

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 712

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike “authorizing” and substitute “requiring”; in line 14, after “offer;” insert “providing that the economic terms of the final offer are subject to being funded by the Montgomery County and Prince George’s County Councils; requiring the Commission to request certain funds in the Commission’s final budget;”; in line 15, after “arbitration;” insert “making certain stylistic changes;”; after line 20, insert:

“BY renumbering

Article 28 - Maryland-National Capital Park and Planning Commission
Section 2-112.1 (k), (m), (n), (o), (p), (q), (r), (s), (t), and (u), respectively
to be Section 2-112.1 (m), (n), (o), (p), (q), (r), (s), (t), (u), and (v), respectively
Annotated Code of Maryland
(1997 Replacement Volume and 1999 Supplement)

BY repealing and reenacting, with amendments,

Article 28 - Maryland-National Capital Park and Planning Commission
Section 2-112.1(j)
Annotated Code of Maryland
(1997 Replacement Volume and 1999 Supplement)”;

in line 28, after “2-112.1” insert “(k) and”; and after line 30, insert:

“BY repealing and reenacting, with amendments,

Article 28 - Maryland-National Capital Park and Planning Commission
Section 2-112.1(o)(2) and (p)
Annotated Code of Maryland
(1997 Replacement Volume and 1999 Supplement)

(Over)

(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 2-112.1(k), (m), (n), (o), (p), (q), (r), (s), (t), and (u), respectively, of Article 28 - Maryland-National Capital Park and Planning Commission of the Annotated Code of Maryland be renumbered to be Section(s) 2-112.1(m), (n), (o), (p), (q), (r), (s), (t), (u), and (v), respectively."

AMENDMENT NO. 2

On page 2, strike beginning with "1." in line 1 down through "MARYLAND" in line 2 and substitute "2. AND BE IT FURTHER ENACTED"; and after line 4, insert:

"(j) (1) The Commission and an employee organization certified as exclusive representative shall meet and engage in collective bargaining in good faith in regard to the following subjects of bargaining:

(i) Salary and wages, including the percentage of the increase in the salary and wages budget that will be devoted to merit increments and cash awards, provided that salaries and wages shall be uniform for all employees in the same classification;

(ii) On or after June 1, 1994, pension and other retirement benefits for active employees;

(iii) Employee benefits such as insurance, leave, holidays, and vacations;

(iv) Hours and working conditions;

(v) Provisions for the orderly processing and settlement of grievances concerning the interpretation and implementation of a collective bargaining agreement that may include:

1. Binding third party arbitration, provided that the arbitrator has no authority to amend, add to, or subtract from the provisions of the collective bargaining agreement; and

2. Provisions for the exclusivity of forum;

(vi) Matters affecting the health and safety of employees; and

(vii) The effect of the exercise of the Commission's rights and responsibilities under subsection [(p)] (Q) of this section on employees.

(2) This subsection does not require the Commission or the employee organization to agree to any proposal or to make any concession.

(3) [The Commission and an employee organization certified as exclusive representative shall make every reasonable effort to complete negotiations at least 2 months prior to the Commission's budget submittal deadline.]

(I) THE COLLECTIVE BARGAINING SHALL BEGIN NO LATER THAN SEPTEMBER 1 BEFORE THE BEGINNING OF THE FISCAL YEAR IN WHICH THERE IS NO AGREEMENT BETWEEN THE COMMISSION AND THE CERTIFIED REPRESENTATIVE AND FINISH ON OR BEFORE JANUARY 15.

(II) DURING THIS PERIOD, THE PARTIES SHALL NEGOTIATE IN GOOD FAITH.

(K) (1) IF A PARTY CONSIDERS A BARGAINING PROPOSAL TO CONTRAVENE THE RIGHTS AND RESPONSIBILITIES OF THE COMMISSION UNDER SUBSECTION (Q) OF THIS SECTION, OR THE RIGHTS OF EMPLOYEES OF THE COMMISSION UNDER SUBSECTION (S) OF THIS SECTION, OR OTHERWISE VIOLATES THIS SECTION, THE PARTY SHALL PETITION THE LABOR RELATIONS ADMINISTRATOR FOR A DETERMINATION OF WHETHER THE BARGAINING PROPOSAL CONTRAVENES THIS SECTION.

