

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 763
Appropriations

(Montgomery County Delegation)

Finance

**Montgomery County - Collective Bargaining for Sheriff's Office Employees -
Binding Arbitration Procedures**
MC 13-23

This bill alters statutory provisions regarding the collective bargaining process for Sheriff's Office employees in Montgomery County to specify that if the Sheriff and the bargaining representative are unable to reach an agreement during negotiations on matters applicable to employees of the Sheriff's Office, the procedures for declaring an impasse and submission of a dispute to binding arbitration must be conducted in accordance with Chapter 33, Article VII of the Montgomery County Code.

Fiscal Summary

State Effect: None.

Local Effect: Montgomery County does not anticipate the bill will materially affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law: Both Chapter 33, Article VII of the Montgomery County Code and § 2-329 of the Courts and Judicial Proceedings Article set forth provisions regarding collective bargaining rights for Sheriff's Office employees in Montgomery County.

Pursuant to State statute, there is only one collective bargaining agreement for both county government employees and employees of the Sheriff's Office. Generally, if a single bargaining representative represents both county government employees and employees of the Sheriff's Office, the Sheriff may only bargain over certain matters applicable to employees of the Sheriff's Office not involving compensation, pension, fringe benefits, and hours. Any required funding for the terms of an agreement negotiated by the Sheriff is subject to the budget and fiscal policies of the county.

Chapter 33, Article VII of the Montgomery County Code includes explicit provisions regarding impasse and binding arbitration procedures. Specifically, § 33-108 specifies that either party during the course of collective bargaining may declare an impasse and request the services of a mediator/arbitrator. The parties may also jointly request such services without declaring an impasse. If the parties are unable to reach agreement by a specified timeframe, an impasse exists. Any issue regarding the negotiability of any bargaining proposal must be referred to the Labor Relations Administrator for an expedited determination. Generally, any dispute must be submitted to the mediator/arbitrator whenever an impasse has been reached. The mediator/arbitrator must engage in mediation by bringing the parties together voluntarily under such favorable circumstances as will encourage settlement of the dispute.

If at the mediator/arbitrator's sole discretion it is found that the parties are at a *bona fide* impasse (or an impasse is automatically reached, as specified), the dispute must be submitted to binding arbitration. If binding arbitration is invoked, the mediator/arbitrator must require each party to submit a final offer, as specified. The mediator/arbitrator may require the parties to submit oral or written evidence in support of their proposals and may hold a hearing for this purpose.

The mediator/arbitrator must select the final offer submitted by the parties that is determined to be more reasonable when viewed as a whole, subject to additional limitations and the consideration of other factors, as specified. The offer selected, integrated with all other previously agreed on items, is the final agreement and need not be ratified by any party. The parties must execute the agreement, and any provisions requiring action in the county budget must be included in the budget submitted to the county council.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Montgomery County; Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2023
km/jkb Third Reader - March 20, 2023

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