

HB 797 - Maryland-National Capital Park and Planni

Uploaded by: Donna Edwards

Position: FAV



MARYLAND STATE & D.C. AFL-CIO

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Secretary-Treasurer

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HB 797 - Maryland-National Capital Park and Planning Commission - Collective Bargaining Agreement Implementation - Dispute Arbitration MC/PG 103-23

House Appropriations Committee

March 9, 2023

SUPPORT

Donna S. Edwards

President

Maryland State and DC AFL-CIO

Chairman and members of the Committee, thank you for the opportunity to provide testimony in support of HB 797 - Maryland-National Capital Park and Planning Commission - Collective Bargaining Agreement Implementation - Dispute Arbitration MC/PG 103-23. My name is Donna S. Edwards, and I am the President of the Maryland State and DC AFL-CIO. On behalf of the 300,000 union members in the state of Maryland, I offer the following comments.

HB 797 provides balance in the negotiations process, giving both parties every motivation to work toward a timely agreement. Arbitration is a common dispute resolution process in both private and public sector labor relations. It recognizes that both parties do not always agree and that negotiations can reach an impasse. When this happens, a neutral arbitrator is tasked with drafting a written award that lays out the terms of a settlement.

The process listed in the bill for the selection of neutral arbitrators is employed by many unions and employers in Maryland and across the country. Many Montgomery County workers already have the dispute arbitration rights. Workers deserve balanced and prompt decisions. This bill is a fair and balanced approach to providing effective and efficient negotiations for workers at Maryland-National Capital Park and Planning Commission.

We urge a favorable report for HB 797.

Montgomery County Delegation/Voting List

Uploaded by: Montgomery County Delegation

Position: FAV

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CHAIR
EMILY SHETTY
VICE CHAIR

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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401
MONTGOMERY COUNTY DELEGATION

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CHAO WU
NATALIE ZIEGLER

March 7, 2023

The Honorable Ben Barnes
Chair, House Appropriations Committee
House Office Building, Room 121
Annapolis Maryland 21401

RE: MC/PG 103-23 Maryland-National Capital Park and Planning Commission - Collective Bargaining Agreement Implementation - Dispute Arbitration (HB 797)

Dear Chair Barnes,

The Montgomery County House Delegation has voted Favorable with amendment on HB 797 (MC/PG 103-23) Maryland-National Capital Park and Planning Commission - Collective Bargaining Agreement Implementation - Dispute Arbitration. The vote in the Montgomery County House Delegation was unanimous. The Delegation lists and a copy of the amendment are attached.

We request that your committee give HB 797 a Favorable with amendment report. We thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Palakovich Carr".

Julie Palakovich Carr, Chair
Montgomery County House Delegation

HB0797/703222/1

BY: Delegate Lopez
(To be offered in the Montgomery County House Delegation)

AMENDMENTS TO HOUSE BILL 797
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “of” insert “altering the requirement that economic provisions of a certain final collective bargaining agreement for employees of the Maryland–National Capital Park and Planning Commission be subject to funding by the Montgomery County Council and the Prince George’s County Council to instead require that certain terms and conditions of the final agreement be subject to approval by the Montgomery County Council and the Prince George’s County Council;”; and after line 11, insert:

“BY repealing and reenacting, with amendments,

Article – Land Use

Section 16–209

Annotated Code of Maryland

(2012 Volume and 2022 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 19, insert:

“16–209.

(a) (1) 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 jointly shall appoint a mediator–arbitrator.

(2) If the parties are unable to agree on a mediator–arbitrator, the labor relations administrator shall appoint the mediator–arbitrator on or before December 7.

(3) Notwithstanding appointment of the mediator–arbitrator, this section does not require mediation–arbitration to begin before the date set forth in subsection (c) of this section.

(b) During the course of the collective bargaining:

(1) either party may declare an impasse and request the services of the mediator–arbitrator; or

(2) the parties jointly may request the services of a mediator–arbitrator before an impasse is declared.

