

Expedited Bill No. 30-03
Concerning: Collective Bargaining -
Schedule and Process
Revised: 9-22-03 Draft No. 1
Introduced: September 9, 2003
Enacted: September 30, 2003
Executive: October 9, 2003
Effective: October 9, 2003
Sunset Date: None
Ch. 22, Laws of Mont. Co. 2003

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Management and Fiscal Policy Committee

AN EXPEDITED ACT to:

- (1) modify the process and schedule for collective bargaining with County bargaining units;
and
- (2) repeal obsolete provisions, update language, and generally amend the laws governing collective bargaining by County employees, including public safety employees.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-79, 33-80, 33-81, 33-106, 33-108, and 33-153

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

31 date. If a later submission is necessary, the employer shall specify the submission
 32 date and the reasons for delay to the Council President by April 1. The employer
 33 shall make a good faith effort to have such term or condition implemented by
 34 Council action. Each submission to the Council shall include:

35 (1) all proposed legislation and regulations necessary to implement the
 36 collective bargaining agreement:

37 (2) all changes from the previous collective bargaining agreement, indicated by
 38 brackets and underlines or a similar notation system; and

39 (3) all side letters or other extraneous documents that are binding on the parties.

40 (h) Council review. On or before May 1, the County Council shall indicate by
 41 resolution its intention to appropriate funds for or otherwise implement the
 42 agreement or its intention not to do so, and shall state its reasons for any intent to
 43 reject any part of the agreement. The Council, by majority vote taken on or before
 44 May 1, may defer the May 1 deadline to any date not later than May 15. If the
 45 Council indicates its intention to reject any part, it shall designate a representative to
 46 meet with the parties and present the Council's views in their further negotiations.
 47 This representative shall also participate fully in stating the Council's position in any
 48 ensuing impasse procedure. The parties shall thereafter meet as promptly as
 49 possible and attempt to negotiate an agreement acceptable to the Council. Either of
 50 the parties may initiate the impasse procedure set forth in Section 33-81. The results
 51 of the negotiation or impasse procedure shall be submitted to the Council on or
 52 before May 10. If the Council has deferred the May 1 deadline, that action
 53 automatically postpones the May 10 deadline by the same number of days.

54 (i) Adjustments. Any agreement shall provide either for automatic reduction or
 55 elimination of conditional wage [and/]or benefits adjustments if:

56 (1) the Council [fails to] does not take action necessary to implement the
 57 agreement, or

58 (2) [if] sufficient funds are not appropriated for any fiscal year [in which] when
 59 the agreement is in effect.

60 (j) Later years. The process and timetable in subsection (h) apply to Council review of
 61 wage or benefits adjustments after the first year of any multi-year agreement.

93 expenses of the mediator/arbitrator must be shared equally by the employer and the
 94 certified representative.

95 * * *

96 (g) In each proposed annual operating budget, the County Executive must describe any
 97 collective bargaining agreement or amendment to an agreement that is scheduled to
 98 take effect in the next fiscal year and estimate the cost of implementing that
 99 agreement. The employer must submit to the Council by April 1, unless extenuating
 100 circumstances require a later date, any term or condition of the collective bargaining
 101 agreement that requires an appropriation of funds, or the enactment or adoption of
 102 any County law or regulation, or which has or may have a present or future fiscal
 103 impact. If a later submission is necessary, the employer must specify the submission
 104 date and the reasons for delay to the Council President by April 1. The employer
 105 must expressly identify to the Council and the certified representative any term or
 106 condition that requires Council review. Each submission to the Council must
 107 include:

108 (1) all proposed legislation and regulations necessary to implement the
 109 collective bargaining agreement;

110 (2) all changes from the previous collective bargaining agreement, indicated by
 111 brackets and underlines or a similar notation system; and

112 (3) all side letters or other extraneous documents that are binding on the parties.

113 The employer must make a good faith effort to have the Council approve all terms of
 114 the final agreement that require Council review.

115 (h) The Council may hold a public hearing to enable the parties and the public to testify
 116 on the agreement.

117 (i) The Council may accept or reject all or part of any term or condition that requires
 118 Council review under subsection (g). On or before May 1, the Council must indicate
 119 by resolution its intention to appropriate funds for or otherwise implement the items
 120 that require Council review or its intention not to do so, and must state its reasons for
 121 any intent to reject any such item. The Council, by majority vote taken on or before
 122 May 1, may defer the May 1 deadline to any date not later than May 15.

23 (j) If the Council indicates its intention to reject any item that requires Council review,

124 the Council must designate a representative to meet with the parties and present the
 125 Council's views in the parties' further negotiation on items that the Council has
 126 indicated its intention to reject. This representative must also participate fully in
 127 stating the Council's position in any ensuing impasse procedure. The parties must
 128 meet as promptly as possible and attempt to negotiate an agreement acceptable to the
 129 Council. Either party may at this time initiate impasse procedures under this
 130 Section. The parties must submit the results of the negotiation, whether a complete
 131 or a partial agreement, to the Council on or before May 10. If the Council has
 132 deferred the May 1 deadline, that action automatically postpones the May 10
 133 deadline by the same number of days. The Council then must consider the
 134 agreement as renegotiated by the parties and indicate by resolution its intention to
 135 appropriate funds for or otherwise implement the agreement, or its intention not to
 136 do so.

