

HB0278/824465/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 278

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “for Wages” and substitute “– Revisions”; in line 5, after the first “of” insert “requiring a certain employee organization to disclose to certain employees all offers regarding wages made by the Housing Opportunities Commission of Montgomery County during certain collective bargaining negotiations; authorizing the parties to use a certain mediator–arbitrator panel in a collective bargaining impasse under certain circumstances; providing for the membership and selection of a mediator–arbitrator panel; requiring a certain labor relations administrator to name a certain member of the panel by a certain date; requiring the mediator–arbitrator panel to first consider and give the highest priority to the ability of the Montgomery Commission to pay for certain expenses by considering certain factors in considering the terms and conditions of the final offer regarding wages;”; in lines 5 and 8, in each instance, after “mediator–arbitrator” insert “panel”; strike beginning with the second “of” in line 5 down through “County” in line 7; in line 10, after the semicolon insert “requiring the Executive Director of the Montgomery Commission, on or before a certain date, to submit certain terms or conditions of the final offer regarding wages to the Montgomery Commission; authorizing the Montgomery Commission to accept or reject certain terms and conditions; making certain conforming changes;”; in the same line, strike “for wages of employees”; after line 11, insert:

“BY adding to

Article - Housing and Community Development

Section 16-308.1

Annotated Code of Maryland

(2006 Volume and 2017 Supplement)”;

(Over)

**HB0278/824465/1 Appropriations Committee
Amendments to HB 278
Page 2 of 5**

and in line 14, after “16–310” insert “and 16–311”.

AMENDMENT NO. 2

On page 1, after line 19, insert:

“16–308.1.

AN EMPLOYEE ORGANIZATION CERTIFIED AS EXCLUSIVE REPRESENTATIVE SHALL DISCLOSE TO THE EMPLOYEES REPRESENTED BY THE EMPLOYEE ORGANIZATION ALL OFFERS REGARDING WAGES MADE BY THE MONTGOMERY COMMISSION DURING COLLECTIVE BARGAINING NEGOTIATIONS CONDUCTED UNDER THIS SUBTITLE.”;

in line 24, after “a” insert “**JOINTLY APPOINTED**”; and in the same line, after “mediator–arbitrator” insert “**AS REQUIRED UNDER § 16–311 OF THIS SUBTITLE**”.

On page 1 in line 23, on page 2 in lines 2, 7, 9, 10, 12, 19, 20, 23, 25, 26, and 28, and on page 3 in lines 13, 16, 18, 19, 20, and 22, in each instance, after “mediator–arbitrator” insert “**PANEL**”.

On page 2, in line 1, after “the” insert “**JOINTLY APPOINTED**”; in line 10, strike “mediator–arbitrator’s”; in the same line, after “discretion” insert “**OF THE PANEL**”; and in line 28, strike “In” and substitute “**SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IN**”.

On page 3, after line 12, insert:

“(3) IN CONSIDERING THE TERMS AND CONDITIONS OF THE FINAL OFFER REGARDING WAGES, THE MEDIATOR–ARBITRATOR PANEL SHALL FIRST CONSIDER AND GIVE THE HIGHEST PRIORITY TO THE ABILITY OF THE

MONTGOMERY COMMISSION TO PAY FOR ADDITIONAL SHORT-TERM AND LONG-TERM EXPENSES BY CONSIDERING:

(I) THE LIMITS ON THE ABILITY OF THE MONTGOMERY COMMISSION TO RAISE REVENUE;

(II) THE ADDED BURDEN RAISING REVENUE WOULD HAVE ON CUSTOMERS OF THE MONTGOMERY COMMISSION; AND

(III) THE ABILITY OF THE MONTGOMERY COMMISSION TO CONTINUE PROVIDING THE CURRENT LEVEL OF SERVICE TO ITS CUSTOMERS.”;

in line 13, strike “(3)” and substitute “(4)”; in line 16, strike “(4)” and substitute “(5)”; in line 21, strike “paragraph (2)” and substitute “PARAGRAPHS (2) AND (5)”; in line 27, strike “The” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, THE”; after line 30, insert:

“(5) (I) ON OR BEFORE APRIL 1 OR A LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES DUE TO EXTENUATING CIRCUMSTANCES, THE EXECUTIVE DIRECTOR OF THE MONTGOMERY COMMISSION SHALL SUBMIT TO THE MONTGOMERY COMMISSION ANY TERM OR CONDITION OF THE FINAL OFFER REGARDING WAGES THAT REQUIRES:

1. AN APPROPRIATION OF FUNDS; OR
2. THE ADOPTION OF A REGULATION THAT MAY RESULT IN A PRESENT OR FUTURE FISCAL IMPACT ON THE MONTGOMERY COMMISSION OR ITS CUSTOMERS.

(II) THE MONTGOMERY COMMISSION MAY ACCEPT OR REJECT ALL OR PART OF ANY TERM OR CONDITION THAT THE EXECUTIVE DIRECTOR IS REQUIRED TO SUBMIT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”;

in line 32, strike “arbitrator’s” and substitute “MEDIATOR-ARBITRATOR PANEL’S”;
and after line 32, insert:

“16-311.

(a) A mediator PANEL may be used in collective bargaining when:

(1) the Montgomery Commission and the employee organization agree to mediation; or

(2) an impasse results, and the Montgomery Commission or the employee organization requests mediation.

(b) (1) The Montgomery Commission and the employee organization [together] shall:

(I) EACH choose [the] ONE mediator from a list supplied by the American Arbitration Association or the Federal Mediation and Conciliation Service; AND

(II) TOGETHER CHOOSE A THIRD MEDIATOR FROM A LIST SUPPLIED BY THE AMERICAN ARBITRATION ASSOCIATION OR THE FEDERAL MEDIATION AND CONCILIATION SERVICE.

HB0278/824465/1 Appropriations Committee
Amendments to HB 278
Page 5 of 5

(2) If the Montgomery Commission and the employee organization cannot agree on a JOINTLY APPOINTED mediator, the labor relations administrator shall choose the THIRD mediator.

(c) The Montgomery Commission and the employee organization shall share the costs of mediation equally.”.