



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
County Executive

March 7, 2023

TO: The Honorable Ben Barnes  
Chair, Appropriations Committee

FROM: Marc Elrich  
County Executive

RE: House Bill 764, *Montgomery County Housing Opportunities Commission -  
Collective Bargaining Agreement Implementation - Impasse Arbitration  
MC 10-23*  
Support

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I am writing to express my support for House Bill 764. This bill creates a mediator-arbitrator process for collective bargaining at the Montgomery County Housing Opportunities Commission (HOC) that occurs during the term of an existing collective bargaining agreement (CBA), i.e., “out-of-cycle” bargaining. Existing provisions of State law establish a mediator-arbitrator process for “in-cycle” collective bargaining at HOC that occurs when a new CBA is being negotiated. The process created by the bill for out-of-cycle bargaining is similar to the existing process for in-cycle bargaining.

The bill authorizes either party to the CBA 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 to be followed 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. State law governing in-cycle bargaining at HOC specifies that the economic provisions of a final agreement are subject to funding by HOC. The bill includes the same language for an out-of-cycle agreement.

I support this bill because it is similar to County practice regarding collective bargaining between County government and its employee bargaining units and requiring HOC to follow the same process is a logical policy choice. County law sets out a mediator-arbitrator process for in-cycle

The Honorable Ben Barnes

Re: House Bill 764

March 7, 2023

Page 2

collective bargaining that includes authority for a mediator-arbitrator to invoke binding arbitration after determining that the parties are at a bona fide impasse. Except for different timelines arising out of the circumstances of in-cycle versus out-of-cycle bargaining, the County uses the same impasse and binding arbitration process for in-cycle and out-of-cycle bargaining with its employee bargaining units. House Bill 764 would impose an out-of-cycle arbitration process on HOC that is similar to the process used by the County. I respectfully request a favorable report on House Bill 764.

cc: Members of the Appropriations Committee