

M E M O R A N D U M

TO: County Council

FROM: Frances Moran, Staff Attorney
Office of Legislative Counsel

SUBJECT: Introduction - Bill 19-86, County Employee Collective Bargaining

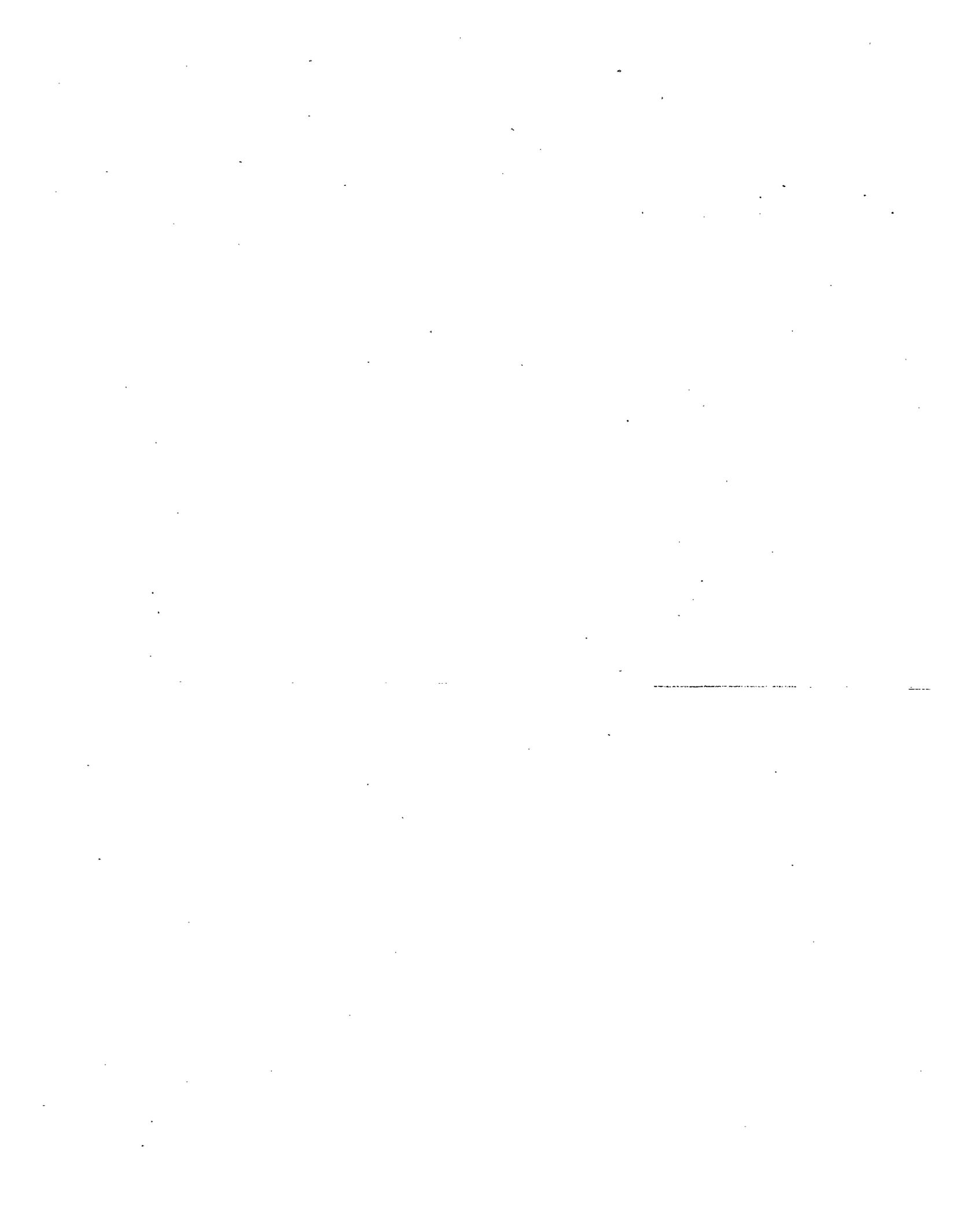
Bill 19-86, sponsored by the Personnel Committee, is scheduled for introduction on March 25, 1986.

Attached for your consideration are:

- | | |
|-------------------------------|-------------|
| 1. Bill 19-86 | (Circle 1) |
| 2. Legislative Request Report | (Circle 33) |
| 3. Amendments | (Circle 35) |

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Attachments





MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

MONTGOMERY COUNTY COUNCIL

SUMMARY OF BILL
providing for
COUNTY EMPLOYEE COLLECTIVE BARGAINING

Recommended by the Personnel Committee, 3/17/86,
for Introduction 3/25/86

Introduction

This is a bill to permit County Government employees to engage in collective bargaining.

The bill takes its framework and most of its basic language from the police collective bargaining law. However, collective bargaining for County employees presents some different issues from the issues presented by collective bargaining for the police, and therefore the bill differs from the police law in several significant ways. Moreover, the language and format of the police law have been altered somewhat, in line with the Council's plain language rules and principles. The bill has not, however, been fully "plain languaged."

On several of the important issues, alternative proposals have been drafted as amendments to the bill, in order to assure that options are presented for public debate and Council choice.

The bill provides for two bargaining units, in large measure the same units (Service, Labor, and Trades and Office, Professional and Technical) now in existence under the meet and confer law. The bill further provides that there will be no unit of supervisors. An amendment offers the option that there will be only one unit of all eligible employees.

The bill provides for the use of fact-finding and recommendations by a mediator, instead of binding arbitration, when there is a bargaining impasse.

The bill permits the collective bargaining contract to contain an agency shop provision, with a proviso that any employee who objects to paying union dues or a service fee on religious grounds may substitute payment of the same amount of money to a charity. Amendments offer agency shop options (1) that no agency shop be permitted, and (2) that agency shop could only apply to employees who have not yet reached 10 years of service as of the effective date of the bill.

Key Provisions

1. Two bargaining units -- (Service Labor, and Trades [SLT] and Office, Professional, and Technical [OPT] units), with certain exclusions; no supervisory unit. [Sections 33-102(4), 105, 106].

Amendment: Single unit of all employees. [Amendment #1].

2. Exclusions from the bargaining units: The employees excluded from the collective bargaining units are in most respects the same as those excluded from the meet and confer units. There have, however, been some additions to the list of those excluded from the units, principally all employees in the Office of the County Executive and the Office of the CAO, all County Council employees, officers in the uniformed services in the rank of sergeant and above, State Merit System employees, all persons in Grade 27 or above, temporary employees, and newly hired employees on probationary status. [Section 33-102(4)].

3. Choice of Collective Bargaining Representative
[Section 33-106].

The draft provides for an election in which the employees may express their desires with respect to collective bargaining. The bill further provides that a majority of those voting will determine the outcome. An amendment provides that a majority of the unit must participate in the election for the result to be determinative. [Amendment #2].

The bill also provides an alternative to an election, which is that the Labor Relations Administrator may accept cards or petitions signed by a majority of the employees designating the incumbent meet and confer Union as the bargaining representative, unless another Union, or 10% of the employees in the unit, have petitioned for an election. An amendment provides that the only method of choice shall be an election. [Amendment #3].

4. Subjects of Bargaining [Section 33-107(a)].

A. Salaries and wages; hours and working conditions; health and safety.

B. Agency Shop, with religious exception (from state teacher law).

Amendments: (1) No agency shop is permissible, or (2) agency shop is permissible only for new employees and

employees who have not reached 10 years service as of the effective date of the bill. [Amendments #s 4 & 5].

