

SB0515/787478/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 515

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Jennings, Astle, Guzzone, and Peters” and substitute “Peters, Astle, Guzzone, Benson, Feldman, Klausmeier, Mathias, Middleton, Oaks, and Rosapepe”; in line 5, after the semicolon, insert “altering certain provisions of law that relate to collective bargaining for certain firefighters for the Martin State Airport”; and in line 9, strike “3-102(a)” and substitute “3-101(b), 3-102, and 3-205(a) and (c)”.

AMENDMENT NO. 2

On page 1, after line 14, insert:

“3-101.

(b) “Board” means:

(1) with regard to any matter relating to employees of any of the units of State government described in § 3-102(a)(1)(i) through (iv) and (vi) through [(ix)] (X) of this subtitle and employees described in § 3-102(a)(2) of this subtitle, the State Labor Relations Board; and

(2) with regard to any matter relating to employees of any State institution of higher education described in § 3-102(a)(1)(v) of this subtitle, the State Higher Education Labor Relations Board.”.

AMENDMENT NO. 3

On page 2, in line 7, strike “and”; in line 8, strike the brackets; after line 8, insert:

(Over)

“(X) FIREFIGHTERS FOR THE MARTIN STATE AIRPORT AT THE RANK OF CAPTAIN OR BELOW WHO ARE EMPLOYED BY THE MILITARY DEPARTMENT; AND”;

strike beginning with the semicolon in line 10 down through “DEPARTMENT” in line 12; and after line 12, insert:

“(b) This title does not apply to:

(1) employees of the Maryland Transit Administration, as that term is defined in § 7-601(a)(2) of the Transportation Article;

(2) an employee who is elected to the position by popular vote;

(3) an employee in a position by election or appointment that is provided for by the Maryland Constitution;

(4) an employee who is:

(i) a special appointment in the State Personnel Management System; or

(ii) 1. directly appointed by the Governor by an appointment that is not provided for by the Maryland Constitution;

2. appointed by or on the staff of the Governor or Lieutenant Governor; or

3. assigned to the Government House or the Governor’s Office;

(5) an employee assigned to the Board or with access to records of the Board;

(6) an employee in:

(i) the executive service of the State Personnel Management System; or

(ii) a unit of the Executive Branch with an independent personnel system who is:

1. the chief administrator of the unit or a comparable position that is not excluded under item (3) of this subsection as a constitutional or elected office; or

2. a deputy or assistant administrator of the unit or a comparable position;

(7) (i) a temporary or contractual employee in the State Personnel Management System; or

(ii) a contractual, temporary, or emergency employee in a unit of the Executive Branch with an independent personnel system;

(8) an employee who is entitled to participate in collective bargaining under another law;

(9) an employee of the University System of Maryland, Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College who is:

(i) a chief administrator or in a comparable position;

(ii) a deputy, associate, or assistant administrator or in a comparable position;

(iii) a member of the faculty, including a faculty librarian;

(iv) a student employee, including a teaching assistant or a comparable position, fellow, or post doctoral intern;

(v) a contingent, contractual, temporary, or emergency employee;

(Over)

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(vi) a contingent, contractual, or temporary employee whose position is funded through a research or service grant or contract, or through clinical revenues; or

(vii) an employee whose regular place of employment is outside the State of Maryland;

(10) an employee whose participation in a labor organization would be contrary to the State's ethics laws;

(11) any supervisory, managerial, or confidential employee of a unit of State government listed in subsection (a)(1)(i) through (iv) and (vi) through [(ix)] (X) of this section, as defined in regulations adopted by the Secretary;

(12) any supervisory, managerial, or confidential employee of a State institution of higher education listed in subsection (a)(1)(v) of this section, as defined in regulations adopted by the governing board of the institution; or

(13) any employee described in subsection (a)(2) of this section who is a supervisory, managerial, or confidential employee, as defined in regulations adopted by the Secretary.

3-205.

(a) The Board is responsible for administering and enforcing provisions of this title relating to employees described in § 3-102(a)(1)(i) through (iv) and (vi) through [(ix)] (X) and (2) of this title.

(c) (1) The Board may not designate a unique bargaining unit for each of the units of government identified in § 3-102(a)(1)(vi) through [(ix)] (X) of this title.

(2) At the request of the exclusive representative, the Board shall:

(i) determine the appropriate existing bargaining unit into which to assign each employee in the units of government identified in § 3-102(a)(1)(vi) through [(ix)] (X) of this title; and

(ii) accrete all positions to appropriate existing bargaining units.

(3) (i) Notwithstanding Subtitle 4 of this title, at the request of the exclusive representative, the Board shall conduct a self-determination election for each bargaining unit representative for the accreted employees in units of government identified in § 3-102(a)(1)(vi) through [(ix)] (X) of this title.

(ii) All elections shall be conducted by secret ballot.

(iii) For each election, the Board shall place the following choices on the ballot:

- and
1. the name of the incumbent exclusive representative;
 2. a provision for “no exclusive representative”.