

HOUSE BILL 446

L6

7lr2135
CF SB 909

By: **Charles County Delegation (By Request)**

Introduced and read first time: January 26, 2017

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 21, 2017

CHAPTER _____

1 AN ACT concerning

2 **Charles County – Collective Bargaining for Public Safety Officials**

3 FOR the purpose of altering the definition of “employer” to include Charles County for the
4 purpose of certain provisions of law; authorizing certain fire, emergency medical
5 service, paramedic, and rescue employees of Charles County to collectively bargain
6 with the County Commissioners of Charles County with respect to certain matters
7 certain counties and municipal corporations; altering a certain provision of law to
8 provide that, with respect to Charles County, a certain memorandum of
9 understanding between Charles County and a certain exclusive representative is
10 subject to provisions concerning budgetary and fiscal procedures contained in local
11 law, regulation, or policy; providing that certain employees who are not a member of
12 the exclusive representative’s organization may be required to pay a certain fee to
13 the exclusive representative for certain purposes; prohibiting the County
14 Commissioners from recognizing an exclusive representative except under certain
15 circumstances; providing for the selection and decertification of an exclusive
16 representative; specifying the maximum number of individuals that the County
17 Commissioners and the exclusive representative may designate to represent the
18 County Commissioners and the exclusive representative in collective bargaining;
19 providing for meetings of parties to a collective bargaining agreement; requiring
20 negotiations for the collective bargaining agreement to begin on or before a certain
21 date; specifying the time period during which an exclusive bargaining agreement
22 may be valid; requiring an agreement, or a modification of that agreement, to be
23 signed and ratified by the County Commissioners and a majority of the votes cast by
24 the employees in the bargaining unit in order to be effective or valid; providing that
25 certain provisions of this Act do not authorize an eligible employee to engage in a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~certain strike; authorizing any party to collective bargaining to seek mediation under certain circumstances; requiring the party seeking mediation to provide certain notice to certain persons; authorizing any party to a collective bargaining agreement to declare a bargaining impasse under certain circumstances; establishing procedures and timelines for the mediation and arbitration of collective bargaining disputes; providing that certain recommendations of the arbitrator are not binding; authorizing the County Commissioners to adopt or reject certain recommendations under certain circumstances; authorizing the parties to reach a voluntary settlement on unresolved issues at any time; providing for the construction of certain provisions of this Act; altering a certain definition; making a conforming change; providing for the application of certain provisions of this Act; and generally relating to collective bargaining between the County Commissioners of Charles County and fire, emergency medical service, paramedic, and rescue employees.~~

BY repealing and reenacting, with amendments,

Article – Labor and Employment
Section 4–501, 4–504, and 4–505
Annotated Code of Maryland
(2016 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Labor and Employment
Section 4–502 and 4–503
Annotated Code of Maryland
(2016 Replacement Volume)

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

Article – Labor and Employment

4–501.

(a) In this subtitle the following words have the meanings indicated.

(b) “Employee” means a fire, EMS, paramedic, or rescue employee hired or compensated by the employer.

(c) “Employee organization” means any organization of employees that, as one of its primary purposes, represents fire, EMS, paramedic, or rescue personnel.

(d) “Employer” means:

(1) a charter county;

(2) CHARLES COUNTY; or

1 **(3)** a municipal corporation.

2 (e) “EMS” means emergency medical services.

3 (f) “Exclusive representative” means an employee organization that has been
4 certified through an election of eligible employees to represent and bargain for those
5 employees over any terms and conditions of employment.

6 4-502.

7 Each employer covered by this subtitle shall have the authority to enact a local law
8 or ordinance to permit voluntary collective bargaining between the employer and any
9 employee organization that the employer has recognized as an exclusive representative of
10 its employees.

11 4-503.

12 Once authorized by a local law or ordinance, collective bargaining between an
13 employer covered by this subtitle and an exclusive representative may include in a
14 memorandum of understanding between the employer and the employee organization
15 specific terms and conditions of employment.

16 4-504.

