

Maryland State Labor Relations Boards

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PERB Proposed Amendments to SB188/HB114

3-501

(b)

(2)(I) For each bargaining unit, whenever a memorandum of understanding is to be negotiated, reopened, or amended, the parties shall first select a neutral [arbitrator] **mediator** for the negotiations on or before July 15.

(II) The [arbitrator] **mediator** shall be elected from a list of 15 [arbitrators] **mediators** provided by the [American Arbitration Association's Labor Arbitration Panel] **Federal Mediation and Conciliation Service**.

[(III) The list shall consist of qualified, nationwide arbitrators who are members of the National Academy of Arbitration.]

[(IV)] **(III)** The parties shall select the [arbitrator] **mediator** by alternately striking names from the list until one name remains.

[(V)] **(IV)** The selected [arbitrator] **mediator** must be able and available to perform the duties and to hold hearings, both in person and through remote communication consistent with this title.

[(VI)] **(V)** The [arbitrator] **mediator** shall have the powers and responsibilities under §3-503(A) of this subtitle.

[(VII)] **(VI)** The selected [arbitrator] **mediator** shall accept the appointment before July 15, or the parties may agree to make an alternative appointment from[:] **the list of mediators originally provided by the Federal Mediation and Conciliation Service**.

1. The list originally provided by the American Arbitration Association; or
2. A list of nationwide arbitrators provided by the Federal Mediation and Conciliation Service.]

3-503

(A)(1) A Neutral [Arbitrator] **mediator** selected under §501[(B)] **(b)(2)** of this subtitle:

(I) May mediate or aid in the resolution of any dispute between the parties regarding the conduct of negotiations[, including whether the conduct of a party is in good faith;].

* * * *

(III) May issue opinions in order to help resolve disputes [over requests for information or promote bargaining in good faith] consistent with this title; and

* * * *

(B) (1) If an impasse is declared on or after October 1, Arbitration shall proceed as described in this subsection[.]:

(I)(a) The parties shall select a neutral arbitrator as described under this subsection.

(b) The neutral arbitrator shall not be the same person selected by the parties under §3-501(b)(2) as neutral mediator under §3-503(A).

(II) The arbitrator shall be elected from a list of 15 arbitrators provided by the American Arbitration Association’s Labor Arbitration Panel.

(III) The list shall consist of qualified, nationwide arbitrators who are members of the National Academy of Arbitration.

(IV) The parties shall select the arbitrator by alternately striking names from the list until one name remains.

(V) The selected arbitrator must be able and available to perform the duties and to hold hearings, both in person and through remote communication consistent with this title.

(VI) The arbitrator shall have the powers and responsibilities under §3-503(A) of this subtitle.

(VII) The selected arbitrator shall accept the appointment before July 15, or the parties may agree to make an alternative appointment from:

1. The list originally provided by the American Arbitration Association;

or

2. A list of nationwide arbitrators provided by the Federal Mediation and Conciliation Service.

* * * *

(B)(3) The neutral arbitrator [acting as a mediator] shall attempt to resolve the impasse before a formal hearing on the impasse.