
By: **Senators Conway, Della, Gladden, Hughes, Jones, and McFadden**

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Assigned to: Rules

Re-referred to: Finance, February 7, 2003

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2003

CHAPTER 395

1 AN ACT concerning

2 **Housing Authority of Baltimore City - Collective Bargaining**

3 FOR the purpose of ~~requiring~~ authorizing the Housing Authority of Baltimore City to
4 recognize and engage in collective bargaining with the exclusive bargaining
5 representatives of certain of its ~~employees in certain bargaining units~~ employee
6 bargaining units; specifying the collective bargaining ~~obligations~~ powers of the
7 Housing Authority of Baltimore City; ~~requiring~~ authorizing the Housing
8 Authority of Baltimore City to engage in binding third-party arbitration
9 concerning disputes and grievances under certain circumstances; ~~requiring the~~
10 ~~arbitration to be conducted before a certain neutral labor arbitrator; authorizing~~
11 ~~an arbitrator to issue subpoenas for certain purposes and administer oaths to~~
12 ~~certain witnesses; providing that an arbitrator's rendered decision shall be final~~
13 ~~and binding; authorizing the Housing Authority of Baltimore City to exercise~~
14 any power that is necessary and appropriate for a certain purpose; and generally
15 relating to collective bargaining matters of the Housing Authority of Baltimore
16 City.

17 BY adding to
18 Article 44A - Housing Authorities
19 Section 3-105
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 2002 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

1

Article 44A - Housing Authorities

2 3-105.

3 (A) (1) THE HOUSING AUTHORITY OF BALTIMORE CITY ~~SHALL MAY~~
 4 RECOGNIZE AND ENGAGE IN COLLECTIVE BARGAINING WITH THE EXCLUSIVE
 5 BARGAINING REPRESENTATIVES OF ITS ~~EMPLOYEES FOR EACH OF THE FOLLOWING~~
 6 EMPLOYEE BARGAINING UNITS, INCLUDING:

7 (I) MAINTENANCE, HOUSEKEEPING, AND TECHNICAL;

8 (II) ADMINISTRATIVE AND CLERICAL;

9 (III) SUPERVISORY; AND

10 (IV) ANY OTHER APPROPRIATE UNITS.

11 (2) A BARGAINING UNIT IDENTIFIED IN PARAGRAPH (1) OF THIS
 12 SUBSECTION MAY NOT INCLUDE ~~EMPLOYEES WHOSE PREDOMINATE~~
 13 ~~RESPONSIBILITY IS TO MANAGE OR DIRECT INDEPENDENTLY THE ASSETS AND~~
 14 ~~AFFAIRS OF THE HOUSING AUTHORITY OF BALTIMORE CITY:~~

15 (I) CONFIDENTIAL EMPLOYEES;

16 (II) CONTRACTUAL EMPLOYEES EMPLOYED FOR LESS THAN FIVE
 17 CONSECUTIVE YEARS;

18 (III) PROBATIONARY EMPLOYEES;

19 (IV) ATTORNEYS IN THE GENERAL COUNSEL'S OFFICE;

20 (V) SUPERVISORS, AS DEFINED IN 29 U.S.C. § 152(11); OR

21 (VI) EMPLOYEES WHOSE PREDOMINANT RESPONSIBILITY IS TO
 22 MANAGE OR DIRECT INDEPENDENTLY THE ASSETS AND AFFAIRS OF THE HOUSING
 23 AUTHORITY OF BALTIMORE CITY.

24 (B) ~~THE DUTIES~~ AUTHORITY OF THE HOUSING AUTHORITY OF BALTIMORE
 25 CITY UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE ~~OBLIGATIONS~~
 26 POWER TO:

27 (1) DEAL WITH AND THROUGH AN EXCLUSIVE BARGAINING
 28 REPRESENTATIVE TO ADDRESS GRIEVANCES AND SETTLE DISPUTES;

29 (2) MEET AND BARGAIN IN GOOD FAITH WITH AN EXCLUSIVE
 30 BARGAINING REPRESENTATIVE REGARDING WAGES, HOURS, WORKING CONDITIONS,
 31 AND ~~ALL~~ OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR THE PURPOSE OF
 32 FORMING A BINDING LABOR AGREEMENT; AND

1 (3) PROVIDE INFORMATION IN RESPONSE TO ANY REASONABLE
 2 REQUEST FOR INFORMATION ABOUT ANY GRIEVANCE, DISPUTE, OR TOPIC RELATED
 3 TO COLLECTIVE BARGAINING; AND

4 (4) DRAFT AND EXECUTE ANY LABOR AGREEMENT THAT SHALL LABOR
 5 AGREEMENTS THAT HAVE A DURATION OF AT LEAST 1 FISCAL YEAR BUT NOT
 6 EXCEEDING NOT MORE THAN 3 CONSECUTIVE FISCAL YEARS.

7 (C) (4) IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION, THE
 8 HOUSING AUTHORITY OF BALTIMORE CITY SHALL MAY ENGAGE IN BINDING
 9 THIRD-PARTY ARBITRATION OF:

10 (4) (1) DISPUTES OVER A TERM OR CONDITION OF EMPLOYMENT;
 11 AND

12 (4) (2) GRIEVANCES THAT RELATE TO THE INTERPRETATION OR
 13 APPLICATION OF A WRITTEN COLLECTIVE BARGAINING AGREEMENT, EMPLOYMENT
 14 REGULATION, OR WORK RULE.

15 (2) ~~THE ARBITRATION SHALL BE CONDUCTED BEFORE A NEUTRAL~~
 16 ~~LABOR ARBITRATOR SELECTED FROM A LIST PROVIDED BY THE FEDERAL~~
 17 ~~MEDIATION AND CONCILIATION SERVICE. THE LIST SHALL BE COMPOSED OF~~
 18 ~~IMPARTIAL ARBITRATORS WHO ARE MEMBERS OF THE NATIONAL ACADEMY OF~~
 19 ~~ARBITRATORS.~~

20 (3) ~~THE CHOSEN ARBITRATOR MAY ISSUE SUBPOENAS TO COMPEL THE~~
 21 ~~PRODUCTION OF DOCUMENTS AND THE ATTENDANCE OF WITNESSES, AND MAY~~
 22 ~~ADMINISTER OATHS TO WITNESSES WHO APPEAR TO TESTIFY.~~

23 (4) ~~THE ARBITRATOR'S RENDERED DECISION SHALL BE FINAL AND~~
 24 ~~BINDING, AND THE HOUSING AUTHORITY OF BALTIMORE CITY SHALL COMPLY WITH~~
 25 ~~THE DECISION.~~

26 (D) THE HOUSING AUTHORITY OF BALTIMORE CITY MAY EXERCISE ANY
 27 POWER THAT IS NECESSARY AND APPROPRIATE TO ESTABLISH AND IMPLEMENT A
 28 SYSTEM OF COLLECTIVE BARGAINING WITH ITS EMPLOYEES.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 30 October 1, 2003.