C. Pensions: (1) The bill states the County must bargain only about defined-contribution pension plans for new employees and for current employees who may choose to switch from their existing defined-benefit plan to a defined-contribution plan. Such bargaining would not occur unless and until the County enacts a law establishing a defined-contribution plan for new employees. The existing defined-benefit plans for current employees would not be subject to bargaining.

Amendment: No bargaining on pensions. [Amendment #6].

D. Binding grievance arbitration.

Amendment: Binding grievance arbitration for discipline and discharge cases only; for other cases arbitration is advisory only, unless the parties agree the decision in a particular case will be binding. [Amendment #7].

E. "Effects" bargaining. The bill does not import the provision of the police law which mandates bargaining about "the effect on employees of management's exercise" of all its management rights. The bill confines "effects" bargaining to bargaining about effects on employees when the exercise of management rights causes the loss of bargaining unit jobs. An amendment uses the police law's broad "effects" bargaining language. [Amendment #8].

5. Management rights [Section 33-107(b)]. The bill adds more detail to the management rights section than is in the police law. Note: One of the stated management rights is the right to contract out, modified by a proviso that no contracting of work which will displace employees may be undertaken by the County without 90 days notice to the Union.

6. Bargaining impasse to be broken with fact-finding, not binding arbitration [Section 33-108]. The fact-finder makes recommendations on disputed issues. Parties bargain 10 more days. If full agreement is not reached, Council gets recommendations of fact-finder and both parties, participates in final bargaining as in police law, and has the final say as in police law.

7. Timing of bargaining [Section 33-108]. Under the bill, bargaining would commence no later than November 1, 1986, if a Union is certified as the bargaining representative. Therefore, bargaining would start with the present Executive, and finish with the new Executive and the new Council. Under this schedule the first contract would be effective July 1, 1987. An amendment provides for bargaining of a short contract for 1986-87 that would contain only non-economic items. [Amendment #9].

8. Labor Relations Administrator [Section 33-103]. This official, appointed by the Executive and confirmed by the Council, conducts elections and judges "prohibited practices", as in police law. The initial term of the LRA is four years. Further terms are five years. The Union is able, if it chooses, to veto the LRA's re-appointment. An amendment gives the Union a formal role in the appointment process. [Amendment #10].

9. Mandated 75% cost-of-living law is repealed for all County government personnel if and when the employees eligible for collective bargaining choose a Union pursuant to the new law. [p. 5 of bill].

10. Meet and confer stays on books for now, but would become inapplicable if and when employees choose a Union pursuant to the new law. [p. 4 of bill]. An amendment provides that State merit system employees, who are excluded from collective bargaining under the bill, would keep meet and confer rights. [Amendment #12].

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Bill No.: 19-86
 Concerning: County Employee
 Collective Bargaining
 Draft No. & Date: STAFF - 3/17/86
 Introduced: March 25, 1986
 Expires: September 25, 1987
 Enacted: _____
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co., FY _____

COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND

By: Personnel Committee

AN ACT TO:

- (1) establish a framework for public employer-employee labor relations;
- (2) provide the method for designating an employee organization as the exclusive representative of public employees in the appropriate unit;
- (3) provide procedures for collective bargaining of wages, hours, and other terms and conditions of employment;
- (4) provide for the appointment of a labor relations administrator;
- (5) define the rights of employees, employee organizations, and the public employer;
- (6) prohibit certain conduct;
- (7) provide procedures for resolving differences between the public employer and employees;
- (8) generally assure uninterrupted operation of government services; and
- (9) generally provide for the establishment of County employee collective bargaining.

By amending
 Chapter 33, Personnel
 Section 33-11(b) of the Montgomery County Code

By adding

Chapter 33, Personnel

Sections 33-63A and 33-74(d), and Article VII of the
Montgomery County Code

- EXPLANATION:
- **Boldface** indicates matter that is a heading or a defined term.
 - Underlining indicates matter added to existing law.
 - [[Double Brackets]] indicate matter repealed from existing law.
 - **CAPITALS** indicate matter quoted from existing law which is added to the bill by amendment.
 - UNDERLINED CAPITALS indicate matter added to existing law by amendment to the bill.
 - ~~Strikes~~ indicate matter deleted from the bill by amendment.
 - * * * indicates existing law unaffected by the bill.

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

01 Sec. 1. Section 33-11(b) is amended to read as follows:

02 33-11. Classification; salary and wage plans.

03 (b) Uniform salary plan. [[There is hereby established for all
04 classes of positions in the merit system a uniform salary plan entitled the
05 "general salary schedule" which shall contain grades, salary rates and ranges
06 for each grade. All classes of positions shall be assigned an appropriate
07 grade under the general salary schedule by the chief administrative officer.
08 All positions involving comparable duties, experience, responsibilities and
09 authority shall be paid comparable salaries in accordance with the relative
10 value of the services performed. In establishing salary rates, consideration
11 shall be given to experience, prevailing salary rates for comparable services
12 in both the public and private sectors, living costs, and fringe and other
13 benefits received by the employee under the merit system. The chief
14 administrative officer shall, subject to the approval of the county council,
15 promulgate and from time to time amend the general salary schedule,
16 compensation policies for overtime, pay differential and other appropriate
17 salary and wage benefits.]]

- 18 (1) Subject to approval by the County Council, the Chief
19 Administrative Officer must issue and periodically amend a
20 uniform salary plan known as the "general salary schedule" for
21 all classes of positions in the merit system.
- 22 (2) The general salary schedule must contain grades, salary rates,
23 and salary ranges for each grade.
- 24 (3) The Chief Administrative Officer must assign an appropriate
25 grade under the general salary schedule to all classes of
26 positions.
- 27 (4) All positions involving comparable duties, experience,

01 responsibilities, and authority must be paid comparable salaries
02 in accordance with the relative value of the services performed.

03 (5) In setting salary rates, the Chief Administrative Officer must
04 consider experience, prevailing salary rates for comparable
05 services in both the public and private sectors, living costs,
06 and fringe and other benefits received by the employee under the
07 merit system.

08 (6) Subject to approval by the County Council, the Chief
09 Administrative Officer must also issue and periodically amend
10 compensation policies for overtime, pay differentials, and other
11 appropriate salary and wage benefits.

12 (7) Any plan, policy, or schedule issued by the Chief Administrative
13 Officer under this subsection is subject to the limitations in
14 Articles V and VII of this chapter regarding County police
15 department and government employees who are represented by a
16 certified employee organization.

17
18 Sec. 2. Sections 33-63A and 33-74(d) and Article VII of Chapter 33 are
19 added as follows:

20 33-63A. Applicability.

21 Upon certification that the employees in the units are represented for
22 collective bargaining, this article shall not apply to any person.

23 33-74. Cost-of-living adjustment.

24 (d) This section is automatically repealed upon certification that the
25 employees in the units are represented for the purpose of collective
26 bargaining under Article VII of this chapter.

01 Article VII. County Collective Bargaining.

02 33-101. Declaration of policy.

03 It is the public policy of Montgomery County to promote a harmonious,
04 peaceful, and cooperative relationship between the County government and its
05 employees and to protect the public by assuring, at all times, the responsive,
06 orderly, and efficient operation of County government and services. Since
07 unresolved disputes in public service are harmful to the public and to
08 employees, adequate means should be available for preventing disputes and for
09 resolving them when they occur. To that end, it is in the public interest
10 that employees have the opportunity to bargain collectively over wages, hours,
11 and other terms and conditions of employment, as authorized by Charter Section
12 511, through a representative of their choice, or to refrain from collective
13 bargaining. It is also in the public interest that the County government and
14 a representative of County employees bargain collectively in good faith
15 without interference with the orderly process of government and that they
16 implement any agreements reached through collective bargaining.

