

Expedited Bill No. 19-04  
Concerning: Collective Bargaining –  
Police -  
Revised: 6-18-04 Draft No. 1  
Introduced: June 22, 2004  
Enacted: July 13, 2004  
Executive: July 16, 2004  
Effective: July 16, 2004  
Sunset Date: None  
Ch. 15, Laws of Mont. Co. 2004

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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**AN EXPEDITED ACT to:**

- (1) provide a process to resolve bargaining impasses over reopener issues and the employer's exercise of management rights that have an impact on bargaining unit employees;
- (2) make it a prohibited practice for the employer to refuse to participate in the impasse procedure after the employer implements a final offer on the effects of the exercise of an employer right; and
- (3) generally amend the law regarding collective bargaining with County police officers.

By amending

Montgomery County Code  
Chapter 33, Personnel and Human Resources  
Sections 33-81 and 33-82

<b>Boldface</b>	<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:*



than 10 days after impasse is declared.

(E) The impasse neutral must resolve the dispute under the impasse procedure in subsection (b), except that:

- (i) the dates in that subsection do not apply;
- (ii) each party must submit to the impasse neutral a final offer on only the reopener matter; and
- (iii) the impasse neutral must select the most reasonable of the parties' final offers no later than 10 days after the impasse neutral receives the final offers.

(F) This subsection applies only if the parties in their collective bargaining agreement have designated:

- (i) the specific reopener matter to be bargained;
- (ii) the date by which bargaining on the reopener matter must begin; and
- (iii) the deadline by which bargaining on the reopener matter must be completed and after which the impasse procedure must be implemented.

(2) *Bargaining over the effects of the exercise of an employer right.*

(A) If the employer notifies the employee organization that it intends to exercise a right listed in Section 33-80(b), the exercise of which will have an effect on members of the bargaining unit, the parties must choose by agreement or through the processes of the American Arbitration

- 50                   Association an impasse neutral who agrees to be  
51                   available for impasse resolution within 30 days.
- 52           (B)   The parties must engage in good faith bargaining on the  
53                   effects of the exercise of the employer right. If the  
54                   parties, after good faith bargaining, are unable to agree  
55                   on the effect on bargaining unit employees of the  
56                   employer's exercise of its right, either party may declare  
57                   an impasse.
- 58           (C)   If the parties bargain to impasse over the effects on  
59                   employees of an exercise of an employer right that has a  
60                   demonstrated, significant effect on the safety of the  
61                   public, the employer may implement its last offer before  
62                   engaging in the impasse procedure. A party must not  
63                   exceed a time requirement of the impasse procedure. A  
64                   party must not use the procedure in this paragraph for a  
65                   matter that is a mandatory subject of bargaining other  
66                   than the effects of the exercise of an employer right.
- 67           (D)   The parties must submit the dispute to the impasse  
68                   neutral no later than 10 days after either party declares an  
69                   impasse under subparagraph (B).
- 70           (E)   The impasse neutral must resolve the dispute under the  
71                   impasse procedures in subsection (b), except that:
- 72                   (i)   the dates in that subsection do not apply;

(ii) each party must submit to the impasse neutral a final offer only on the effect on employees of the employer's exercise of its right; and

(iii) the impasse neutral must select the most reasonable of the parties' final offers no later than 10 days after the impasse neutral receives the final offers and, if appropriate, must provide retroactive relief.

(F) If the impasse neutral has not issued a decision within 20 days after the impasse neutral receives the parties' final offers, the employer may implement its final offer until the impasse neutral issues a final decision.

**33-82. Prohibited practices.**

(a) The employer or its agents or representatives are prohibited from:

\* \* \*

(9) Engaging in a lockout of employees[.];

(10) delaying or refusing to participate in the impasse procedure in Section 33-81(c)(2) after the employer implements a final offer under Section 33-81(c)(2)(C).

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

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

97 *Approved:*

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7/15/04

Steven A. Silverman, President, County Council

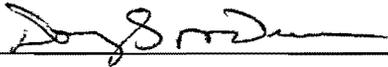
Date

101 *Approved:*

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7/16/04

Douglas M. Duncan, County Executive

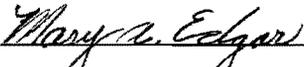
Date

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

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7/19/04

Mary A. Edgar, CMC, Clerk of the Council

Date