17 ~~(A)~~ Subject to provisions concerning budgetary and fiscal procedures contained in
18 the employer’s charter OR, WITH RESPECT TO CHARLES COUNTY, LOCAL LAW,
19 REGULATION, OR POLICY, if ratified or approved by a legislative enactment of the
20 employer, and if signed by the chief executive officer of the employer, a memorandum of
21 understanding between the employer and an exclusive representative shall bind the
22 employer for the period of time which is provided in the agreement.

23 ~~(B) (1) THIS SUBSECTION APPLIES ONLY TO ALL FULL-TIME MERIT~~
24 ~~SYSTEM EMPLOYEES WHOSE PRIMARY DUTIES INCLUDE PROVIDING EMERGENCY~~
25 ~~MEDICAL SERVICES, FIRE OPERATIONS, OR RESCUE OPERATIONS FOR THE~~
26 ~~CHARLES COUNTY DEPARTMENT OF EMERGENCY SERVICES.~~

27 ~~(2) THIS SUBSECTION DOES NOT APPLY TO AN EMPLOYEE OF THE~~
28 ~~CHARLES COUNTY DEPARTMENT OF EMERGENCY SERVICES WHO IS:~~

29 ~~(I) AN EMPLOYEE IN THE CHARLES COUNTY DEPARTMENT OF~~
30 ~~EMERGENCY SERVICES AT THE RANK OF CAPTAIN OR ABOVE;~~

31 ~~(II) AN EMPLOYEE IN AN APPOINTED POSITION;~~

32 ~~(III) A PART-TIME EMPLOYEE;~~

1 ~~(IV) A CONTRACTUAL EMPLOYEE;~~

2 ~~(V) A TEMPORARY EMPLOYEE;~~

3 ~~(VI) AN EMERGENCY EMPLOYEE; OR~~

4 ~~(VII) AN EMPLOYEE WHOSE EMPLOYMENT IS ADMINISTRATIVE~~
5 ~~UNDER THE CHARLES COUNTY POLICY AND PROCEDURE MANUAL.~~

6 ~~(3) (I) AN EMPLOYEE SUBJECT TO THIS SUBSECTION HAS THE~~
7 ~~RIGHT TO:~~

8 ~~1. TAKE PART IN OR REFRAIN FROM TAKING PART IN~~
9 ~~FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN AN EMPLOYEE~~
10 ~~ORGANIZATION OR THE ORGANIZATION'S LAWFUL ACTIVITIES;~~

11 ~~2. BE REPRESENTED BY AN EXCLUSIVE~~
12 ~~REPRESENTATIVE, IF ANY, IN COLLECTIVE BARGAINING; AND~~

13 ~~3. ENGAGE IN OTHER CONCERTED ACTIVITIES FOR THE~~
14 ~~PURPOSE OF COLLECTIVE BARGAINING.~~

15 ~~(II) AN EMPLOYEE SUBJECT TO THIS SUBSECTION MAY SEEK~~
16 ~~RECOGNITION IN ORDER TO ORGANIZE AND BARGAIN IN GOOD FAITH WITH THE~~
17 ~~COUNTY COMMISSIONERS OF CHARLES COUNTY OR THE COMMISSIONERS'~~
18 ~~DESIGNEE CONCERNING THE TERMS AND CONDITIONS OF EMPLOYMENT~~
19 ~~DETERMINED, OFFERED, ADMINISTERED, CONTROLLED, OR MANAGED BY THE~~
20 ~~COUNTY COMMISSIONERS OF CHARLES COUNTY.~~

21 ~~(III) AN EMPLOYEE SUBJECT TO THIS SUBSECTION WHO IS A~~
22 ~~MEMBER OF A BARGAINING UNIT THAT IS REPRESENTED BY A RECOGNIZED~~
23 ~~EXCLUSIVE REPRESENTATIVE BUT WHO IS NOT A MEMBER OF THE~~
24 ~~REPRESENTATIVE'S ORGANIZATION MAY BE REQUIRED TO PAY A PROPORTIONAL~~
25 ~~SERVICE FEE FOR THE COSTS ASSOCIATED WITH THE ADMINISTRATION AND~~
26 ~~ENFORCEMENT OF ANY AGREEMENT THAT BENEFITS THE AFFECTED EMPLOYEES.~~