17 The County Council also recognizes that employee organizations and the
18 County government each possess substantial means for initiating actions on
19 wages, hours, and working conditions of employees. Therefore, in order to
20 preserve an appropriate balance between labor and management in the public
21 service, the County Council states that once the employees voluntarily select
22 a representative, collective bargaining shall be used in place of, and not in
23 addition to, existing means for initiating governmental action on subjects
24 that are defined as appropriate for collective bargaining in this article.

25 33-102. Definitions.

26 The following terms have the meaning indicated when used in this article:

27 (1) "Agency shop" means a provision in a collective bargaining

01 agreement requiring, as a condition of continued employment, that
02 bargaining unit employees pay a service fee not greater than the
03 monthly membership dues uniformly and regularly required by the
04 employee organization of all of its members. An agency shop
05 agreement shall not require an employee to pay initiation fees,
06 assessments, fines, or any other collections or their equivalent as a
07 condition of continued employment. A collective bargaining agreement
08 shall not require payment of a service fee by any employee who
09 opposes joining or financially supporting an employee organization on
10 religious grounds. However, the agreement may require that employee
11 to pay an amount equal to the service fee to a nonreligious, nonunion
12 charity, or to any other charitable organization, agreed to by the
13 employee and the certified representative, and to give to the
14 employer and the certified representative written proof of this
15 payment.

16 (2) "Certified representative" means an employee organization chosen to
17 represent one or both units in accordance with the procedures of this
18 article.

19 (3) "Collective bargaining" means meeting at reasonable times and
20 places and negotiating in good faith on appropriate subjects as
21 defined under this article. This article shall not be interpreted to
22 compel either party to agree to a proposal or make a concession.

23 (4) "Employee" means any person who works under the County government
24 merit system on a continuous full-time, career or part-time, career
25 basis, except for the following:

26 (A) Confidential aides to elected officials.

27 (B) All persons who are not covered by the County government merit

- 01 system.
- 02 (C) Heads of principal departments, offices, and agencies.
- 03 (D) Deputies and assistants to heads of principal departments,
- 04 offices, and agencies.
- 05 (E) Persons who provide direct staff or administrative support to
- 06 the head of a principal department, office, or agency, or to a
- 07 deputy or assistant within the immediate office of a head of a
- 08 principal department, office, or agency.
- 09 (F) Persons who report directly to or whose immediate supervisor is
- 10 the County Executive or the Chief Administrative Officer or
- 11 their principal aides.
- 12 (G) Persons who work for the office of the County Executive and the
- 13 office of the Chief Administrative Officer.
- 14 (H) Persons who work for the County Council.
- 15 (I) Persons who work for the office of the County Attorney.
- 16 (J) Persons who work for the Office of Management and Budget.
- 17 (K) Persons who work for the Personnel Office.
- 18 (L) Persons who work for the Merit System Protection Board.
- 19 (M) Persons who work on a temporary, seasonal, or substitute basis.
- 20 (N) Newly hired persons on probationary status.
- 21 (O) Persons who work for the police department who are represented
- 22 by a certified employee organization under Article V of this
- 23 chapter.
- 24 (P) Officers in the uniformed services (corrections, fire and
- 25 rescue, police, office of the sheriff) in the rank of sergeant
- 26 and above. Subject to any limitations in State law, deputy
- 27 sheriffs below the rank of sergeant are employees.

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(Q) Persons who are members of the State merit system.

(R) Supervisors, which means persons having authority to do any of the following:

(i) Hire, assign, transfer, lay off, recall, promote, evaluate, reward, discipline, suspend, or discharge employees, or effectively to recommend any one of these actions.

(ii) Direct the activity of three or more employees.

(iii) Adjust or recommend adjustment of grievances.

(S) Persons in grade 27 or above, whether or not they are supervisors.

(5) "Employee organization" means any organization that admits employees to membership and that has as a primary purpose the representation of employees in collective bargaining.

(6) "Employer" means the County Executive and his or her designees.

(7) "Lockout" means any action that the employer takes to interrupt or prevent the continuity of work properly and usually performed by the employees for the purpose and with the intent of either coercing the employees into relinquishing rights guaranteed by this article or of bringing economic pressure on employees for the purpose of securing the agreement of their certified representative to certain collective bargaining terms.

(8) "Mediation" means an effort by the mediator/fact-finder chosen under this article to assist confidentially in resolving, through interpretation, suggestion, and advice, a dispute arising out of collective bargaining between the employer and the certified representative.

01 (9) "Strike" means a concerted failure to report for duty, absence,
02 stoppage of work, or abstinence in whole or in part from the full and
03 faithful performance of the duties of employment with the employer,
04 or deviation from normal or proper work duties or activities, where
05 any of the preceding are done in a concerted manner for the purpose
06 of inducing, influencing, or coercing the employer in the
07 determination, implementation, interpretation, or administration of
08 terms or conditions of employment or of the rights, privileges, or
09 obligations of employment or of the status, recognition, or authority
10 of the employee or an employee organization.

11 (10) "Unit" means either of the units defined in section 33-105.

12 (11) When either the female or the male pronoun appears herein, it is to
13 be read to include both genders.

14 **33-103. Labor Relations Administrator.**

15 (a) There is established the position of Labor Relations Administrator,
16 to provide for the effective implementation and administration of
17 this article concerning selection, certification and decertification
18 procedures, prohibited practices, and the choice of a
19 mediator/fact-finder. The Labor Relations Administrator shall
20 exercise the following powers and perform the following duties and
21 functions:

22 (1) Periodically adopt, amend, and rescind, under method (1) of
23 section 2A-15 of this Code, regulations and procedures for the
24 implementation and administration of the duties of the Labor
25 Relations Administrator under this article.

26 (2) Request from the employer or an employee organization, and the
27 employer or such organization may at its discretion provide, any

- 01 relev. assistance, service, and data at will enable her
02 properly to carry out her duties under this article.
- 03 (3) Hold hearings and make inquiries, administer oaths and
04 affirmations, examine witnesses and documents, take testimony
05 and receive evidence, and compel by issuance of subpoenas the
06 attendance of witnesses and the production of relevant documents.
- 07 (4) Hold and conduct elections for certification or decertification
08 pursuant to the provisions of this article and issue the
09 certification or decertification.
- 10 (5) Investigate and attempt to resolve or settle, as provided in
11 this article, charges of engaging in prohibited practices.
12 However, if the employer and a certified representative have
13 negotiated a valid grievance procedure, the Labor Relations
14 Administrator shall defer to that procedure for the resolution
15 of disputes properly submissible to the procedure absent a
16 showing that the deferral results in the application of
17 principles repugnant to this article. Furthermore, the Labor
18 Relations Administrator shall defer to State procedures in those
19 matters which are governed by the Law-Enforcement Officers' Bill
20 of Rights, Article 27, Sections 727-734D, Annotated Code of
21 Maryland.
- 22 (6) Determine unresolved issues of a person's inclusion in or
23 exclusion from the units.
- 24 (7) Obtain any necessary support services and make necessary
25 expenditures in the performance of duties to the extent provided
26 for these purposes in the annual budget of Montgomery County.
- 27 (8) Exercise any other powers and perform any other duties and

01 functions as may be specified in this article.

02 (b) (1) The Labor Relations Administrator must be a person with
03 experience as a neutral in the field of labor relations and must
04 not be a person who, on account of vocation, employment, or
05 affiliation, can be classed as a representative of the interest
06 of the employer or any employee organization.

