

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL NO. 383

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 11 down through “circumstances” in line 12 and substitute “requiring the labor relations administrator to provide, and the Commission to post, certain notice of certain elections at a certain time; requiring the labor relations administrator to obtain certain employee information from the Commission under certain circumstances”; strike beginning with “establishing” in line 20 down through “dispute;” in line 21 and substitute “prohibiting certain pension and retirement benefits from being subject to binding arbitration and from requiring the Commission to offer more than one pension plan; requiring the Commission to engage in collective bargaining with all exclusive representatives at the same time about certain pension and other retirement benefits under certain circumstances;”; in line 27, strike “limiting” and substitute “providing”; and strike beginning with “prohibiting” in line 28 down through the semicolon in line 29.

On page 2, in line 5, after “application” insert “and construction”.

AMENDMENT NO. 2

On page 3, in line 18, strike “TWO” and substitute “FOUR”; and in line 35, strike “AND”.

On page 4, in line 4, after “EXPERIENCE” insert “;

(III) A SERVICE, LABOR, AND TRADE UNIT THAT INCLUDES:

1. CLASSIFICATION TITLES IN WHICH EMPLOYEES:

A. PERFORM SERVICE AND MAINTENANCE;

B. MAY OPERATE SPECIALIZED MACHINERY OR HEAVY

(Over)

EQUIPMENT; AND

C. HAVE DUTIES THAT CONTRIBUTE TO THE COMFORT AND CONVENIENCE OF THE PUBLIC OR TO THE UPKEEP AND CARE OF COMMISSION BUILDINGS, FACILITIES, OR GROUNDS;

2. CLASSIFICATION TITLES IN WHICH EMPLOYEES ARE REQUIRED TO HAVE A SPECIAL MANUAL SKILL AND THOROUGH KNOWLEDGE OF PROCESSES THAT ARE REQUIRED THROUGH ON-THE-JOB TRAINING, EXPERIENCE, APPRENTICESHIP, OR OTHER FORMAL TRAINING PROGRAMS; AND

3. CLASSIFICATION TITLES INCLUDED IN THE SERVICE, LABOR, AND TRADE BARGAINING UNIT AS CONSTITUTED ON JANUARY 1, 2003; AND

(IV) A LAW ENFORCEMENT UNIT THAT INCLUDES WSSC POLICE OFFICERS”;

in line 31, after “(B)” insert “(1)”; in line 35, strike “FOR A TERM OF 5 YEARS”; and after line 35, insert:

“(2) IF AN EXCLUSIVE REPRESENTATIVE AND THE COMMISSION ARE UNABLE TO JOINTLY AGREE ON A LIST OF FIVE NOMINEES OR ARE UNABLE TO JOINTLY APPOINT A LABOR RELATIONS ADMINISTRATOR FROM THE LIST, THE COMMISSION SHALL REQUEST FROM THE AMERICAN ARBITRATION ASSOCIATION A LIST OF 15 CANDIDATES LOCATED IN MARYLAND OR THE WASHINGTON, D.C. METROPOLITAN AREA.

(3) THE COMMISSION AND THE EXCLUSIVE REPRESENTATIVE OR REPRESENTATIVES SHALL SELECT THE LABOR RELATIONS ADMINISTRATOR BY EACH OF THE PARTIES STRIKING ONE NAME FROM THE LIST UNTIL THE LAST NAME REMAINS.

(4) A RANDOM DRAWING SHALL DETERMINE THE ORDER IN WHICH THE PARTIES SHALL STRIKE NAMES.

(5) THE LABOR RELATIONS ADMINISTRATOR SHALL BE APPOINTED FOR A TERM OF 3 YEARS.”.

On page 6, strike in their entirety lines 5 through 14, inclusive, and substitute:

“(2) AT LEAST 45 DAYS BEFORE AN ELECTION, THE LABOR RELATIONS ADMINISTRATOR SHALL PROVIDE, AND THE COMMISSION SHALL POST, IN CONSPICUOUS PLACES IN THE COMMISSION’S FACILITIES, A NOTICE OF THE UPCOMING ELECTION. THE NOTICE SHALL CONTAIN:

(I) THE DATE, TIME, AND PLACE OF THE ELECTION;

(II) A DESCRIPTION OF WHICH EMPLOYEES ARE ELIGIBLE TO VOTE IN THE ELECTION;

(III) NOTIFICATION THAT A LIST OF THE NAMES AND ADDRESSES OF EMPLOYEES ELIGIBLE TO VOTE WILL BE PROVIDED TO THE PARTICIPATING EMPLOYEE ORGANIZATIONS WITH INSTRUCTIONS ON HOW EMPLOYEES CAN REMOVE THEIR ADDRESSES FROM THE LIST IN ACCORDANCE WITH PARAGRAPH (3)(II) OF THIS SUBSECTION; AND

(IV) ANY OTHER PERTINENT INFORMATION THAT, IN THE JUDGMENT OF THE LABOR RELATIONS ADMINISTRATOR, IS APPROPRIATE TO CONVEY TO COMMISSION EMPLOYEES.

(3) (I) AT LEAST 45 DAYS BEFORE AN ELECTION, THE LABOR RELATIONS ADMINISTRATOR SHALL OBTAIN FROM THE COMMISSION THE ELIGIBLE EMPLOYEE VOTING LIST, WHICH INCLUDES THE NAMES AND HOME ADDRESSES OF EVERY EMPLOYEE IN THE BARGAINING UNIT.

