

HOUSE BILL 797

L2, L5

3lr0545

By: **Montgomery County Delegation and Prince George's County Delegation**
Introduced and read first time: February 8, 2023
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Collective**
3 **Bargaining Agreement Implementation – Dispute Arbitration**

4 **MC/PG 103–23**

5 FOR the purpose of authorizing the parties to a collective bargaining agreement for
6 employees of the Maryland–National Capital Park and Planning Commission to
7 request the services of a mediator–arbitrator during the term of a certain collective
8 bargaining agreement under certain circumstances; establishing the process for
9 mediation–arbitration; requiring the parties to share equally the costs of the
10 mediator–arbitrator's services; and generally relating to collective bargaining for
11 employees of the Maryland–National Capital Park and Planning Commission.

12 BY adding to
13 Article – Land Use
14 Section 16–210.1
15 Annotated Code of Maryland
16 (2012 Volume and 2022 Supplement)

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

19 **Article – Land Use**

20 **16–210.1.**

21 **(A) DURING THE TERM OF A COLLECTIVE BARGAINING AGREEMENT:**

22 **(1) EITHER PARTY MAY DECLARE AN IMPASSE AND REQUEST THE**
23 **SERVICES OF A MEDIATOR–ARBITRATOR; AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) THE PARTIES JOINTLY MAY REQUEST THE SERVICES OF A**
2 **MEDIATOR-ARBITRATOR AT ANY TIME WITHOUT DECLARING AN IMPASSE.**

3 **(B) (1) IF THE SERVICES OF A MEDIATOR-ARBITRATOR HAVE BEEN**
4 **REQUESTED, THE PARTIES JOINTLY SHALL APPOINT A MEDIATOR-ARBITRATOR.**

5 **(2) IF THE PARTIES ARE UNABLE TO AGREE ON A**
6 **MEDIATOR-ARBITRATOR, THE LABOR RELATIONS ADMINISTRATOR SHALL APPOINT**
7 **THE MEDIATOR-ARBITRATOR WITHIN 7 DAYS AFTER THE SERVICES OF A**
8 **MEDIATOR-ARBITRATOR WERE REQUESTED.**

9 **(C) IF THE MEDIATOR-ARBITRATOR FINDS IN THE**
10 **MEDIATOR-ARBITRATOR'S SOLE DISCRETION THAT THE PARTIES ARE AT A BONA**
11 **FIDE IMPASSE, THE MEDIATOR-ARBITRATOR SHALL DIRECT EACH PARTY TO**
12 **SUBMIT A SEPARATE MEMORANDUM OF EACH PARTY'S LAST FINAL OFFER ON ITEMS**
13 **WITH REGARD TO WHICH THE PARTIES ARE IN DISPUTE.**

14 **(D) (1) WITHIN 10 DAYS AFTER THE SUBMISSION OF THE MEMORANDA**
15 **UNDER SUBSECTION (C) OF THIS SECTION, THE MEDIATOR-ARBITRATOR SHALL**
16 **HOLD A CLOSED HEARING ON THE PARTIES' OFFERS AT A TIME, DATE, AND PLACE**
17 **SELECTED BY THE MEDIATOR-ARBITRATOR.**

18 **(2) EACH PARTY SHALL SUBMIT EVIDENCE OR MAKE ORAL AND**
19 **WRITTEN ARGUMENTS IN SUPPORT OF THE PARTY'S FINAL OFFER.**

20 **(3) THE MEDIATOR-ARBITRATOR MAY NOT OPEN THE HEARING TO A**
21 **PERSON THAT IS NOT A PARTY TO THE MEDIATION-ARBITRATION.**

22 **(E) (1) WITHIN 5 DAYS AFTER THE HEARING REQUIRED UNDER**
23 **SUBSECTION (D)(1) OF THIS SECTION, THE MEDIATOR-ARBITRATOR SHALL ISSUE A**
24 **REPORT SELECTING THE FINAL OFFER THAT THE MEDIATOR-ARBITRATOR**
25 **DETERMINES TO BE MORE REASONABLE WHEN VIEWED AS A WHOLE.**

26 **(2) IN DETERMINING WHICH OFFER IS MORE REASONABLE, THE**
27 **MEDIATOR-ARBITRATOR:**

28 **(I) MAY CONSIDER ONLY:**

29 **1. PAST COLLECTIVE BARGAINING AGREEMENTS**
30 **BETWEEN THE PARTIES, INCLUDING THE PAST BARGAINING HISTORY THAT LED TO**
31 **THE AGREEMENT OR THE PRECOLLECTIVE BARGAINING HISTORY OF EMPLOYEE**
32 **WAGES, HOURS, BENEFITS, AND OTHER WORKING CONDITIONS;**