07 (2) The first Labor Relations Administrator is appointed by the
08 County Executive, with the confirmation of the County Council,
09 serves for a term of 4 years, and is eligible for reappointment.

10 (3) After the initial term of office of the Labor Relations
11 Administrator provided in subsection (b)(2), the County
12 Executive shall thereafter appoint the Labor Relations
13 Administrator for a term of 5 years from a list of 5 nominees
14 agreed upon by any certified employee representative(s) and the
15 Chief Administrative Officer, which list may include the
16 incumbent Labor Relations Administrator. Such appointment must
17 be confirmed by the County Council. If the County Council does
18 not confirm the appointment, the new appointment shall be from a
19 new agreed list of 5 nominees. Should there be no certified
20 representative, the Labor Relations Administrator shall be
21 appointed under the procedure and for the term set forth in
22 subsection (b)(2).

23 (c) The Labor Relations Administrator will be paid a daily fee as set
24 forth by contract with the County, and will be reimbursed for
25 necessary expenses.

26 **33-104. Employee rights.**

27 (a) Employees have the right to:

01 (1) form, join, support, contribute to, or participate in, or to
02 refrain from forming, joining, supporting, contributing to, or
03 participating in, any employee organization or its lawful
04 activities; and

05 (2) be represented fairly by their certified representative, if any.

06 (b) The employer has the duty to extend to the certified representative
07 the exclusive right to represent the employees for the purposes of
08 collective bargaining, including the orderly processing and
09 settlement of grievances as agreed by the parties in accordance with
10 this article.

11 (c) A certified representative serves as the bargaining agent for all
12 employees in the unit for which it is certified and has the duty to
13 represent fairly and without discrimination all employees in the unit
14 without regard to whether the employees are members of the employee
15 organization, pay dues or other contributions to it, or participate
16 in its affairs. However, it is not a violation of this duty for a
17 certified representative to seek enforcement of an agency shop
18 provision in a valid collective bargaining agreement.

19 (d) The right of a certified representative to receive voluntary dues or
20 service fee deductions or agency shop provisions shall be determined
21 through negotiations, unless the authority to negotiate these
22 provisions has been suspended under this article. A collective
23 bargaining agreement may not include a provision requiring membership
24 in, participation in the affairs of, or contributions to an employee
25 organization other than an agency shop provision.

26 33-105. Units for collective bargaining.

27 (a) There are two units for collective bargaining and for purposes of

01 certification and decertification. Persons in these units are all
02 County government merit system employees working on a continuous
03 full-time, career or part-time, career basis, excluding the
04 categories listed as exceptions to the definition of employee in
05 section 33-102(4) of this article. The employees are divided into 2
06 units in accordance with the following descriptions:

07 (1) Service, labor, and trades (SLT) unit. This unit is composed
08 of all eligible classes that are associated with service/
09 maintenance and skilled crafts. This means job classes in which
10 workers perform duties that result in or contribute to the
11 comfort and convenience of the general public or that contribute
12 to the upkeep and care of buildings, facilities, or grounds of
13 public property. Workers in this group may operate specialized
14 machinery or heavy equipment. These job classes may also
15 require special manual skill and a thorough and comprehensive
16 knowledge of the processes involved in the work that is acquired
17 through on the job training and experience or through
18 apprenticeship or other formal training programs.

19 (2) Office, professional, and technical (OPT) unit. This unit is
20 composed of all eligible classes associated with office,
21 professional, paraprofessional, and technical functions.

22 (A) Office. Job classes in which workers are responsible for
23 internal and external communication, recording and
24 retrieval of data and/or information, and other paperwork
25 required in an office.

26 (B) Professional. Job classes that require special and
27 theoretical knowledge that is usually acquired through

01 college training or through work experience and other
02 training that provides comparable knowledge.

03 (C) Paraprofessional. Job classes in which workers perform,
04 in a supportive role, some of the duties of a professional
05 or technician. These duties usually require less formal
06 training and/or experience than is normally required for
07 professional or technical status.

08 (D) Technical. Job classes that require a combination of
09 basic scientific or technical knowledge and manual skill
10 that can be obtained through specialized post secondary
11 school education or through equivalent on the job training.

12 (b) Specific job classes included in these units of representation, and
13 not otherwise excluded under section 33-102(4), shall be based on the
14 designations made by the Chief Administrative Officer under the prior
15 meet and confer process. In the event a new classification is
16 created by the County, or an existing classification's duties and
17 responsibilities are substantially changed, the County Personnel
18 Director must place the classification in one of the units or state
19 that the classification falls within one of the exceptions to the
20 definition of employee under this article within 60 days of the
21 creation or substantial alteration of the class and must publish the
22 decision in the Montgomery County Register. Any individual or
23 certified representative disagreeing with the decision of the
24 Personnel Director may, within 10 days of publication, file
25 objections to the decision with the Labor Relations Administrator,
26 with notice to the Personnel Director.

27 The Labor Relations Administrator shall promptly decide the

01 question on the basis of the duties and responsibilities of the job
02 classification, the unit definition, and the community of interests
03 between and among employees in the job classification and collective
04 bargaining unit.

05 33-106. Selection, certification, and decertification procedures.

06 (a) The certification or decertification of an employee organization as
07 the representative of a unit for the purpose of collective bargaining
08 shall be initiated in accordance with the following procedures:

09 (1) Any employee organization seeking certification as
10 representative of a unit shall file a petition with the Labor
11 Relations Administrator stating its name, address, and its
12 desire to be certified. The employee organization shall also
13 send a copy of the petition, not including the names of the
14 supporting employees, to the employer. The petition shall
15 contain the uncoerced signatures of 30 percent of the employees
16 within the unit signifying their desire to be represented by the
17 employee organization for purposes of collective bargaining.

18 (2) If an employee organization has been certified, an employee
19 within the unit may file a petition with the Labor Relations
20 Administrator for decertification of this certified
21 representative. The employee shall also send a copy of the
22 petition to the employer and the certified representative, not
23 including the names of the supporting employees. The petition
24 shall contain the uncoerced signatures of 30 percent of the
25 employees within the unit alleging that the employee
26 organization presently certified is no longer the choice of the
27 majority of the employees in the unit.

01 (3) Petitions may be filed within 30 days following the date on
02 which this article becomes effective. Thereafter, if a lawful
03 collective bargaining agreement is not in effect, petitions may
04 be filed between September 1 and September 30 of any year, but
05 not sooner than 22 months after an election held under this
06 section.

07 (4) If a lawful collective bargaining agreement is in effect, a
08 petition filed under this section shall not be entertained
09 unless it is filed during September of the final year of the
10 agreement.

11 (b) If the Labor Relations Administrator determines that a petition is
12 properly supported and timely filed, she shall cause an election of
13 all eligible employees to be held within a reasonable time, but no
14 later than October 20 of any year, to determine if and by whom the
15 employees wish to be represented, as follows:

16 (1) All elections shall be conducted under the supervision of the
17 Labor Relations Administrator and shall be conducted by secret
18 ballot at the time and place that she directs. The Labor
19 Relations Administrator may select and retain the services of an
20 agency of the State of Maryland, or a similarly neutral body, to
21 assist in conducting the election.

22 (2) The election ballots shall contain, as choices to be made by the
23 voter, the names of the petitioning or certified employee
24 organization, the name or names of any other employee
25 organization showing written proof at least 10 days before the
26 election of at least 10 percent representation of the employees
27 within the unit, and a choice that the employee does not desire

01 to be represented by any of the named employee organizations.