27 ~~(4) (I) AN EXCLUSIVE REPRESENTATIVE MAY NOT BE RECOGNIZED~~
28 ~~BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY UNLESS THE~~
29 ~~REPRESENTATIVE IS SELECTED AND CERTIFIED BY THE DEPARTMENT OF LABOR,~~
30 ~~LICENSING, AND REGULATION.~~

31 ~~(II) ANY PETITION TO BE RECOGNIZED THAT IS SUBMITTED ON~~
32 ~~BEHALF OF THE ELIGIBLE EMPLOYEES SHALL BE ACCOMPANIED BY A SHOWING OF~~
33 ~~INTEREST SUPPORTED BY AT LEAST 51% OF THE ELIGIBLE EMPLOYEES INDICATING~~

~~1 THE EMPLOYEES' DESIRE TO BE EXCLUSIVELY REPRESENTED BY THE PETITIONER~~
~~2 FOR THE PURPOSE OF COLLECTIVE BARGAINING.~~

~~3 (5) (i) A LABOR ORGANIZATION SHALL BE DEEMED DECERTIFIED~~
~~4 IF A PETITION IS SUBMITTED TO THE COUNTY COMMISSIONERS OF CHARLES~~
~~5 COUNTY THAT IS SIGNED BY AT LEAST 51% OF THE ELIGIBLE EMPLOYEES~~
~~6 INDICATING THE DESIRE TO DECERTIFY THE LABOR ORGANIZATION AS THE~~
~~7 EXCLUSIVE REPRESENTATIVE.~~

~~8 (ii) IF THE EXCLUSIVE REPRESENTATIVE WISHES TO~~
~~9 CHALLENGE THE VALIDITY OF THE DECERTIFICATION PETITION SUBMITTED UNDER~~
~~10 SUBPARAGRAPH (i) OF THIS PARAGRAPH, THE EXCLUSIVE REPRESENTATIVE MAY,~~
~~11 WITHIN 20 DAYS AFTER RECEIVING THE PETITION, REQUEST THAT A SECRET~~
~~12 BALLOT ELECTION BE HELD.~~

~~13 (iii) THE SECRET BALLOT ELECTION REQUESTED UNDER~~
~~14 SUBPARAGRAPH (ii) OF THIS PARAGRAPH SHALL BE CONDUCTED BY AN IMPARTIAL~~
~~15 UMPIRE SELECTED JOINTLY BY THE PARTICIPATING PARTIES FROM A LIST OF~~
~~16 UMPIRES PROVIDED BY THE AMERICAN ARBITRATION ASSOCIATION.~~

~~17 (iv) IN ORDER TO BE DECERTIFIED, AT LEAST 51% OF THE~~
~~18 EMPLOYEES IN THE BARGAINING UNIT MUST VOTE IN FAVOR OF DECERTIFICATION.~~

~~19 (v) THE COSTS ASSOCIATED WITH THE APPOINTMENT OF AN~~
~~20 IMPARTIAL UMPIRE IN ACCORDANCE WITH SUBPARAGRAPH (iii) OF THIS~~
~~21 PARAGRAPH SHALL BE EQUALLY SHARED BY THE EXCLUSIVE REPRESENTATIVE AND~~
~~22 CHARLES COUNTY.~~

~~23 (6) (i) 1. THE COUNTY COMMISSIONERS OF CHARLES COUNTY~~
~~24 MAY DESIGNATE AT LEAST ONE, BUT NOT MORE THAN FOUR, INDIVIDUALS TO~~
~~25 REPRESENT THE COUNTY IN COLLECTIVE BARGAINING WITH THE EXCLUSIVE~~
~~26 REPRESENTATIVE.~~

~~27 2. THE EXCLUSIVE REPRESENTATIVE MAY DESIGNATE~~
~~28 AT LEAST ONE, BUT NOT MORE THAN FOUR, INDIVIDUALS TO REPRESENT THE~~
~~29 EXCLUSIVE REPRESENTATIVE IN COLLECTIVE BARGAINING WITH THE COUNTY.~~