(c) If the mediator–arbitrator finds in the mediator–arbitrator’s sole discretion that the parties are at a bona fide impasse or on February 1, whichever occurs earlier, the mediator–arbitrator shall direct the parties to submit:

(1) a joint memorandum listing all items to which the parties previously agreed; and

(2) a separate memorandum of each party’s last final offer presented in negotiations on all items to which the parties previously did not agree.

(d) (1) On or before February 10, the mediator–arbitrator shall hold a closed hearing on the parties’ proposals at a time, date, and place selected by the mediator–arbitrator.

(2) Each party shall submit evidence or make oral and written arguments in support of the party’s last final offer.

(3) The mediator–arbitrator may not open the hearing to a person that is not a party to the mediation–arbitration.

(e) (1) On or before February 15, the mediator–arbitrator shall issue a report selecting the final offer submitted by the party that the mediator–arbitrator determines to be more reasonable when viewed as a whole.

(2) In determining which offer is more reasonable, the mediator–arbitrator:

(i) may consider only:

1. past collective bargaining agreements between the parties, including the past bargaining history that led to the agreement or the precollective bargaining history of employee wages, hours, benefits, and other working conditions;

2. a comparison of wages, hours, benefits, and conditions of employment of similar employees of other public employers in the Washington metropolitan area and the State;

3. a comparison of wages, hours, benefits, and conditions of employment of similar employees of private employers in Montgomery County and Prince George’s County;

4. the public interest and welfare;

5. the ability of the Commission to finance any economic adjustments required under the proposed agreement;

6. the effects of any economic adjustments on the standard of public services normally provided by the Commission; and

(Over)

7. the annual increase or decrease in consumer prices for all items as reflected in the most recent Consumer Price Index – Urban Wage Earners and Clerical Workers (“CPI–W”) for the Washington Metropolitan Area; and

(ii) shall consider all items on which the parties agreed before the mediation–arbitration began to be integrated into each offer.

(3) (i) The mediator–arbitrator may not receive or consider the history of collective bargaining relating to the immediate dispute, including any offers of settlement not contained in the offer submitted to the mediator–arbitrator.

(ii) The mediator–arbitrator may not compromise or alter the final offer that the mediator–arbitrator selects.

(f) (1) (i) Subject to subparagraph (ii) of this paragraph, the offer selected by the mediator–arbitrator, as integrated with the items on which the parties previously agreed, shall be the final agreement between the Commission and the exclusive representative without ratification by the parties.

(ii) [The economic provisions] ANY TERMS OR CONDITIONS of the final agreement THAT REQUIRE AN APPROPRIATION OF FUNDS OR THE ADOPTION OF REGULATIONS OR THAT HAVE A PRESENT OR FUTURE FISCAL IMPACT are subject to [funding] APPROVAL by the Montgomery County Council and Prince George’s County Council.

(iii) The Commission shall request funds in the Commission’s final budget from the county councils for all economic provisions of the final agreement.

(2) The parties shall execute an agreement incorporating the final agreement, including arbitration awards and all issues agreed to under this subtitle.

(g) The Commission and the employee organization shall share equally the costs of the mediator–arbitrator’s services.”.

EXPLANATION OF AMENDMENTS:

AMENDMENT NO. 1

Technical.

AMENDMENT NO. 2

This amendment inserts existing law governing the appointment of a mediator–arbitrator when there is not a collective bargaining agreement in place for M–NCPCC employees. Under current law, economic provisions of a final agreement are subject to funding by the Montgomery County Council and the Prince George’s County Council. Under the amendment, any terms or conditions of a final agreement that (1) require an appropriation of funds or the adoption of regulations or (2) have a present or future fiscal impact are subject to approval by the Montgomery County Council and Prince George’s County Council.

