

Article - State Personnel and Pensions

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§3-403.

(a) (1) Except as otherwise provided in this title, the Board shall determine the appropriateness of each bargaining unit.

(2) If there is no dispute about the appropriateness of the establishment of the bargaining unit, the Board shall issue an order defining an appropriate bargaining unit.

(3) If there is a dispute about the appropriateness of the establishment of the bargaining unit, the Board shall:

(i) conduct a hearing; and

(ii) issue an order defining an appropriate bargaining unit.

(b) If the appropriate bargaining unit as determined by the Board differs from the bargaining unit described in the petition, the Board may:

(1) dismiss the petition; or

(2) direct an election in the appropriate bargaining unit if the signatures included in the petition include those of at least 30% of the employees in the appropriate bargaining unit.

(c) A bargaining unit shall consist only of employees defined in regulations adopted by the Secretary and not specifically excluded by § 3-102(b) of this title.

(d) (1) Each system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College shall have separate bargaining units.

(2) The presidents of the system institutions may agree to cooperate for the purpose of collective bargaining:

(i) before the election of exclusive representatives; or

(ii) after the certification of exclusive representatives under § 3-406(a) of this subtitle.

(3) Appropriate bargaining units shall consist of:

(i) all eligible nonexempt employees, as described in the federal Fair Labor Standards Act, except eligible sworn police officers;

(ii) all eligible exempt employees, as described in the federal Fair Labor Standards Act; and

(iii) all eligible sworn police officers.

(e) (1) Except as provided in paragraph (2) of this subsection, the Secretary or the Secretary's designee shall have the authority to assign classification titles and positions to bargaining units as appropriate.

(2) The following individuals and entities shall assign classification titles and positions to bargaining units at the following institutions:

(i) at a system institution, the President of the system institution;
and

(ii) at Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College, the governing board of the institution.

(f) Notwithstanding any other provision of law, Maryland Transportation Authority police officers at the rank of first sergeant and below shall have a separate bargaining unit.

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