137 * * *

138 (m) Later years. The process and timetable in subsections (i) and (j) apply to Council
 139 review of wage or benefits adjustments after the first year of any multi-year
 140 agreement.

141 (n) Out-of-cycle amendments. The process in subsections (i) and (j) applies to Council
 142 review of any amendment to a collective bargaining agreement that the Council
 143 receives after May 15 of any year, but the deadlines in those subsections do not
 144 apply. The Council President must set action deadlines which result, to the extent
 145 feasible, in a similar timetable relative to the date the Council received the
 146 amendment.

147 **33-153. Bargaining, impasse, and legislative procedures.**

148 * * *

149 (d) Before [November] September 10 of any year in which the employer and the
 150 certified representative bargain collectively, they must choose an impasse neutral,
 151 either by agreement or through the processes of the American Arbitration
 152 Association. The impasse neutral must be available from January 15 to February 1.
 153 The impasse neutral's fees and expenses must be shared equally by the employer and
 154 the certified representative.

155

* * *

156 (l) In each proposed annual operating budget, the County Executive must describe any
 157 collective bargaining agreement or amendment to an agreement that is scheduled to
 158 take effect in the next fiscal year and estimate the cost of implementing that
 159 agreement. The annual operating budget [which the employer submits to the County
 160 Council] must include sufficient funds to pay for the items in the parties' final
 161 agreement. The employer must expressly identify to the Council by April 1, unless
 162 extenuating circumstances require a later date, all terms and conditions in the
 163 agreement that:

- 164 (1) require an appropriation of funds, or
 165 (2) are inconsistent with any County law or regulation, or
 166 (3) require the enactment or adoption of any County law or regulation, or
 167 (4) which have or may have a present or future fiscal impact.

168 If a later submission is necessary, the employer must specify the submission date
 169 and the reasons for delay to the Council President by April 1. The employer must
 170 make a good faith effort to have the Council take action to implement all terms and
 171 conditions in the parties' final agreement.

172 (m) Each agreement submitted to the Council must include:

- 173 (1) all proposed legislation and regulations necessary to implement the
 174 agreement;
 175 (2) all changes from the previous collective bargaining agreement, indicated by
 176 brackets and underlines or a similar notation system; and
 177 (3) all side letters or other extraneous documents that are binding on the parties.

178 [(m)] (n) * * *

179 [(n)] (o) The Council may accept or reject all or part of any term or condition in the
 180 agreement which:

- 181 (1) requires an appropriation of funds, or
 182 (2) is inconsistent with any County law or regulation, or
 183 (3) requires the enactment or adoption of any County law or regulation, or
 184 (4) which has or may have a present or future fiscal impact.

185 On or before May 1, the Council must indicate by resolution its intention to

186 appropriate funds for or otherwise implement the agreement or its intention not to do
 187 so, and must state its reasons for any intention to reject any part of the parties' final
 188 agreement. The Council, by majority vote taken on or before May 1, may defer the
 189 May 1 deadline to any date not later than May 15.

190 [(o)] (p) If the Council indicates its intention to reject any part of the parties' final
 191 agreement, it must select a representative to meet with the parties and present the
 192 Council's views in the parties' further negotiation on matters that the Council has
 193 indicated its intention to reject. This representative must also participate fully in
 194 stating the Council's position in any ensuing impasse procedure. The parties must
 195 meet as promptly as possible and attempt to negotiate an agreement acceptable to the
 196 Council. Either party may at this time initiate impasse procedures under this section.
 197 The parties must submit the results of the negotiation, whether a complete or a
 198 partial agreement, to the Council on or before May 10. If the Council has deferred
 199 the May 1 deadline, that action automatically postpones the May 10 deadline by the
 200 same number of days. The Council then must consider the agreement as
 201 renegotiated by the parties and indicate by resolution its intention to appropriate
 202 funds for or otherwise implement the agreement or its intention not to do so.

203 [(p)] (q) * * *


204 (r) Later years. The process and timetable in subsections (o) and (p) apply to Council
 205 review of wage or benefits adjustments after the first year of any multi-year
 206 agreement.

207 (s) Out-of-cycle amendments. The process in subsections (o) and (p) applies to Council
 208 review of any amendment to a collective bargaining agreement that the Council
 209 receives after May 15 of any year, but the deadlines in those subsections do not
 210 apply. The Council President must set action deadlines which result, to the extent
 211 feasible, in a similar timetable relative to the date the Council received the
 212 amendment.

213 **Sec. 2. Expedited Effective Date.**


214 The Council declares that this legislation is necessary for the immediate protection of the
 215 public interest. This Act takes effect on the date on which it becomes law.

216 *Approved:*

217 
Michael L. Subin, President, County Council


10/1/03
Date

218 *Approved:*

219 
Douglas M. Duncan, County Executive

10/1/03
Date

220 *This is a correct copy of Council action.*

221 
Mary A. Edgar, CMC, Clerk of the Council

10/20/03
Date