1 **2. A COMPARISON OF WAGES, HOURS, BENEFITS, AND**
2 **CONDITIONS OF EMPLOYMENT OF SIMILAR EMPLOYEES OF OTHER PUBLIC**
3 **EMPLOYERS IN THE WASHINGTON METROPOLITAN AREA AND THE STATE;**

4 **3. A COMPARISON OF WAGES, HOURS, BENEFITS, AND**
5 **CONDITIONS OF EMPLOYMENT OF SIMILAR EMPLOYEES OF PRIVATE EMPLOYERS IN**
6 **MONTGOMERY COUNTY AND PRINCE GEORGE’S COUNTY;**

7 **4. THE PUBLIC INTEREST AND WELFARE;**

8 **5. THE ABILITY OF THE COMMISSION TO FINANCE ANY**
9 **ECONOMIC ADJUSTMENTS REQUIRED UNDER THE PROPOSED AGREEMENT;**

10 **6. THE EFFECTS OF ANY ECONOMIC ADJUSTMENTS ON**
11 **THE STANDARD OF PUBLIC SERVICES NORMALLY PROVIDED BY THE COMMISSION;**
12 **AND**

13 **7. THE ANNUAL INCREASE OR DECREASE IN CONSUMER**
14 **PRICES FOR ALL ITEMS AS REFLECTED IN THE MOST RECENT CONSUMER PRICE**
15 **INDEX – URBAN WAGE EARNERS AND CLERICAL WORKERS (“CPI-W”) FOR THE**
16 **WASHINGTON METROPOLITAN AREA; AND**

17 **(II) SHALL CONSIDER ALL ITEMS ON WHICH THE PARTIES**
18 **AGREED BEFORE THE MEDIATION–ARBITRATION BEGAN TO BE INTEGRATED INTO**
19 **EACH OFFER.**

20 **(3) (I) THE MEDIATOR–ARBITRATOR MAY NOT RECEIVE OR**
21 **CONSIDER THE HISTORY OF COLLECTIVE BARGAINING RELATING TO THE**
22 **IMMEDIATE DISPUTE, INCLUDING ANY OFFERS OF SETTLEMENT NOT CONTAINED IN**
23 **THE OFFER SUBMITTED TO THE MEDIATOR–ARBITRATOR.**

24 **(II) THE MEDIATOR–ARBITRATOR MAY NOT COMPROMISE OR**
25 **ALTER THE FINAL OFFER THAT THE MEDIATOR–ARBITRATOR SELECTS.**

26 **(F) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
27 **OFFER SELECTED BY THE MEDIATOR–ARBITRATOR, AS INTEGRATED WITH THE**
28 **GOVERNING COLLECTIVE BARGAINING AGREEMENT AT THE TIME OF THE DISPUTE,**
29 **SHALL BE THE FINAL AGREEMENT BETWEEN THE COMMISSION AND THE EXCLUSIVE**
30 **REPRESENTATIVE WITHOUT RATIFICATION BY THE PARTIES.**

31 **(II) THE ECONOMIC PROVISIONS OF THE FINAL AGREEMENT**
32 **ARE SUBJECT TO FUNDING BY THE MONTGOMERY COUNTY COUNCIL AND THE**

1 **PRINCE GEORGE'S COUNTY COUNCIL.**

2 **(III) THE COMMISSION SHALL REQUEST FUNDS IN THE**
3 **COMMISSION'S FINAL BUDGET FROM THE MONTGOMERY COUNTY COUNCIL AND**
4 **THE PRINCE GEORGE'S COUNTY COUNCIL FOR ALL ECONOMIC PROVISIONS OF THE**
5 **FINAL AGREEMENT.**

6 **(2) THE PARTIES SHALL EXECUTE AN AGREEMENT INCORPORATING**
7 **THE FINAL AGREEMENT, INCLUDING ARBITRATION AWARDS AND ALL ISSUES**
8 **AGREED TO UNDER THIS SECTION.**

9 **(G) THE COMMISSION AND THE EMPLOYEE ORGANIZATION SHALL SHARE**
10 **EQUALLY THE COSTS OF THE MEDIATOR-ARBITRATOR'S SERVICES.**

11 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
12 **October 1, 2023.**