02 (3) The employer and each party to the election may be represented

03 by observers selected in accordance with limitations and

04 conditions that the Labor Relations Administrator may prescribe.

05 (4) Observers may challenge for good cause the eligibility of any

06 person to vote in the election. Challenged ballots shall be

07 impounded pending either agreement of the parties as to the

08 validity of the challenge or the Labor Relations Administrator's

09 decision as to the validity of the challenge, unless the number

10 of challenges is not determinative, in which case the challenged

11 ballots shall be destroyed.

12 (5) After the polls have been closed, the valid ballots cast shall

13 be counted by the Labor Relations Administrator in the presence

14 of the observers.

15 (6) The Labor Relations Administrator shall immediately prepare and

16 serve upon the employer and each of the parties a report

17 certifying the results of the election. If an employee

18 organization receives the votes of a majority of the employees

19 who voted, the Labor Relations Administrator shall certify the

20 employee organization so elected as the exclusive agent.

21 (7) If no employee organization receives the votes of a majority of

22 the employees who voted, the Labor Relations Administrator shall

23 not certify a representative. Unless a majority of the

24 employees who vote choose "no representative", a runoff election

25 shall be conducted. The runoff election shall contain the 2

26 choices that received the largest and second largest number of

27 votes in the original election.

01 (c) The Labor Relations Administrator's certification of results is final
02 unless within 7 days after service of the report and the
03 certification, any party serves on all other parties and files with
04 the Labor Relations Administrator objections to the election.
05 Objections shall be verified and shall contain a concise statement of
06 facts constituting the grounds for the objections. The Labor
07 Relations Administrator shall investigate the objections and, if
08 substantial factual issues exist, shall hold a hearing. Otherwise,
09 she may determine the matter without a hearing. The Labor Relations
10 Administrator may invite, either by rule or by invitation, written or
11 oral argument to assist her in determining the merits of the
12 objections. If the Labor Relations Administrator finds that the
13 election was conducted in substantial conformity with this article,
14 she shall confirm the certification initially issued. If the Labor
15 Relations Administrator finds that the election was not held in
16 substantial conformity with this article, then she shall hold another
17 election under this section.

18 (d) The cost of conducting an election shall be paid by the County.

19 (e) If, during the 30 days following the effective date of this article,
20 a petition is filed by the incumbent representative of unit employees
21 certified under Article IV of this chapter, and no other employee
22 organization files a valid petition, and no petition calling for an
23 election signed by 10 percent of unit employees has been filed with
24 the Labor Relations Administrator, the incumbent certified
25 representative shall be certified without an election, provided it
26 produces evidence, acceptable to the Labor Relations Administrator
27 and dated after the enactment of this article, that a majority of the

01 employees in the unit desire to be represented by the incumbent
02 representative for the purposes of collective bargaining under the
03 provisions of this article.

04 33-107. Collective bargaining.

05 (a) Duty to bargain; matters subject to bargaining.

06 Upon certification of an employee organization, the employer and the
07 certified representative have the duty to bargain collectively with respect to
08 the following subjects:

09 (1) Salary and wages, including the increase and/or decrease in the
10 salary and wages budget, and the percentage of any increase in
11 the salary and wages budget that will be devoted to merit
12 increments and cash awards, provided that salaries and wages
13 shall be uniform for all employees in the same classification.

14 (2) With respect to pension and retirement benefits, only defined-
15 contribution plans for new employees or current employees who
16 choose to transfer from a defined-benefit plan, provided that
17 bargaining rights regarding such plans will not accrue unless
18 and until the County has enacted a law establishing such plans.

19 (3) Employee benefits such as insurance, leave, holidays, and
20 vacations, but not including pension and retirement benefits
21 except to the extent stated in subsection (a)(2).

22 (4) Hours and working conditions.

23 (5) Provisions for the orderly processing and settlement of
24 grievances concerning the interpretation and implementation of a
25 collective bargaining agreement, which may include:

26 (A) binding third party arbitration, provided that the
27 arbitrator shall have no authority to amend, add to, or
28 subtract from the provisions of the collective bargaining

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agreement; and

(B) provisions for exclusivity of forum.

(6) Matters affecting the health and safety of employees.

(7) Amelioration of the effect on employees when the exercise of employer rights listed in subsection (b) causes a loss of existing jobs in the unit.

(b) Employer rights.

This article and any agreement made under it shall not impair the right and responsibility of the employer to perform the following:

(1) Determine the overall budget and mission of the employer and any agency of County government.

(2) Maintain and improve the efficiency and effectiveness of operations.

(3) Determine the services to be rendered and the operations to be performed.

(4) Determine the overall organizational structure, methods, processes, means, job classifications, and personnel by which operations are to be conducted and the location of facilities.

(5) Direct and supervise employees.

(6) Hire, select, and establish the standards governing promotion of employees, and classify positions.

(7) Relieve employees from duties because of lack of work or funds, or under conditions when the employer determines continued work would be inefficient or nonproductive.

(8) Take actions to carry out the mission of government in situations of emergency.

(9) Transfer, assign, and schedule employees.

- 01 (10) Determine the size, grades, and composition of the work force.
- 02 (11) Set the standards of productivity and technology.
- 03 (12) Establish employee performance standards and evaluate employees,
04 except that evaluation procedures shall be a subject for
05 bargaining.
- 06 (13) Make and implement systems for awarding outstanding service
07 increments, extraordinary performance awards, and other merit
08 awards.
- 09 (14) Introduce new or improved technology, research, development, and
10 services.
- 11 (15) Control and regulate the use of machinery, equipment, and other
12 property and facilities of the employer, subject to subsection
13 (a)(6) of this section.
- 14 (16) Maintain internal security standards.
- 15 (17) Create, alter, combine, contract out, or abolish any job
16 classification, department, operation, unit, or other division
17 or service, provided that no contracting of work which will
18 displace employees may be undertaken by the employer unless 90
19 days prior to signing the contract written notice has been given
20 to the certified representative.
- 21 (18) Suspend, discharge, or otherwise discipline employees for cause,
22 except that, subject to Charter section 404, any such action may
23 be subject to the grievance procedure set forth in the
24 collective bargaining agreement.
- 25 (19) Issue and enforce rules, policies, and regulations necessary to
26 carry out these and all other managerial functions which are not
27 inconsistent with this law, Federal or State law, or the terms

01 of the collective bargaining agreement.

02 (c) Exemption.

03 This article shall not be construed to limit the discretion of
04 the employer voluntarily to discuss with the representatives of its
05 employees any matter concerning the employer's exercise of any of the
06 rights set forth in this section. However, these matters shall not
07 be subject to bargaining.

08 (d) The public employer rights set forth in this section are to be
09 considered a part of every agreement reached between the employer and
10 an employee organization.

11 33-108. Bargaining, impasse, fact-finding, and legislative procedures.

12 (a) Collective bargaining shall begin no later than November 1 before the
13 beginning of a fiscal year for which there is no agreement between
14 the employer and the certified representative and shall be finished
15 on or before January 15. The resolution of a bargaining impasse or
16 fact-finding shall be finished by February 1.

17 (b) Any provision for automatic renewal or extension of a collective
18 bargaining agreement is void. An agreement is not valid if it
19 extends for less than one year or for more than 3 years. All
20 agreements become effective July 1 and end June 30.

21 (c) A collective bargaining agreement becomes effective only after
22 ratification by the employer and by the certified representative.
23 The certified representative may provide its own rules for
24 ratification procedures.