~~30 (ii) THE PARTIES SHALL MEET AT REASONABLE TIMES AND~~
~~31 ENGAGE IN COLLECTIVE BARGAINING IN GOOD FAITH.~~

~~32 (iii) NEGOTIATIONS OR MATTERS RELATING TO NEGOTIATIONS~~
~~33 SHALL BE CONSIDERED CLOSED SESSIONS UNDER § 3 805 OF THE GENERAL~~
~~34 PROVISIONS ARTICLE.~~

~~(IV) NEGOTIATIONS FOR AN AGREEMENT SHALL BEGIN ON OR BEFORE SEPTEMBER 1 OF THE YEAR BEFORE THE EXPIRATION OF ANY EXISTING AGREEMENT.~~

~~(7) AN AGREEMENT IS NOT VALID IF THE AGREEMENT EXTENDS FOR LESS THAN 1 YEAR OR MORE THAN 3 YEARS.~~

~~(8) (I) AN AGREEMENT SHALL CONTAIN ALL MATTERS OF AGREEMENT REACHED IN THE COLLECTIVE BARGAINING PROCESS.~~

~~(II) AN AGREEMENT MAY CONTAIN A GRIEVANCE PROCEDURE FOR BINDING ARBITRATION FOR THE INTERPRETATION OF CONTRACT TERMS AND CLAUSES.~~

~~(III) AN AGREEMENT REACHED IN ACCORDANCE WITH THIS SUBSECTION SHALL BE IN WRITING AND SIGNED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY AND THE EXCLUSIVE REPRESENTATIVE INVOLVED IN THE COLLECTIVE BARGAINING NEGOTIATIONS.~~

~~(IV) AN AGREEMENT IS NOT EFFECTIVE UNTIL THE AGREEMENT IS RATIFIED BY:~~

~~1. THE COUNTY COMMISSIONERS OF CHARLES COUNTY; AND~~

~~2. A MAJORITY OF THE VOTES CAST BY THE EMPLOYEES IN THE BARGAINING UNIT.~~

~~(V) A MODIFICATION OF AN EXISTING AGREEMENT IS NOT VALID UNLESS THE MODIFICATION IS IN WRITING AND RATIFIED BY:~~

~~1. THE COUNTY COMMISSIONERS OF CHARLES COUNTY; AND~~

~~2. A MAJORITY OF THE VOTES CAST BY THE EMPLOYEES IN THE BARGAINING UNIT.~~

~~(9) THIS SUBSECTION DOES NOT AUTHORIZE AN ELIGIBLE EMPLOYEE TO ENGAGE IN A STRIKE AS DEFINED IN § 3-303 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.~~

~~(10) (I) IF THE EXCLUSIVE REPRESENTATIVE AND THE COUNTY COMMISSIONERS OF CHARLES COUNTY ARE UNABLE TO REACH AN AGREEMENT BEFORE JANUARY 15, EITHER THE EXCLUSIVE REPRESENTATIVE OR THE COUNTY~~

~~COMMISSIONERS OF CHARLES COUNTY MAY SEEK MEDIATION THROUGH THE
FEDERAL MEDIATION AND CONCILIATION SERVICE.~~

~~(II) A PARTY SEEKING MEDIATION UNDER SUBPARAGRAPH (I)
OF THIS PARAGRAPH SHALL GIVE WRITTEN NOTICE TO THE OTHER PARTIES AND TO
THE FEDERAL MEDIATION AND CONCILIATION SERVICE AT LEAST 15 DAYS BEFORE
THE ANTICIPATED FIRST MEDIATION MEETING.~~

~~(III) THE COSTS ASSOCIATED WITH THE MEDIATOR OR
MEDIATION PROCESS SHALL BE SHARED EQUALLY BY THE PARTIES.~~

~~(IV) COSTS INCURRED BY A PARTY TO PREPARE, APPEAR, OR
SECURE REPRESENTATION, EXPERT WITNESSES, OR EVIDENCE OF ANY KIND SHALL
BE BORNE EXCLUSIVELY BY THAT PARTY.~~

