
By: **Montgomery County Delegation**
 Introduced and read first time: February 1, 2005
 Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Housing Opportunities Commission of Montgomery County - Collective**
 3 **Bargaining - Mediation-Arbitration**
 4 **MC 510-05**

5 FOR the purpose of repealing the requirement that a mediator-arbitrator involved in
 6 collective bargaining between the Housing Opportunities Commission of
 7 Montgomery County and an employee organization selects between the final
 8 offers submitted by the parties that the mediator-arbitrator determines to be
 9 more reasonable under certain circumstances; requiring a mediator-arbitrator
 10 to select between the items from the final offers submitted by the parties that
 11 the mediator-arbitrator determines to be more reasonable under certain
 12 circumstances; prohibiting a mediator-arbitrator from altering certain items in
 13 certain final offers under certain circumstances; providing for the application of
 14 this Act; and generally relating to collective bargaining between the Housing
 15 Opportunities Commission of Montgomery County and an employee
 16 organization.

17 BY repealing and reenacting, with amendments,
 18 Article 44A - Housing Authorities
 19 Section 2-106(l)
 20 Annotated Code of Maryland
 21 (2003 Replacement Volume and 2004 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article 44A - Housing Authorities**

25 2-106.

26 (l) (1) (i) If the parties have not reached an agreement on or before
 27 December 1 on a collective bargaining agreement that would become effective the
 28 following July 1, the parties shall jointly appoint a mediator-arbitrator.

1 (ii) If the parties are unable to agree on a mediator-arbitrator, the
2 labor relations administrator shall name the mediator-arbitrator on or before
3 December 7.

4 (iii) Notwithstanding appointment of the mediator-arbitrator,
5 nothing in this subsection shall require commencement of mediation-arbitration
6 prior to the date set forth in paragraph (3) of this subsection.

7 (2) During the course of the collective bargaining either party may
8 declare an impasse and request the services of the mediator-arbitrator, or the parties
9 may jointly request the services of a mediator-arbitrator before an impasse is
10 declared.

11 (3) If the mediator-arbitrator finds in the mediator-arbitrator's sole
12 discretion that the parties are at a bona fide impasse or on February 1, whichever
13 occurs earlier, the mediator-arbitrator shall direct the parties to submit:

14 (i) A joint memorandum listing all items to which the parties
15 previously agreed; and

16 (ii) A separate memorandum of the party's last final offer presented
17 in negotiations on all items to which the parties did not previously agree.

18 (4) (i) On or before February 10, the mediator-arbitrator shall hold a
19 nonpublic hearing on the parties' proposals at a time, date, and place selected by the
20 mediator-arbitrator.

21 (ii) Each party shall submit evidence or make oral and written
22 argument in support of the party's last final offer.

23 (iii) The mediator-arbitrator may not open the hearing to a person
24 who is not a party to the mediation-arbitration.

25 (5) (i) On or before February 15, the mediator-arbitrator shall issue a
26 report selecting between THE ITEMS FROM the final offers submitted by the parties,
27 exclusive of wages, that the mediator-arbitrator determines to be more reasonable[,
28 viewed as a whole].

29 (II) IN SELECTING THE ITEM THE MEDIATOR-ARBITRATOR
30 DETERMINES TO BE MORE REASONABLE, THE MEDIATOR-ARBITRATOR MAY NOT
31 COMPROMISE OR ALTER ANY ITEMS IN THE FINAL OFFERS SUBMITTED BY THE
32 PARTIES.

33 [(ii)] (III) In determining the more reasonable [offer] ITEM, the
34 mediator-arbitrator may consider only the following factors:

35 1. Past collective bargaining contracts between the parties,
36 including the past bargaining history that led to the agreement or the precollective
37 bargaining history of employee hours, benefits, and other working conditions;

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2005, and shall apply to all bargaining cycles that begin after the effective
3 date of this Act.