AN ACT to:

(1) prohibit the use of County Government funds appropriated for a [[contract for services]] service contract or [[a]] grant award to participate in a County-funded program from being used to assist, promote, [[or]] deter or otherwise influence union activity or organizing;

[[2] provide exceptions for certain contractors, grantees, and activities;]

[[3]][(2)] require a contractor or grantee to affirm that County funds will not be used to assist, promote, [[or]] deter or otherwise influence union activity or organizing;

[[4]][(3)] require a contractor or grantee to maintain certain records;

[[5]][(4)] provide enforcement and penalty provisions; and

[[6]][(5)] generally amend the law governing procurement.

By adding:

Montgomery County Code
Chapter 11B, Contracts and Procurement
Section 11B-33B

The County Council for Montgomery County, Maryland approves the following Act:
Section 11B-33B is added as follows:

11B-33B. Use of County Funds.

(a) Purpose. Sound fiscal management requires vigilance to ensure that County funds appropriated for a [contract for services] service contract or a grant award to participate in a County-funded program are expended solely for the public purpose for which they are appropriated. If County funds are appropriated for a [contract for services] service contract or a grant award to participate in a County-funded program, and those funds are instead used to encourage, discourage, or otherwise influence union activity or organization, the proprietary interests of the County are adversely affected. The use of County funds to encourage, discourage, or otherwise influence employees from union activity or organizing constitutes a misuse of County resources.

[(a)] (b) Use of Funds. County funds appropriated for a [contract for services] service contract or a grant award to participate in a County-funded program must not be encumbered or used to assist, promote, deter, or otherwise influence union activity or organizing. Nothing in this Section shall be construed to prohibit the expenditure of County funds appropriated for a [contract for services] service contract or a grant award on the negotiation or administration of a collective bargaining agreement from being used to perform another act required by law.

[(b)] Exceptions to Coverage. This Section does not apply to a contractor or grantee who at the time a contract is signed has received less than $50,000 from the County in a 12-month period.

(e) Specific Restrictions. County funds for a service contract or a grant award to participate in a County-funded program must not be used to:
prepare, mail, or otherwise distribute materials related to union activity or organizing;

(2) hire an attorney or a consultant to assist, promote, [for] deter, or otherwise influence union activity or organizing;

(3) encourage, discourage, or otherwise influence an employee from taking a position on union organizing in the workplace;

(4) prevent or facilitate access to [[a labor organization or its representatives from accessing]] an employer's facilities or property by a labor organization or its representatives;

(5) encourage or discourage a program manager, policy council, committee, or community or parent group from assisting or participating in a union activity or organizing.

(d) Enforcement.

(1) The Chief Administrative Officer must require each contractor or grantee to:

(A) Certify that the contractor or grantee will not expend County funds to assist, promote, [for] deter, or otherwise influence union activity or organizing and will comply with the requirements of this Section.

(B) Keep and submit any records associated with County funds received for a [contract for services or all service contract or a grant award to participate in a County-program necessary to show compliance. A contractor or grantee must provide these records to the County upon request. If] These records must be made available to the public at a reasonable time.

(2) The Chief Administrative Officer must enforce this Section and investigate any complaint of a violation.
(e) **Penalty.** A contractor or grantee must pay the County the amount of funds expended in violation of this Section II. and a reasonable attorney's fee.

Approved:

Steven A. Silverman, President, County Council  

Douglas M. Duncan, County Executive

Approved:

Mary A. Edgar, Clerk of the Council

This is a correct copy of Council action.

Date

Date

Date