~~(V) THE PARTIES SHALL ENGAGE IN MEDIATION FOR AT LEAST
30 DAYS UNLESS THE PARTIES MUTUALLY AGREE IN WRITING TO THE TERMINATION
OR EXTENSION OF THE MEDIATION OR REACH AN AGREEMENT.~~

~~(VI) THE CONTENTS OF A MEDIATION PROCEEDING UNDER THIS
SUBPARAGRAPH MAY NOT BE DISCLOSED BY THE PARTIES OR THE MEDIATOR.~~

~~(11) (i) IF THE EXCLUSIVE REPRESENTATIVE AND THE COUNTY
COMMISSIONERS OF CHARLES COUNTY HAVE NOT REACHED AN AGREEMENT ON OR
BEFORE MARCH 1, OR A LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE
PARTIES, ON A COLLECTIVE BARGAINING AGREEMENT THAT WOULD SUCCEED THE
EXISTING AGREEMENT:~~

~~1. EITHER PARTY MAY DECLARE A BARGAINING
IMPASSE;~~

~~2. THE PARTY DECLARING A BARGAINING IMPASSE
UNDER ITEM 1 OF THIS SUBPARAGRAPH SHALL REQUEST A LIST OF ARBITRATORS
TO BE PROVIDED TO THE PARTIES BY THE FEDERAL MEDIATION AND CONCILIATION
SERVICE OR UNDER THE LABOR ARBITRATION RULES OF THE AMERICAN
ARBITRATION ASSOCIATION; AND~~

~~3. WITHIN 3 DAYS AFTER THE PARTIES' RECEIPT OF THE
LIST PROVIDED UNDER ITEM 2 OF THIS SUBPARAGRAPH, THE PARTIES SHALL
SELECT AN ARBITRATOR BY ALTERNATE STRIKING OF NAMES FROM THE LIST.~~

~~(II) ON OR BEFORE MARCH 15, OR ANY LATER DATE
DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES, THE PARTIES SHALL
SUBMIT TO THE ARBITRATOR:~~

1 ~~1. A JOINT MEMORANDUM LISTING ALL ITEMS TO WHICH~~
2 ~~THE PARTIES PREVIOUSLY AGREED; AND~~

3 ~~2. A SEPARATE PROPOSED MEMORANDUM OF EACH~~
4 ~~PARTY'S FINAL OFFER PRESENTED IN NEGOTIATIONS ON ALL ITEMS TO WHICH THE~~
5 ~~PARTIES PREVIOUSLY DID NOT AGREE.~~

6 ~~(III) 1. ON OR BEFORE MARCH 30, OR ANY LATER DATE~~
7 ~~DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES, THE ARBITRATOR SHALL~~
8 ~~HOLD A CLOSED HEARING ON THE PARTIES' PROPOSALS AT A TIME, DATE, AND~~
9 ~~PLACE WITHIN CHARLES COUNTY SELECTED BY THE ARBITRATOR AND CONSENTED~~
10 ~~TO BY THE PARTIES IN GOOD FAITH.~~

11 ~~2. AT THE HEARING, EACH PARTY MAY SUBMIT~~
12 ~~EVIDENCE AND MAKE ORAL AND WRITTEN ARGUMENTS IN SUPPORT OF THE PARTY'S~~
13 ~~LAST FINAL OFFER.~~

14 ~~(IV) THE ARBITRATOR MAY:~~

15 ~~1. GIVE NOTICE AND HOLD HEARINGS IN ACCORDANCE~~
16 ~~WITH THE MARYLAND ADMINISTRATIVE PROCEDURE ACT;~~

17 ~~2. ADMINISTER OATHS AND TAKE TESTIMONY AND~~
18 ~~OTHER EVIDENCE; AND~~

19 ~~3. ISSUE SUBPOENAS.~~

20 ~~(V) ON OR BEFORE APRIL 15, OR ANY LATER DATE~~
21 ~~DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES, THE ARBITRATOR SHALL~~
22 ~~ISSUE A REPORT:~~

