



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.

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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