25 (d) Before November 10 of any year in which the employer and the
26 certified representative bargain collectively, the Labor Relations
27 Administrator shall appoint a mediator/fact-finder, who may be a

01 person recommended to her by both parties. The mediator/fact-finder
02 shall be available during the period from January 2 to February 1.
03 Fees and expenses of the mediator/fact-finder shall be shared equally
04 by the employer and the certified representative.

- 05 (e) (1) During the course of collective bargaining, either party may
06 declare an impasse and request the services of the
07 mediator/fact-finder, or the parties may jointly request his
08 services before declaration of an impasse. If the parties do
09 not reach an agreement by January 15, an impasse exists.
- 10 (2) The dispute shall be submitted to the mediator/fact-finder
11 whenever an impasse has been reached, or before that as provided
12 in subsection (e)(1). The mediator/fact-finder shall engage in
13 mediation by bringing the parties together voluntarily under
14 such favorable circumstances as will tend to bring about the
15 settlement of the dispute.
- 16 (3) If and when the mediator/fact-finder finds in his sole
17 discretion that the parties are at a bona fide impasse, he shall
18 implement the following fact-finding process:
- 19 (A) He shall require the parties to submit jointly a
20 memorandum of all items previously agreed upon, and
21 separate memoranda of their proposals on all items not
22 previously agreed upon.
- 23 (B) He may require the parties to submit evidence or make
24 oral or written argument in support of their proposals.
25 He may hold a hearing for this purpose at a time, date,
26 and place selected by him. This hearing shall not be
27 open to the public.

01 (C) On or before February 1, the mediator/fact-finder shall
02 issue a report of his findings of fact and
03 recommendations on those matters still in dispute between
04 the parties. The report shall be submitted to the
05 parties but shall not be made public at this time.

06 (D) In making findings of fact and recommendations, the
07 mediator/fact-finder may take into account only the
08 following factors:

09 (i) Past collective bargaining agreements between the
10 parties, including the past bargaining history that
11 led to the agreements, or the pre-collective
12 bargaining history of employee wages, hours,
13 benefits, and working conditions.

14 (ii) Comparison of wages, hours, benefits, and
15 conditions of employment of similar employees of
16 other public employers in the Washington
17 Metropolitan Area and in Maryland.

18 (iii) Comparison of wages, hours, benefits, and
19 conditions of employment of other Montgomery County
20 personnel.

21 (iv) Wages, benefits, hours, and other working
22 conditions of similar employees of private
23 employers in Montgomery County.

24 (v) The interest and welfare of the public.

25 (vi) The ability of the employer to finance economic
26 adjustments and the effect of the adjustments upon
27 the normal standard of public services provided by

01 the employer.

02 (f) After receiving the report of the mediator/fact-finder, the parties
03 shall meet again to bargain. If 10 days after the parties receive
04 the report they have not reached full agreement, or if either party
05 does not accept, in whole or in part, the recommendations of the
06 mediator/fact-finder, the report of the mediator/fact-finder shall be
07 made public by sending it to the Council. The mediator/fact-finder
08 shall also send the Council the joint memorandum of items agreed
09 upon, up-dated with any items later agreed upon. The parties shall
10 also send to the Council separate memoranda stating their positions
11 on matters still in dispute.

12 (g) The budget that the employer submits to the Council shall include the
13 items that have been agreed to, as well as the employer's position on
14 matters still in dispute. Any agreed term or condition submitted to
15 the Council that requires an appropriation of funds or the enactment,
16 repeal, or modification of any County law or regulation shall be
17 identified to the Council by the employer. The employer shall make a
18 good faith effort to have any term or condition that has been agreed
19 to implemented by Council action.

20 (h) The Council may hold a public hearing to enable the parties and the
21 public to testify on the agreement and the recommendations for
22 resolving bargaining disputes.

23 (i) On or before April 15, the Council shall indicate by a majority vote
24 its intention to appropriate or otherwise implement the items that
25 have been agreed to, or its intention not to do so, and shall state
26 its reasons for any intent to reject any part of the items that have
27 been agreed to. The Council shall also indicate by a majority vote

01 its positio.. on disputed matters.

02 (j) Then the Council shall designate a representative to meet with the
03 parties and present the Council's views in the parties' further
04 negotiations on disputed matters and/or agreed matters that the
05 Council has indicated its intention to reject. The results of the
06 negotiation, whether a complete or a partial agreement, shall be
07 submitted to the Council on or before May 1. The Council may extend
08 this deadline for no more than one week. Any agreement shall provide
09 for automatic reduction or elimination of wage and/or benefits
10 adjustments if:

- 11 (1) the Council does not take action necessary to implement the
12 agreement, or a part of it;
13 (2) funds are not appropriated; or
14 (3) lesser amounts than those stated in the agreement are
15 appropriated.

16 (k) The Council shall take whatever actions it considers required by the
17 public interest with respect to matters still in dispute between the
18 parties. However, those actions shall not be part of the agreement
19 between the parties unless the parties specifically incorporate them
20 in the agreement.

21 **33-109. Prohibited practices.**

22 (a) The employer or its agents or representatives are prohibited from any
23 of the following:
24 (1) Interfering with, restraining, or coercing employees in the
25 exercise of any rights granted to them under this article.
26 (2) Dominating or interfering with the formation or administration
27 of any employee organization or contributing financial or other

01 support to it, under an agreement or otherwise. However, the
02 employer and a certified representative may agree to and apply
03 an agency shop provision under this article and a voluntary dues
04 or service fee deduction provision, and may agree to reasonable
05 use of County facilities for communicating with employees.

06 (3) Encouraging or discouraging membership in any employee
07 organization by discriminating in hiring, tenure, wages, hours,
08 or conditions of employment. However, nothing in this article
09 precludes an agreement from containing a provision for an agency
10 shop.

11 (4) Discharging or discriminating against a public employee because
12 she or he files charges, gives testimony, or otherwise lawfully
13 aids in the administration of this article.

14 (5) Refusing to bargain collectively with the certified
15 representative.

16 (6) Refusing to reduce to writing or refusing to sign a bargaining
17 agreement that has been agreed to in all respects.

18 (7) Refusing to process or arbitrate a grievance if required under a
19 grievance procedure contained in a collective bargaining
20 agreement.

21 (8) Directly or indirectly opposing the appropriation of funds or
22 the enactment of legislation by the County Council to implement
23 an agreement reached between the employer and the certified
24 representative under this article.

25 (9) Engaging in a lockout of employees.

26 (b) Employee organizations, their agents, representatives, and persons
27 who work for them are prohibited from any of the following:

- 01 (1) Interfering with, restraining, or coercing the employer or
02 employees in the exercise of any rights granted under this
03 article.
- 04 (2) Restraining, coercing, or interfering with the employer in the
05 selection of its representative for the purposes of collective
06 bargaining or the adjustment of grievances.
- 07 (3) Refusing to bargain collectively with the employer if the
08 employee organization is the certified representative.
- 09 (4) Refusing to reduce to writing or refusing to sign a bargaining
10 agreement which has been agreed to in all respects.
- 11 (5) Hindering or preventing, by threats of violence, intimidation,
12 force, or coercion of any kind, the pursuit of any lawful work
13 or employment by any person, public or private, or obstructing
14 or otherwise unlawfully interfering with the entrance to or exit
15 from any place of employment, or obstructing or unlawfully
16 interfering with the free and uninterrupted use of public roads,
17 streets, highways, railways, airports, or other ways of travel
18 or conveyance by any person, public or private.
- 19 (6) Hindering or preventing by threats, intimidation, force,
20 coercion or sabotage, the obtaining, use, or disposition of
21 materials, supplies, equipment, or services by the employer.
- 22 (7) Taking or retaining unauthorized possession of property of the
23 employer, or refusing to do work or use certain goods or
24 materials as lawfully required by the employer.
- 25 (8) Causing or attempting to cause the employer to pay or deliver or
26 agree to pay or deliver any money or other thing of value, in
27 the nature of an exaction, for services which are neither

01 performed nor to be performed.