MONTGOMERY COUNTY HOUSE DELEGATION VOTING LIST – 2023 Session

DATE: 3/3/23

BILL NUMBER/TITLE: MC/PL 103-23 Amended

REQUESTED BY: Delegate Lopez

MOTION: favorable favorable as amended unfavorable hold/special order

Move Del Shetty

Second Del Kaufman

Amendments _____
 Other: _____

OFFICIAL COPY

	YEA	NAY	ABSTAIN	ABSENT
Del. Palakovich Carr, CHAIR	✓			
Del. Acevero				✓
Del. Barve	✓			
Del. Charkoudian	✓			
Del. Crutchfield	✓			
Del. Cullison	✓			
Del. Foley	✓			
Del. Fraser-Hidalgo				✓
Del. Kaiser	✓			
Del. Kaufman	✓			
Del. Korman	✓			
Del. Lopez	✓			
Del. Love	✓			
Del. Mireku-North	✓			
Del. Moon	✓			
Del. Qi	✓			
Del. Queen				✓
Del. Reznik	✓			
Del. Shetty	✓			
Del. Solomon				✓
Del. Stewart	✓			
Del. Vogel				✓
Del. Wilkins	✓			
Del. Wu	✓			
Del. Ziegler	✓			

FINAL DISPOSITION: _____ FAV FWA UNF LIMBO HOLD S/O

ABSENT = absent for vote, see attendance sheet for attendance

Total Votes = 26; Majority= 14; 2/3 Vote=18

MONTGOMERY COUNTY HOUSE DELEGATION VOTING LIST – 2023 Session

DATE: 3/3/23

BILL NUMBER/TITLE: MC/196 102-23 M-NCPLC - collective bargaining Agreement Implementation

REQUESTED BY: Sen Korman

MOTION: favorable favorable as amended unfavorable hold/special order

Move Del Foley

Second Del Barve

Amendments Chair amendment

Other: _____

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	YEA	NAY	ABSTAIN	ABSENT
Del. Palakovich Carr, CHAIR	✓			
Del. Acevero				✓
Del. Barve				
Del. Charkoudian				
Del. Crutchfield				
Del. Cullison				
Del. Foley				
Del. Fraser-Hidalgo				
Del. Kaiser				
Del. Kaufman				
Del. Korman				
Del. Lopez				
Del. Love				
Del. Mireku-North				
Del. Moon				
Del. Qi				
Del. Queen				✓
Del. Reznik				
Del. Shetty				
Del. Solomon				
Del. Stewart				
Del. Vogel				
Del. Wilkins				
Del. Wu				
Del. Ziegler				

FINAL DISPOSITION: 23-0-2 FAV FWA UNF LIMBO HOLD S/O

ABSENT = absent for vote, see attendance sheet for attendance
Total Votes = 26; Majority = 14; 2/3 Vote = 18

HB 797 _MC_PG 103-23Collective Bar_Position Statem

Uploaded by: Jordan BaucumColbert

Position: FWA



POSITION STATEMENT

Bill: HB 797- Maryland–National Capital Park and Planning Commission – Collective Bargaining Agreement Implementation – Dispute Arbitration (MC/PG 103–23)

Position: Support with Amendments

Date: March 9, 2023

Contact: Debra Borden, General Counsel
Jordan Baucum Colbert, Government Affairs Liaison

Dear Chair Ben Barnes and Vice Chair Mark S. Chang,

The Maryland–National Capital Park and Planning Commission (the “Commission”) respectfully requests the Appropriations Committee to support HB 797 with amendments.

What the Bill Does: This bill, as amended alters the requirement that economic provisions of a certain final collective bargaining agreement for employees of the Commission subject to funding by the Montgomery County Council and the Prince George’s County Council to instead require that certain terms and conditions of the final agreement be subject to approval by the Montgomery County Council and the Prince George’s County Council.

Background: The Commission is a bi-county agency accountable to both the Montgomery and Prince George’s County Councils. Since 1996, the Commission has had a productive bargaining relationship with United Food and Commercial Workers, Local 1994, Municipal and County Government Employees Organization (“MCGEO” or “Union”). MCGEO represents Commission employees within its Service/Labor, Trades, and Office bargaining units.

In more than twenty-five years of working together, the parties have successfully reached agreement on eighteen (18) collective bargaining agreements and wage reopeners, as well as myriad memoranda of understanding, related to wages, retirement benefits, health insurance, and many other terms and conditions of employment. Of the eighteen (18) negotiated collective bargaining agreements and reopeners, seventeen (17) were achieved without any need for the use of interest arbitration. Since its introduction, interest arbitration has only been used once, in 2004, and then only to address a single issue of disagreement. This history of successful negotiations speaks both to the Commission’s good faith approach to the bargaining process and the fact that the process works as intended.

