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

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March 17, 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. The amendment is revised from the previously submitted version after input from stakeholders. We kindly ask that you withdraw the previous amendment language from consideration.

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 Carr", is displayed within a light gray rectangular box.

Julie Palakovich Carr, Chair

Montgomery County House Delegation

MONTGOMERY COUNTY HOUSE DELEGATION VOTING LIST - 2023 Session

DATE: 3/17/23

BILL NUMBER/TITLE: MC 196 103-23 Amendment 5

REQUESTED BY: _____

MOTION: favorable favorable as amended unfavorable hold/special order

Move Del Korman

Second Del Barve

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: 19-06 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/PC 03-23 M-NCPPC - Collective Bargaining Agreement Implementation
 REQUESTED BY: Jon Frank

MOTION: favorable favorable as amended unfavorable hold/special order

Move Del Foley

Second Del Brun

Amendments _____

Other: _____

	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. Kelly				
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	✓			

OFFICIAL COPY

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



HB0797/833524/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

17 MAR 23
14:18:17

BY: Montgomery County Delegation and Prince George's County
Delegation
(To be offered in the Appropriations Committee)

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.

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(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.

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(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;

(Over)

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

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.

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(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.”.

On page 3, in line 31, strike “**THE ECONOMIC PROVISIONS**” and substitute “**ANY TERMS OR CONDITIONS**”; in the same line, after “**AGREEMENT**” insert “**THAT REQUIRE AN APPROPRIATION OF FUNDS OR THE ADOPTION OF REGULATIONS OR THAT HAVE A PRESENT OR FUTURE FISCAL IMPACT**”; and in line 32, strike “**FUNDING**” and substitute “**APPROVAL**”.