02 (c) A charge of prohibited practice may be filed by the employer, an
03 employee organization, or any individual employee. The charge or
04 charges shall be filed with the Labor Relations Administrator, and
05 copies shall be sent to the party alleged to have committed a
06 prohibited practice. All charges shall contain a statement of facts
07 sufficient to enable the Labor Relations Administrator to investigate
08 the charge. The Labor Relations Administrator may request withdrawal
09 of and, if necessary, summarily dismiss charges if they are
10 insufficiently supported in fact or in law to warrant a hearing. The
11 Labor Relations Administrator has the authority to maintain whatever
12 independent investigation she determines is necessary and to develop
13 regulations for an independent investigation. If, upon
14 investigation, the Labor Relations Administrator finds that a charge
15 is sufficiently supported to raise an issue of fact or law, she
16 shall, if she is unable to achieve settlement or resolution of the
17 matter, hold a hearing on the charge after notification to the
18 parties. In any hearing, charging parties shall present evidence in
19 support of the charges, and the party or parties charged shall have
20 the right to file an answer to the charges, to appear in person or
21 otherwise and to present evidence in defense against the charges.

22 (d) If the Labor Relations Administrator determines that the person
23 charged has committed a prohibited practice, she shall make findings
24 of fact and conclusions of law and may issue an order requiring the
25 person charged to cease and desist from the prohibited practice, and
26 may take affirmative actions that will remedy the violation of this
27 article. Remedies of the Labor Relations Administrator include

01 reinstating employees with or without back pay, making employees
02 whole for any loss relating to County employment suffered as a result
03 of any prohibited practices, or withdrawing or suspending the
04 employee organization's authority to negotiate or continue an agency
05 shop provision or a voluntary dues or service fee deduction
06 provision. If the Labor Relations Administrator finds that the party
07 charged has not committed any prohibited practices, she shall make
08 findings of fact and conclusions of law and issue an order dismissing
09 the charges.

10 (e) The Labor Relations Administrator shall not receive or entertain
11 charges based upon an alleged prohibited practice occurring more than
12 6 months before the filing of the charge.

13 **33-110. Expression of views.**

14 (a) The expression or dissemination of any views, argument, or opinion,
15 whether orally, in writing, or otherwise, does not constitute and is
16 not evidence of a prohibited practice under any of the provisions of
17 this law, nor is it grounds for invalidating any election conducted
18 under this law if the expression or dissemination does not contain a
19 threat of reprisal or promise of benefit.

20 (b) Recognizing an employee organization does not preclude the County
21 from dealing with religious, social, fraternal, professional, or
22 other lawful associations with respect to matters or policies that
23 involve individual members of the associations or are of particular
24 applicability to it or its members.

25 **33-111. Strikes and lockouts.**

26 (a) An employee or employee organization shall not either directly or
27 indirectly cause, instigate, encourage, condone, or engage in any

01 strike, nor the employer in any lockout. An employee or employee
02 organization shall not obstruct, impede, or restrict, either directly
03 or indirectly, any attempt to terminate a strike.

04 (b) The employer shall not pay, reimburse, make whole, or otherwise
05 compensate any employee for or during the period when that employee
06 is directly or indirectly engaged in a strike, nor shall the employer
07 thereafter compensate an employee who struck for wages or benefits
08 lost during the strike.

09 (c) If an employee or employee organization violates the provisions of
10 this section, the employer, after adequate notice and a fair hearing
11 before the Labor Relations Administrator who finds that the
12 violations have occurred and finds that any or all of the following
13 actions are necessary in the public interest, may impose any of the
14 following sanctions, subject to the Law-Enforcement Officers' Bill of
15 Rights, Article 27, Sections 727-734D, Annotated Code of Maryland:

16 (1) Impose disciplinary action, including dismissal from employment,
17 on employees engaged in the conduct.

18 (2) Terminate or suspend the employee organization's dues deduction
19 privilege, if any.

20 (3) Revoke the certification of and disqualify the employee
21 organization from participation in representation elections for
22 a period up to a maximum of 2 years.

23 (d) This article does not prohibit an employer or a certified employee
24 organization from seeking any remedy available in a court of
25 competent jurisdiction.

26 **33-112. Effect of prior enactments.**

27 Any laws, executive orders, or regulations adopted by the County and any

01 department or agency of the County that are or may be considered inconsistent
02 with the provisions of this article shall not be held to be repealed or
03 modified until they are specifically repealed or modified by the County or any
04 department or agency of the County.

05 **Sec. 3. Severability.**

06 If a court holds that part of this act is invalid, the invalidity does not
07 affect other parts.

08 **Sec. 4. Effective Date.**

09 This act takes effect 91 days after it becomes law.

11 Approved:

12

13

14 _____
William E. Hanna, Jr., President, County Council

_____ Date

15

16 Approved:

17

18

19 _____
Charles W. Gilchrist, County Executive

_____ Date

20

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22

23

24 This is a correct copy of Council action.

25

26

27 _____
Kathleen A. Freedman, Secretary, County Council

_____ Date

LEGISLATIVE REQUEST REPORT

Bill 19-86

County Employee Collective Bargaining

DESCRIPTION:

This bill:

- (1) establishes a framework for public employer-employee labor relations;
- (2) provides the method for designating an employee organization as the exclusive representative of public employees in the appropriate unit;
- (3) provides procedures for collective bargaining of wages, hours, and other terms and conditions of employment;
- (4) provides for the appointment of a labor relations administrator;
- (5) defines the rights of employees, employee organizations, and the public employer;
- (6) prohibits certain conduct;
- (7) provides procedures for resolving differences between the public employer and employees; and
- (8) generally assures uninterrupted operation of government services.

PROBLEM:

Under Article IV of Chapter 33 (Personnel) eligible employees presently "meet and confer" with the County through their representative. However, County law does not implement the authority for collective bargaining found in the 1984 Charter amendments in §511.

GOALS AND OBJECTIVES:

It is the public policy of Montgomery County to promote a harmonious, peaceful, and cooperative relationship between the County government and its employees and to protect the public by assuring, at all times, the responsive, orderly, and efficient operation of County government and services.

COORDINATION:

FISCAL IMPACT: Not available.

ECONOMIC IMPACT: Not available.

EVALUATION: Not available.

EXPERIENCE

ELSEWHERE: Not available.

Legislative Request Report

Page 2

SOURCE OF

INFORMATION:

Arthur W. Spengler
Council Staff Director (251-7900)

William Willcox, Esq.
Special Counsel (457-6100)

APPLICATION WITHIN

MUNICIPALITIES:

Not applicable.

PENALTIES:

Not applicable.

Amendments to Bill 19-86
County Employee Collective Bargaining
Subject: One Unit Instead of Two Units

1. On page 4, strike lines 21 and 22, and substitute:

"UPON CERTIFICATION OF AN EMPLOYEE ORGANIZATION AS THE UNIT'S REPRESENTATIVE FOR COLLECTIVE BARGAINING, THIS ARTICLE SHALL NOT APPLY TO ANY PERSON."