(II) COMMISSION EMPLOYEES MAY HAVE THEIR ADDRESSES REDACTED FROM THE ELIGIBLE EMPLOYEE VOTING LIST BY INDIVIDUALLY NOTIFYING THE LABOR RELATIONS ADMINISTRATOR IN WRITING WITHIN 15 DAYS OF THE POSTING AFTER THE NOTICE REQUIRED IN PARAGRAPH (2) OF THIS SUBSECTION.

(III) AT THE CONCLUSION OF THE 15 DAY PERIOD, THE LABOR RELATIONS ADMINISTRATOR SHALL PROVIDE THE REDACTED ELIGIBLE EMPLOYEE

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VOTING LIST TO THE EMPLOYEE ORGANIZATION.

(IV) THE PROVISION OF THE ELIGIBLE EMPLOYEE VOTING LIST UNDER THIS PARAGRAPH BY THE COMMISSION, LABOR RELATIONS ADMINISTRATOR, OR ANY COMMISSION OFFICIAL, EMPLOYEE, OR OTHER AGENT DOES NOT CONSTITUTE A VIOLATION OF § 10-617(E) OF THE STATE GOVERNMENT ARTICLE OR ANY STATE OR LOCAL LAW, REGULATION, OR ORDINANCE.”;

and in lines 15, 16, 23, 29, and 32, strike “(3)”, “(4)”, “(5)”, “(6)”, and “(7)”, respectively, and substitute “(4)”, “(5)”, “(6)”, “(7)”, and “(8)”, respectively.

AMENDMENT NO. 3

On page 8, in line 18, strike “(I)”; and strike in their entirety lines 20 through 37, inclusive, and substitute:

“(6) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, PENSION AND OTHER RETIREMENT BENEFITS FOR ACTIVE EMPLOYEES MAY NOT BE SUBJECT TO BINDING ARBITRATION.

(II) COLLECTIVE BARGAINING ABOUT PENSION AND OTHER RETIREMENT BENEFITS FOR ACTIVE EMPLOYEES UNDER THIS SECTION MAY NOT REQUIRE THE WSSC TO OFFER MORE THAN ONE PENSION PLAN TO ITS EMPLOYEES.

(III) IF MORE THAN ONE EMPLOYEE ORGANIZATION IS CERTIFIED AS AN EXCLUSIVE REPRESENTATIVE OF A BARGAINING UNIT, THEN THE WSSC SHALL ENGAGE IN COLLECTIVE BARGAINING WITH ALL EXCLUSIVE REPRESENTATIVES AT THE SAME TIME ABOUT THE TERMS OF PENSION AND OTHER RETIREMENT BENEFITS FOR ACTIVE EMPLOYEES.”.

On page 9, in line 1, strike “(C)” and substitute “(B)”; strike beginning with “SELECTING” in line 33 down through “WHOLE” in line 35 and substitute “THAT RESOLVES ALL ITEMS THAT THE PARTIES HAVE NOT AGREED UPON PREVIOUSLY”; in line 36, strike “DETERMINING THE MORE REASONABLE OFFER” and substitute “RESOLVING THE ITEMS NOT PREVIOUSLY AGREED UPON”; and in line 37, strike “ONLY”.

On page 10, in line 20, strike “DETERMINING THE MOST REASONABLE OFFER” and substitute “RESOLVING THE ITEMS NOT PREVIOUSLY AGREED UPON”; strike in their entirety lines 24 through 29, inclusive; and in line 30, strike “(7)” and substitute “(6)”.

On page 11, in line 4, strike “(8)” and substitute “(7)”; in line 6, strike “(D)” and substitute “(C)”; and after line 22, insert:

“(7) THIS SUBSECTION DOES NOT LIMIT AN EMPLOYEE’S RIGHT TO AN APPEAL TO THE SECRETARY OF BUDGET AND MANAGEMENT UNDER ARTICLE 29, § 11-109(B) OF THE CODE.”

On page 14, after line 35, insert:

“(3) (I) AN EMPLOYEE WHO IS A MEMBER OF A BARGAINING UNIT WITH AN EXCLUSIVE REPRESENTATIVE MAY DISCUSS ANY MATTER WITH THE GENERAL MANAGER OF THE WSSC OR THE GENERAL MANAGER’S DESIGNEE.

(II) THE WSSC MAY NOT ALTER ANY TERMS OR CONDITIONS OF EMPLOYMENT THAT ARE SUBJECT TO COLLECTIVE BARGAINING UNDER § 11.5-108 WITHOUT FOLLOWING THE PROCESS FOR COLLECTIVE BARGAINING UNDER THIS SUBTITLE.”

On page 17, after line 22, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any collective bargaining agreement for the service, labor, and trade unit as constituted on January 2, 2003 entered into by the Washington Suburban Sanitary Commission and the American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO Council 67 and Local 2898 before the effective date of this Act. Furthermore, except as provided in § 11.5-106 of this Act, nothing in this Act shall be construed to require AFSCME to withstand a certification election to continue representing the employees in the bargaining unit it currently represents.”;

and in line 23, strike “2.” and substitute “3.”.