L2 5lr0513

By: Montgomery County Delegation
Introduced and read first time: February 1, 2005

Assigned to: Appropriations

	A BILL ENTITLED
1	AN ACT concerning
2 3 4	Housing Opportunities Commission of Montgomery County - Collective Bargaining - Mediation-Arbitration MC 510-05
5 6 7 8 9 10 11 12 13 14 15 16	FOR the purpose of repealing the requirement that a mediator-arbitrator involved in collective bargaining between the Housing Opportunities Commission of Montgomery County and an employee organization selects between the final offers submitted by the parties that the mediator-arbitrator determines to be more reasonable under certain circumstances; requiring a mediator-arbitrator to select between the items from the final offers submitted by the parties that the mediator-arbitrator determines to be more reasonable under certain circumstances; prohibiting a mediator-arbitrator from altering certain items in certain final offers under certain circumstances; providing for the application of this Act; and generally relating to collective bargaining between the Housing Opportunities Commission of Montgomery County and an employee organization.
17 18 19 20 21	
22 23	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
24	Article 44A - Housing Authorities
25	2-106.
	(l) (1) (i) If the parties have not reached an agreement on or before December 1 on a collective bargaining agreement that would become effective the following July 1, the parties shall jointly appoint a mediator-arbitrator.

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	(ii) If the parties are unable to agree on a mediator-arbitrator, the labor relations administrator shall name the mediator-arbitrator on or before December 7.					
	(iii) Notwithstanding appointment of the mediator-arbitrator, nothing in this subsection shall require commencement of mediation-arbitration prior to the date set forth in paragraph (3) of this subsection.					
9	(2) During the course of the collective bargaining either party may declare an impasse and request the services of the mediator-arbitrator, or the parties may jointly request the services of a mediator-arbitrator before an impasse is declared.					
	1 (3) If the mediator-arbitrator finds in the mediator-arbitrator's sole 2 discretion that the parties are at a bona fide impasse or on February 1, whichever 3 occurs earlier, the mediator-arbitrator shall direct the parties to submit:					
14 15	(i) A joint memorandum listing all items to which the parties previously agreed; and					
16 17	(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.					
	(4) (i) On or before February 10, the mediator-arbitrator shall hold a nonpublic hearing on the parties' proposals at a time, date, and place selected by the mediator-arbitrator.					
21 22	(ii) Each party shall submit evidence or make oral and written argument in support of the party's last final offer.					
23 24	(iii) The mediator-arbitrator may not open the hearing to a person who is not a party to the mediation-arbitration.					
27	5 (5) (i) On or before February 15, the mediator-arbitrator shall issue a 6 report selecting between THE ITEMS FROM the final offers submitted by the parties, 7 exclusive of wages, that the mediator-arbitrator determines to be more reasonable[, 8 viewed as a whole].					
31	(II) IN SELECTING THE ITEM THE MEDIATOR-ARBITRATOR DETERMINES TO BE MORE REASONABLE, THE MEDIATOR-ARBITRATOR MAY NOT COMPROMISE OR ALTER ANY ITEMS IN THE FINAL OFFERS SUBMITTED BY THE PARTIES.					
33 34	[(ii)] (III) In determining the more reasonable [offer] ITEM, the mediator-arbitrator may consider only the following factors:					
	1. Past collective bargaining contracts between the parties, including the past bargaining history that led to the agreement or the precollective bargaining history of employee hours, benefits, and other working conditions;					

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		es of oth	A comparison of hours, benefits, and conditions of the public employers in the Washington		
4 5	_		A comparison of hours, benefits, and conditions of vate employers in Montgomery County;		
6	4	1.	The public interest and welfare;		
7 8	adjustments required under the p		The ability of the employer to finance any economic agreement;		
9 10	of public services normally prov		The effects of any economic adjustments on the standard the employer; and		
	items as reflected in the most re	cent Co	The annual increase or decrease in consumer prices for all nsumer Price Index - Wage Earners and shington-Baltimore Metropolitan Area.		
	2()3	er to be	[In determining the most reasonable offer, the] THE integrated with each offer all items on which arbitration.		
	history of collective bargaining	relating	The mediator-arbitrator may not receive or consider the to the immediate dispute, including any offers submitted to the mediator-arbitrator.		
20 21	(6) [The mediator-arbitrator selection of that the mediator-arbitrator selection of the mediator of the mediat		pitrator may not compromise or alter the final offer		
24 25 26	(7)] (i) 1. Subject to sub-subparagraph 2 of this subparagraph, without ratification by the parties, the [offer] ITEMS selected by the mediator-arbitrator FROM THE FINAL OFFERS SUBMITTED BY THE PARTIES, as integrated with the items on which the parties previously agreed, shall be CONSIDERED AS PART OF the final agreement between the Commission and the exclusive representative.				
28 29			The economic provisions of the final agreement are subject s Commission of Montgomery County.		
30 31			The Commission shall appropriate funds in the omic provisions of the final agreement.		
32 33			ies shall execute an agreement incorporating the final and all issues agreed to under this section.		
34 35	[(8)] (7) The equally in paying the costs of the		nmission and the employee organization shall share ator's services.		

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