23 ~~1. SELECTING THE FINAL OFFER SUBMITTED BY THE~~
24 ~~PARTIES THAT THE ARBITRATOR DETERMINES TO BE MORE REASONABLE WHEN~~
25 ~~VIEWED AS A WHOLE; AND~~

26 ~~2. STATING THE REASONS THAT THE ARBITRATOR~~
27 ~~FOUND THE FINAL OFFER TO BE MORE REASONABLE.~~

28 ~~(VI) IN DETERMINING WHICH FINAL OFFER IS MORE~~
29 ~~REASONABLE UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE ARBITRATOR~~
30 ~~MAY CONSIDER ONLY:~~

1 ~~1. PAST COLLECTIVE BARGAINING AGREEMENTS~~
2 ~~BETWEEN THE PARTIES, INCLUDING THE BARGAINING HISTORY THAT LED TO THE~~
3 ~~COLLECTIVE BARGAINING AGREEMENT AND THE PRECOLLECTIVE BARGAINING~~
4 ~~HISTORY OF EMPLOYEE WAGES, HOURS, BENEFITS, AND OTHER WORKING~~
5 ~~CONDITIONS;~~

6 ~~2. A COMPARISON OF WAGES, HOURS, BENEFITS, AND~~
7 ~~OTHER CONDITIONS OF EMPLOYMENT IN OTHER JURISDICTIONS IN THE STATE;~~

8 ~~3. A COMPARISON OF WAGES, HOURS, BENEFITS, AND~~
9 ~~OTHER CONDITIONS OF EMPLOYMENT IN ALL COUNTIES IN THE STATE;~~

10 ~~4. A COMPARISON OF WAGES, HOURS, BENEFITS, AND~~
11 ~~OTHER CONDITIONS OF EMPLOYMENT OF EMPLOYEES WORKING FOR CHARLES~~
12 ~~COUNTY;~~

13 ~~5. THE COSTS OF THE RESPECTIVE PROPOSALS OF THE~~
14 ~~PARTIES;~~

15 ~~6. THE CONDITION OF THE GENERAL OPERATING FUND~~
16 ~~OF CHARLES COUNTY, THE ABILITY OF CHARLES COUNTY TO FINANCE ANY~~
17 ~~ECONOMIC ADJUSTMENTS REQUIRED UNDER THE PROPOSED COLLECTIVE~~
18 ~~BARGAINING AGREEMENT, AND THE POTENTIAL IMPACT OF THE PARTIES' FINAL~~
19 ~~OFFERS ON THE BOND RATING OF CHARLES COUNTY;~~

20 ~~7. THE ANNUAL INCREASE OR DECREASE IN CONSUMER~~
21 ~~PRICES FOR GOODS AND SERVICES AS REFLECTED IN THE MOST RECENT CONSUMER~~
22 ~~PRICE INDEX FOR THE WASHINGTON-ARLINGTON-ALEXANDRIA, DC-VA-MD-WV~~
23 ~~METROPOLITAN STATISTICAL AREA PUBLISHED BY THE FEDERAL BUREAU OF~~
24 ~~LABOR STATISTICS;~~

25 ~~8. THE ANNUAL INCREASE OR DECREASE IN THE COST~~
26 ~~OF LIVING IN THE STATISTICAL AREAS DESCRIBED IN ITEM 7 OF THIS~~
27 ~~SUBPARAGRAPH AS COMPARED TO THE NATIONAL AVERAGE AND TO OTHER~~
28 ~~COMPARABLE METROPOLITAN AREAS;~~

29 ~~9. THE ANNUAL INCREASE OR DECREASE IN THE COST~~
30 ~~OF LIVING IN CHARLES COUNTY;~~

31 ~~10. RECRUITMENT AND RETENTION DATA;~~

32 ~~11. THE SPECIAL NATURE OF THE WORK PERFORMED BY~~
33 ~~THE EMPLOYEES IN THE BARGAINING UNIT, INCLUDING HAZARDS OF EMPLOYMENT,~~
34 ~~PHYSICAL REQUIREMENTS, EDUCATIONAL QUALIFICATIONS, JOB TRAINING AND~~