Applicability: This bill as amended applies to the Commission in reference to collective bargaining which adds a section on medication/collective bargaining during mid-cycle bargaining. Mid-cycle bargaining addresses situations caused by new and unforeseen events. Mid-cycle bargaining takes place when the Commission needs to bargain terms such as emergency pay and Covid-19 vaccinations. In the near term, some agencies may need to grapple with questions like employees returning from telework to the workplace due to a pandemic or the workplace impact of the legalization of marijuana. Both the Montgomery and Prince George's County Councils appoint Commissioners to the Commission and other agencies to respond to these types of issues. Therefore, the Commission supports these friendly amendments as the amended language mirrors the current Montgomery County Code. Therefore, the Commission urges this committee to provide a favorable report on the amended bill.

HB 797 - MoCo_Elrich_SWA (GA 23).pdf

Uploaded by: Marc Elrich

Position: FWA



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

March 9, 2023

TO: The Honorable Ben Barnes
Chair, Appropriations Committee

FROM: Marc Elrich
County Executive

RE: House Bill 764, *Maryland-National Capital Park and Planning Commission – Collective Bargaining Agreement Implementation – Dispute Arbitration MC/PG 103-23*
Support with Amendments

I am writing to express my support for House Bill 797, *Maryland-National Capital Park and Planning Commission – Collective Bargaining Agreement Implementation – Dispute Arbitration MC/PG 103-23*.

This bill creates a mediator-arbitrator process for collective bargaining between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and its employee bargaining units that occurs during the term of an existing Collective Bargaining Agreement (CBA) (i.e., out-of-cycle). Existing provisions of State law already establish a mediator-arbitrator process for collective bargaining between M-NCPPC and its employee bargaining units that occurs when a new CBA is being negotiated (i.e., in-cycle). The existing mediator-arbitrator process for in-cycle bargaining includes a binding arbitration process that is triggered when the mediator-arbitrator determines that the parties are at a bona fide impasse. The mediator-arbitrator process created by this bill for out-of-cycle bargaining is substantially similar to that existing process.

Specifically, the bill authorizes either party to declare an impasse and request the services of a mediator-arbitrator and also authorizes the parties to jointly agree to request the services of a mediator-arbitrator without declaring an impasse. The bill establishes a binding arbitration process that is triggered when the mediator-arbitrator determines that the parties are at a bona fide impasse. Among other things, the bill requires: (1) the Labor Relations Administrator to appoint a mediator-arbitrator if the parties are unable to agree on one; (2) the mediator-arbitrator to hold a nonpublic hearing on each party's last final offer; and (3) the mediator-arbitrator to choose the final offer that is more reasonable when viewed as a whole.

The Honorable Ben Barnes
Re: House Bill 797
March 9, 2023
Page 2

State law governing in-cycle bargaining between M-NCPPC and its employee bargaining units specifies that the economic provisions of a final agreement are subject to funding by the Montgomery County Council and Prince George's County Council. The bill includes similar language for an out-of-cycle agreement.

The mediator-arbitrator process for out-of-cycle bargaining at M-NCPPC that is required by this bill is similar to Montgomery County's current practice for out-of-cycle bargaining between County government and its employee bargaining units. Requiring M-NCPPC to follow a similar process is a logical policy choice.

The Montgomery County House Delegation voted favorable on this bill with amendments that clarify the scope of authority of the Montgomery County Council and Prince George's County Council regarding approval or disapproval of in-cycle final agreements. Specifically, the bill provides that any term or condition that requires an appropriation of funds or the adoption of regulations or has a present or future fiscal impact must be approved by both County Councils. These amendments are consistent with current law governing the Montgomery County Council's authority over the County's own collective bargaining agreements. I respectfully request that House Appropriations Committee give this bill a favorable report with these amendments.

cc: Members of the Appropriations Committee