

Bill No.: _____
Requested: _____
Committee: _____

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By: **Montgomery County Delegation and Prince George’s County Delegation**
Requested by: **Senator Kramer**

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Collective**
3 **Bargaining Agreement Implementation – Dispute Arbitration**

4 **MC/PG 103–23**

5 FOR the purpose of authorizing the parties to a collective bargaining agreement for
6 employees of the Maryland–National Capital Park and Planning Commission to
7 request the services of a mediator–arbitrator during the term of a certain collective
8 bargaining agreement under certain circumstances; establishing the process for
9 mediation–arbitration; requiring the parties to share equally the costs of the
10 mediator–arbitrator’s services; and generally relating to collective bargaining for
11 employees of the Maryland–National Capital Park and Planning Commission.

12 BY adding to

13 Article – Land Use
14 Section 16–210.1
15 Annotated Code of Maryland
16 (2012 Volume and 2022 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



Article – Land Use

16-210.1.

(A) DURING THE TERM OF A COLLECTIVE BARGAINING AGREEMENT:

(1) EITHER PARTY MAY DECLARE AN IMPASSE AND REQUEST THE SERVICES OF A MEDIATOR-ARBITRATOR; AND

(2) THE PARTIES JOINTLY MAY REQUEST THE SERVICES OF A MEDIATOR-ARBITRATOR AT ANY TIME WITHOUT DECLARING AN IMPASSE.

(B) (1) IF THE SERVICES OF A MEDIATOR-ARBITRATOR HAVE BEEN REQUESTED, 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 WITHIN 7 DAYS AFTER THE SERVICES OF A MEDIATOR-ARBITRATOR WERE REQUESTED.

(C) IF THE MEDIATOR-ARBITRATOR FINDS IN THE MEDIATOR-ARBITRATOR'S SOLE DISCRETION THAT THE PARTIES ARE AT A BONA FIDE IMPASSE, THE MEDIATOR-ARBITRATOR SHALL DIRECT EACH PARTY TO SUBMIT A SEPARATE MEMORANDUM OF EACH PARTY'S LAST FINAL OFFER ON ITEMS WITH REGARD TO WHICH THE PARTIES ARE IN DISPUTE.

(D) (1) WITHIN 10 DAYS AFTER THE SUBMISSION OF THE MEMORANDA UNDER SUBSECTION (C) OF THIS SECTION, THE MEDIATOR-ARBITRATOR SHALL HOLD A CLOSED HEARING ON THE PARTIES' OFFERS 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 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) WITHIN 5 DAYS AFTER THE HEARING REQUIRED UNDER

1 SUBSECTION (D)(1) OF THIS SECTION, THE MEDIATOR-ARBITRATOR SHALL ISSUE A
2 REPORT SELECTING THE FINAL OFFER THAT THE MEDIATOR-ARBITRATOR
3 DETERMINES TO BE MORE REASONABLE WHEN VIEWED AS A WHOLE.

4 (2) IN DETERMINING WHICH OFFER IS MORE REASONABLE, THE
5 MEDIATOR-ARBITRATOR:

6 (I) MAY CONSIDER ONLY:

7 1. PAST COLLECTIVE BARGAINING AGREEMENTS
8 BETWEEN THE PARTIES, INCLUDING THE PAST BARGAINING HISTORY THAT LED TO
9 THE AGREEMENT OR THE PRECOLLECTIVE BARGAINING HISTORY OF EMPLOYEE
10 WAGES, HOURS, BENEFITS, AND OTHER WORKING CONDITIONS;

11 2. A COMPARISON OF WAGES, HOURS, BENEFITS, AND
12 CONDITIONS OF EMPLOYMENT OF SIMILAR EMPLOYEES OF OTHER PUBLIC
13 EMPLOYERS IN THE WASHINGTON METROPOLITAN AREA AND THE STATE;

14 3. A COMPARISON OF WAGES, HOURS, BENEFITS, AND
15 CONDITIONS OF EMPLOYMENT OF SIMILAR EMPLOYEES OF PRIVATE EMPLOYERS IN
16 MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY;

17 4. THE PUBLIC INTEREST AND WELFARE;

18 5. THE ABILITY OF THE COMMISSION TO FINANCE ANY
19 ECONOMIC ADJUSTMENTS REQUIRED UNDER THE PROPOSED AGREEMENT;

20 6. THE EFFECTS OF ANY ECONOMIC ADJUSTMENTS ON
21 THE STANDARD OF PUBLIC SERVICES NORMALLY PROVIDED BY THE COMMISSION;
22 AND

23 7. THE ANNUAL INCREASE OR DECREASE IN CONSUMER
24 PRICES FOR ALL ITEMS AS REFLECTED IN THE MOST RECENT CONSUMER PRICE
25 INDEX - URBAN WAGE EARNERS AND CLERICAL WORKERS ("CPI-W") FOR THE
26 WASHINGTON METROPOLITAN AREA; AND

27 (II) SHALL CONSIDER ALL ITEMS ON WHICH THE PARTIES
28 AGREED BEFORE THE MEDIATION-ARBITRATION BEGAN TO BE INTEGRATED INTO

1 EACH OFFER.

2 (3) (I) THE MEDIATOR-ARBITRATOR MAY NOT RECEIVE OR
3 CONSIDER THE HISTORY OF COLLECTIVE BARGAINING RELATING TO THE
4 IMMEDIATE DISPUTE, INCLUDING ANY OFFERS OF SETTLEMENT NOT CONTAINED IN
5 THE OFFER SUBMITTED TO THE MEDIATOR-ARBITRATOR.

6 (II) THE MEDIATOR-ARBITRATOR MAY NOT COMPROMISE OR
7 ALTER THE FINAL OFFER THAT THE MEDIATOR-ARBITRATOR SELECTS.

8 (F) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
9 OFFER SELECTED BY THE MEDIATOR-ARBITRATOR, AS INTEGRATED WITH THE
10 GOVERNING COLLECTIVE BARGAINING AGREEMENT AT THE TIME OF THE DISPUTE,
11 SHALL BE THE FINAL AGREEMENT BETWEEN THE COMMISSION AND THE EXCLUSIVE
12 REPRESENTATIVE WITHOUT RATIFICATION BY THE PARTIES.

13 (II) THE ECONOMIC PROVISIONS OF THE FINAL AGREEMENT
14 ARE SUBJECT TO FUNDING BY THE MONTGOMERY COUNTY COUNCIL AND THE
15 PRINCE GEORGE'S COUNTY COUNCIL.

16 (III) THE COMMISSION SHALL REQUEST FUNDS IN THE
17 COMMISSION'S FINAL BUDGET FROM THE MONTGOMERY COUNTY COUNCIL AND
18 THE PRINCE GEORGE'S COUNTY COUNCIL FOR ALL ECONOMIC PROVISIONS OF THE
19 FINAL AGREEMENT.

20 (2) THE PARTIES SHALL EXECUTE AN AGREEMENT INCORPORATING
21 THE FINAL AGREEMENT, INCLUDING ARBITRATION AWARDS AND ALL ISSUES
22 AGREED TO UNDER THIS SECTION.

23 (G) THE COMMISSION AND THE EMPLOYEE ORGANIZATION SHALL SHARE
24 EQUALLY THE COSTS OF THE MEDIATOR-ARBITRATOR'S SERVICES.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2023.