~~1 SKILLS, SHIFT ASSIGNMENTS, AND THE DEMANDS PLACED ON THOSE EMPLOYEES AS
2 COMPARED TO OTHER EMPLOYEES OF CHARLES COUNTY;~~

~~3 12. THE INTEREST AND WELFARE OF THE PUBLIC AND
4 THE EMPLOYEES IN THE BARGAINING UNIT; AND~~

~~5 13. STIPULATIONS OF THE PARTIES REGARDING ANY OF
6 THE ITEMS UNDER THIS SUBPARAGRAPH.~~

~~7 (VII) THE ARBITRATOR MAY NOT:~~

~~8 1. RECEIVE OR CONSIDER THE HISTORY OF COLLECTIVE
9 BARGAINING RELATED TO THE IMMEDIATE DISPUTE, INCLUDING ANY OFFERS OF
10 SETTLEMENT NOT CONTAINED IN THE FINAL OFFER SUBMITTED TO THE
11 ARBITRATOR, UNLESS THE PARTIES MUTUALLY AGREE OTHERWISE;~~

~~12 2. COMBINE FINAL OFFERS OR ALTER THE FINAL OFFER
13 THAT THE ARBITRATOR SELECTS, UNLESS THE PARTIES MUTUALLY AGREE
14 OTHERWISE; OR~~

~~15 3. SELECT AN OFFER IN WHICH THE CONDITIONS OF
16 EMPLOYMENT OR THE COMPENSATION, SALARIES, FEES, OR WAGES TO BE PAID ARE
17 UNREASONABLE.~~

~~18 (VIII) 1. THE ARBITRATOR SHALL SUBMIT THE REPORT
19 ISSUED UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH TO THE COUNTY
20 COMMISSIONERS OF CHARLES COUNTY AND THE EXCLUSIVE REPRESENTATIVE.~~

~~21 2. THE RECOMMENDATIONS OF THE ARBITRATOR ARE
22 NOT BINDING ON THE COUNTY COMMISSIONERS OF CHARLES COUNTY OR THE
23 EXCLUSIVE REPRESENTATIVE.~~

~~24 3. THE COUNTY COMMISSIONERS OF CHARLES COUNTY
25 MAY ADOPT OR REJECT A RECOMMENDATION OF THE ARBITRATOR.~~

~~26 (IX) 1. THE COSTS ASSOCIATED WITH THE SERVICES OF THE
27 ARBITRATOR SHALL BE SHARED EQUALLY BY THE PARTIES.~~

~~28 2. COSTS INCURRED BY A PARTY TO PREPARE, APPEAR,
29 OR SECURE REPRESENTATION, EXPERT WITNESSES, OR EVIDENCE OF ANY KIND
30 SHALL BE BORNE EXCLUSIVELY BY THAT PARTY.~~

~~31 (X) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO
32 PROHIBIT THE PARTIES FROM REACHING A VOLUNTARY SETTLEMENT ON ANY~~

1 ~~UNRESOLVED ISSUES AT ANY TIME BEFORE OR AFTER THE ISSUANCE OF THE~~
2 ~~RECOMMENDATIONS BY THE ARBITRATOR.~~

3 4-505.

4 (a) Subject to subsection (b) of this section, this subtitle only applies to:

5 (1) each charter county that engaged in collective bargaining with an
6 employee organization prior to October 1, 1994; [and]

7 (2) **CHARLES COUNTY ON OR AFTER OCTOBER 1, 2017; AND**

8 (3) each municipal corporation that engages in collective bargaining with
9 an employee organization prior to October 1, 1995.

10 (b) This subtitle may not be construed to repeal or limit any local charter
11 provision that extends collective bargaining rights to employees of employers and, if a local
12 charter authorizes or grants collective bargaining rights to any employees, the provisions
13 of this subtitle do not apply.

14 (c) This subtitle may not be construed to:

15 (1) require any form of collective bargaining;

16 (2) require any method, means, or scope of bargaining between an
17 employer and an exclusive representative; or

18 (3) authorize binding interest arbitration.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.