIPATE IN ANY REPRESENTATION ELECTION CONDUCTED IN ACCORDANCE WITH THIS SUBTITLE.”.

AMENDMENT NO. 3

After line 20, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on June 1, 1997, the Board of County Commissioners of Washington County shall recognize those labor organizations that were certified in accordance with a Resolution dated April 13, 1993 that established procedures for collective bargaining and a Resolution dated February 1, 1994 that recognized appropriate units for collective bargaining purposes, both adopted by the Board of County Commissioners, as the exclusive representatives for the appropriate units and may not require any other precondition before that recognition. In all other respects, the Board of County Commissioners shall comply with §§ 1-901 through 1-912 of the Code of Public Local Laws of Washington County as enacted by this Act.”;

in line 21, strike “2.” and substitute “3.”; in line 22, after “1997.” insert “It shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 1999, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.