(2) THE PROCEDURE FOR PROCESSING A NEGOTIABILITY DISPUTE SHALL FOLLOW THE PROCESS FOR REVIEWING UNFAIR LABOR PRACTICE CHARGES, EXCEPT THAT THE LABOR RELATIONS ADMINISTRATOR MAY SHORTEN THE TIME PERIODS OR ORDER ANY EXPEDITED PROCEDURE APPROPRIATE UNDER THE CIRCUMSTANCES.

(Over)

(3) THE LABOR RELATIONS ADMINISTRATOR MAY ORDER A PARTY TO WITHDRAW ALL OR PART OF A BARGAINING PROPOSAL THAT CONTRAVENES THIS SECTION.

(4) UNLESS APPEALED ON THE BASIS OF BEING ARBITRARY, CAPRICIOUS, OR EXCEEDING THE AUTHORITY OF A PARTY, ANY DECISION AND ORDER REACHED UNDER THIS SUBSECTION IS FINAL.

On page 2 in lines 25 and 33 and on page 3 in lines 1, 14, and 19, in each instance, strike “DECEMBER” and substitute “JANUARY”.

On page 3, in line 1, strike “(I)”.

AMENDMENT NO. 3

On page 3, in line 2, strike “EACH PARTY” and substitute “THE PARTIES”; in the same line, after “SUBMIT” insert “: (I)”; strike beginning with “A” in line 2 down through “SUBMIT” in line 8; in line 10, after “AGREED” insert “: AND”

(II) A SEPARATE MEMORANDUM OF THE PARTY’S LAST FINAL OFFER PRESENTED IN NEGOTIATIONS ON ALL ITEMS TO WHICH THE PARTIES DID NOT PREVIOUSLY AGREE”;

strike beginning with “THE” in line 11 down through “(II)” in line 14; in line 14, strike “MAY” and substitute “SHALL”; after line 16, insert:

“(II) EACH PARTY SHALL SUBMIT EVIDENCE OR MAKE ORAL AND WRITTEN ARGUMENT IN SUPPORT OF THE PARTY’S LAST FINAL OFFER.”;

in line 19, strike “SELECT” and substitute “ISSUE A REPORT SELECTING BETWEEN”; in line 20, strike “OFFER” and substitute “OFFERS”; in line 23, after “ONLY” insert “THE FOLLOWING FACTORS”; in line 25, after “HISTORY” insert “THAT LED TO THE AGREEMENT OR THE PRECOLLECTIVE BARGAINING HISTORY”; in line 26, after “OTHER” insert “WORKING”; in the same line, strike “OF EMPLOYMENT”; in line 28, strike the

first "OTHER"; and in line 31, strike "OTHER".

AMENDMENT NO. 4

On page 4, in line 12, after "(I)" insert "1. SUBJECT TO SUB-SUBPARAGRAPH 2 OF THIS SUBPARAGRAPH."; after line 15, insert:

"2. THE ECONOMIC PROVISIONS OF THE AGREEMENT ARE SUBJECT TO BEING FUNDED BY THE MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY COUNCILS.

3. THE COMMISSION SHALL REQUEST FUNDS FOR ALL APPROVED ECONOMIC FINAL AGREEMENTS IN THE COMMISSION'S FINAL BUDGET.";

in line 16, strike the second "THE" and substitute "AN"; strike beginning with "SELECTED" in line 16 down through "ARBITRATOR" in line 17 and substitute "INCORPORATING THE FINAL AGREEMENT, INCLUDING ARBITRATION AWARDS AND ALL ISSUES AGREED ON ACCORDING TO THIS SECTION"; strike in their entirety lines 18 and 19; and after line 21, insert:

"(o) (2) Unless the Montgomery County and Prince George's County Councils approve the Commission's budget so as to [implement] APPROVE the terms of the collective bargaining agreement, the Commission [or an] AND THE employee organization, within [20] 5 days after [final budget action, may give written notice to the other party that it is reopening] THE JOINT COUNTY COUNCIL MEETING, SHALL REOPEN the negotiated agreement AND BARGAIN WITH RESPECT TO THE PROVISIONS OF THE AGREEMENT NOT APPROVED BY THE COUNTY COUNCILS.

(p) If a provision in a collective bargaining agreement is ruled invalid or is not funded by Montgomery County or Prince George's County, the remainder of the agreement remains in effect unless reopened under subsection [(n)](O) (2) of this section."

AMENDMENT NO. 5

On page 3, in line 35, strike "AND".

On page 4, in line 2, after "EMPLOYER" insert "; AND

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