2. On page 6, in line 17, strike "one or both units" and substitute "THE UNIT".
3. On page 9, in line 11, strike "either of the units defined in section 33-105" and substitute "ALL EMPLOYEES AS DEFINED IN THIS SECTION".
4. On page 10, in line 23, strike "units" and substitute "UNIT".
5. On page 12, in line 12, strike "for which it is certified".
6. On page 12, in line 19, strike "a" and substitute "THE".
7. On page 12, in line 26, strike "Units" and substitute "UNIT".
8. On page 12, in line 27, strike "are two units" and substitute "IS ONE UNIT".
9. On page 13, in line 1, strike "Persons in these units are" and substitute "THIS UNIT IS DEFINED AS".

10. On page 13, in line 5, strike "The employees are divided into 2" and lines 6 through 27.
11. On page 14, strike lines 1 through 11.
12. On page 14, in line 12, strike "these units of representation" and substitute "THE UNIT".
13. On page 14, in line 18, strike "in one of the units" and substitute "THE UNIT".
14. On page 15, in line 7, strike "a" and substitute "THE".
15. On page 15, in line 10, after "representative of" strike "a" and substitute "THE".
16. On page 27, in line 2, strike "a" and substitute "THE".

Amendments to Bill 19-86
County Employee Collective Bargaining

Subject: Majority of Unit Must Participate
in Certification Election

1. On page 17, in line 20, after "agent" insert "PROVIDED THAT A MAJORITY OF THE ELIGIBLE EMPLOYEES VOTED IN THE ELECTION".

Amendments to Bill 19-86
County Employee Collective Bargaining

Subject: No Certification without an Election

1. On page 9, in line 17, strike "selection" and substitute "ELECTION".
2. On page 15, in line 5, strike "Selection" and substitute "ELECTION".
3. On page 18, strike lines 19 through 27.
4. On page 19, strike lines 1 through 3.

Amendments to Bill 19-86
County Employee Collective Bargaining

Subject: No Agency Shop

1. On page 5, strike line 27.
2. On page 6, strike lines 1 through 15.
3. On pages 6 through 9, renumber "(2)", "(3)", "(4)", "(5)", "(6)", "(7)", "(8)", "(9)", "(10)", and "(11)" to be "(1)", "(2)", "(3)", "(4)", "(5)", "(6)", "(7)", "(8)", "(9)", and "(10)".
4. On page 12, in line 16, strike "However, it is not a violation of this duty for a" and strike lines 17 and 18.
5. On page 12, in line 20, strike "or agency shop provisions".
6. On page 12, in line 25, strike "other than an agency shop provision".
7. On page 27, in line 8, strike "However, nothing in this article" and strike lines 9 and 10.
8. On page 30, in lines 4 and 5, strike "an agency shop provision or".

Amendments to Bill 19-86
County Employee Collective Bargaining

Subject: Agency Shop for Employees with
Less than 10 Years' Service

1. On page 6, in line 2, after "employees" add "WITH LESS THAN 10 YEARS'
SERVICE IN THE COUNTY GOVERNMENT MERIT SYSTEM".

Amendments to Bill 19-86
County Employee Collective Bargaining

Subject: All Pensions Non-Bargainable

1. On page 19, strike lines 14 through 18 and line 21.
2. On page 19, in line 20, after "benefits" insert a period.
3. On pages 19 and 20, renumber "(3)", "(4)", "(5)", "(6)", and "(7)" to be "(2)", "(3)", "(4)", "(5)", and "(6)".

Amendments to Bill 19-86
County Employee Collective Bargaining

Subject: Advisory Grievance Arbitration in all
Cases Except Discipline and Discharge Cases

1. On page 19, in line 26, strike "provided that the"; strike lines 27 through 28, and substitute:

"OF DISCHARGE AND DISCIPLINE CASES;

(B) ADVISORY THIRD PARTY ARBITRATION OF OTHER CASES UNLESS THE PARTIES AGREE AT THE TIME A PARTICULAR CASE IS TO BE ARBITRATED THAT THE ARBITRATION WILL BE BINDING; AND".

2. On page 20, strike line 1.
3. On page 20, in line 2, strike "(B)" and substitute "(C)".

Amendments to Bill 19-86
County Employee Collective Bargaining

Subject: Broader "Effects" Bargaining

1. On page 20, strike lines 4 through 6 and substitute:

"(7) THE EFFECT ON EMPLOYEES OF THE EMPLOYER'S EXERCISE OF THE RIGHTS ENUMERATED IN SUBSECTION (B) HEREOF."

Amendments to Bill 19-86
County Employee Collective Bargaining
Subject: Short First-Year Bargaining

1. On page 22, after line 11 insert:

(A) (1) THE EMPLOYER AND THE CERTIFIED REPRESENTATIVE SHALL UNDERTAKE BARGAINING IMMEDIATELY UPON THE CERTIFICATION OF THE REPRESENTATIVE PURSUANT TO THIS ACT. SUCH BARGAINING SHALL CONTINUE FOR NOT MORE THAN 60 DAYS. EITHER PARTY MAY REQUEST THE ASSISTANCE OF A MEDIATOR IF NO AGREEMENT HAS BEEN REACHED WITHIN 45 DAYS AFTER BARGAINING HAS BEGUN. THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT SHALL COMMENCE IMMEDIATELY UPON THE CONCLUSION OF BARGAINING, AND SHALL TERMINATE AT THE END OF THE FISCAL YEAR.

(2) THE COLLECTIVE BARGAINING AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION WILL INCLUDE NO PROVISIONS WHICH CONCERN SALARIES OR WAGES, RETIREMENT AND PENSION BENEFITS, OR WHICH REQUIRE THAT THE COUNTY COUNCIL APPROPRIATE ADDITIONAL FUNDS, OR ENACT, REPEAL, OR MODIFY ANY COUNTY LAW.

(3) THIS SUBSECTION SHALL BE IMPLEMENTED ONLY DURING AND FOR THE FISCAL YEAR IN WHICH THIS ACT BECOMES EFFECTIVE. COLLECTIVE BARGAINING FOR FUTURE FISCAL YEARS SHALL BE GOVERNED BY THE SUBSECTIONS SET FORTH HEREAFTER.

2. On pages 22 through 26, reletter "(a)", "(b)", "(c)", "(d)", "(e)", "(f)", "(g)", "(h)", "(i)", "(j)", and "(k)" to be "(B)", "(C)", "(D)", "(E)", "(F)", "(G)", "(H)", "(I)", "(J)", "(K)", and "(L)".

Amendments to Bill 19-86
County Employee Collective Bargaining

Subject: Right of Union to Veto Reappointment of Labor
Relations Administrator, but not to Formally Nominate Appointees

1. On page 11, in line 7, strike "first".

2. On page 11, in line 9, strike "4" and substitute "5".

2. On page 11, after line 9, insert:

"HOWEVER, SHE WILL NOT BE REAPPOINTED IF, DURING THE PERIOD BETWEEN
60 AND 30 DAYS BEFORE THE EXPIRATION OF THE TERM, THE CERTIFIED
REPRESENTATIVE FILES A WRITTEN OBJECTION TO THE REAPPOINTMENT WITH
THE COUNTY EXECUTIVE."

3. On page 11, strike lines 10 through 22.

Amendments to Bill 19-86
County Employee Collective Bargaining

Subject: Council Participation in
Nomination of Appointees

1. On page 11, in line 14, strike "and" and substitute a comma.
2. On page 11, in line 15, after "Officer," insert "AND THE COUNTY COUNCIL,"

Amendments to Bill 19-86
County Employee Collective Bargaining

Subject: Continuation of State Merit System
Employees in Meet & Confer

1. On page 4, in line 22, strike the period and insert "EXCEPT STATE MERIT SYSTEM EMPLOYEES WHO WERE COVERED BY IT PRIOR TO THE ENACTMENT OF ARTICLE VII.".

