

SENATE BILL 101

R2

6lr0114

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Transportation)**

Requested: October 21, 2015

Introduced and read first time: January 13, 2016

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transit Administration – Labor Relations – Resolution of Labor**
3 **Disputes**

4 FOR the purpose of authorizing, except under certain circumstances, either the Maryland
5 Transit Administration or an accredited representative to request that a fact finder
6 be employed to resolve a labor dispute; requiring that a fact finder be a neutral party
7 appointed in a certain manner; authorizing the fact finder to take certain actions;
8 requiring the fact finder to make written recommendations regarding certain issues;
9 requiring that certain written recommendations be delivered to certain persons by
10 the Secretary of Transportation or the Secretary's designee; requiring that certain
11 matters be recommended to the General Assembly for approval or the appropriation
12 of funds; repealing the requirement that the Administration submit a certain labor
13 dispute to an arbitration board; repealing certain provisions of law related to the
14 resolution of certain labor disputes by an arbitration board; requiring the
15 Administration, under certain circumstances, to request the State Labor Relations
16 Board to resolve a certain labor dispute in a certain manner; authorizing the Board
17 to delegate the holding of a certain hearing to the Office of Administrative Hearings;
18 providing that a final decision of the Board in a certain labor dispute may be
19 appealed in a certain manner; altering a certain definition; providing for the
20 application of this Act; and generally relating to the resolution of Maryland Transit
21 Administration labor disputes.

22 BY repealing and reenacting, with amendments,
23 Article – Transportation
24 Section 7–602
25 Annotated Code of Maryland
26 (2015 Replacement Volume and 2015 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Transportation

1
2 7–602.

3 (a) In this section, “labor dispute” is to be construed broadly and includes any
4 controversy as to:

5 (1) Wages, salaries, hours, or other working conditions;

6 (2) Benefits, including health and welfare, sick leave, insurance, pension,
7 or retirement provisions;

8 (3) Grievances that arise; [or]

9 **(4) DISCIPLINE; OR**

10 **[(4)] (5) Collective bargaining agreements, including:**

11 (i) The making or maintaining of any collective bargaining
12 agreement;

13 (ii) The terms to be included in it; or

14 (iii) Its interpretation or application.

15 **(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C)(1) OF THIS SECTION,**
16 **EITHER THE ADMINISTRATION OR AN ACCREDITED REPRESENTATIVE MAY REQUEST**
17 **THAT A FACT FINDER BE EMPLOYED TO RESOLVE A LABOR DISPUTE.**

18 **(2) A FACT FINDER MUST BE A NEUTRAL PARTY APPOINTED BY**
19 **ALTERNATE STRIKING BY THE PARTIES FROM A LIST PROVIDED:**

20 **(I) BY THE FEDERAL MEDIATION AND CONCILIATION**
21 **SERVICE; OR**

22 **(II) UNDER THE LABOR ARBITRATION RULES OF THE**
23 **AMERICAN ARBITRATION ASSOCIATION.**

24 **(3) THE FACT FINDER:**

25 **(I) MAY GIVE NOTICE AND HOLD HEARINGS IN ACCORDANCE**
26 **WITH THE ADMINISTRATIVE PROCEDURE ACT;**

1 (ii) MAY ADMINISTER OATHS AND TAKE TESTIMONY AND OTHER
2 EVIDENCE;

3 (iii) MAY ISSUE SUBPOENAS; AND

4 (iv) SHALL MAKE WRITTEN RECOMMENDATIONS REGARDING
5 WAGES, HOURS, AND WORKING CONDITIONS, AND ANY OTHER TERMS OR
6 CONDITIONS OF EMPLOYMENT THAT MAY BE IN DISPUTE.

7 (4) THE WRITTEN RECOMMENDATIONS OF THE FACT FINDER SHALL
8 BE DELIVERED TO THE GOVERNOR, THE ACCREDITED REPRESENTATIVE, THE
9 PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES BY
10 THE SECRETARY OF TRANSPORTATION OR THE SECRETARY'S DESIGNEE.

11 (5) IF THE RESOLUTION OF A LABOR DISPUTE UNDER THIS
12 SUBSECTION REQUIRES LEGISLATIVE APPROVAL OR THE APPROPRIATION OF
13 FUNDS, THE MATTER SHALL BE RECOMMENDED TO THE GENERAL ASSEMBLY FOR
14 APPROVAL OR THE APPROPRIATION OF FUNDS.

15 [(b)] (c) (1) If, in a labor dispute between the Administration and [any
16 employees described in § 7-601 of this subtitle] AN ACCREDITED REPRESENTATIVE
17 INVOLVING A GRIEVANCE OR DISCIPLINE, collective bargaining does not result in
18 agreement, the Administration shall [submit the dispute to an arbitration board]
19 REQUEST THE STATE LABOR RELATIONS BOARD TO RESOLVE THE LABOR DISPUTE
20 IN ACCORDANCE WITH THE TERMS OF THE WRITTEN COLLECTIVE BARGAINING
21 AGREEMENT AND IN A MANNER CONSISTENT WITH TITLE 3 OF THE STATE
22 PERSONNEL AND PENSIONS ARTICLE.

23 (2) THE STATE LABOR RELATIONS BOARD MAY DELEGATE THE
24 HOLDING OF A HEARING REGARDING A LABOR DISPUTE UNDER PARAGRAPH (1) OF
25 THIS SUBSECTION TO THE OFFICE OF ADMINISTRATIVE HEARINGS.

26 (3) THE FINAL DECISION OF THE STATE LABOR RELATIONS BOARD
27 IN A LABOR DISPUTE THAT THE STATE LABOR RELATIONS BOARD IS REQUESTED TO
28 RESOLVE UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE APPEALED IN
29 ACCORDANCE WITH § 10-222 OF THE STATE GOVERNMENT ARTICLE AS IF IT WERE
30 A CONTESTED CASE.

31 [(c) (1) The arbitration board shall consist of three members appointed as
32 follows:

33 (i) One by the Administration;

34 (ii) One by the authorized representative of the employees; and

1 (iii) One jointly by the Administration and the authorized
2 representative.

3 (2) If, within 10 days after the appointment of the second arbitrator, a third
4 arbitrator has not been appointed, either arbitrator may request the Federal Mediation and
5 Conciliation Service or any other entity specified by contract between the Administration
6 and the authorized representative to furnish a list of five persons, from which the third
7 arbitrator shall be selected. Promptly after receiving the list, the two appointed arbitrators
8 shall determine the order of elimination by lot and, in the determined order, each shall
9 eliminate one name alternately until only one name remains. The remaining person is the
10 third arbitrator.

11 (3) The third arbitrator is the chairman of the board.

12 (d) A majority determination of the board is final and binding on all disputed
13 matters.

14 (e) Each party shall pay 50 percent of the arbitration expenses.]

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
16 apply only prospectively and may not be applied or interpreted to have any effect on or
17 application to any labor dispute arising out of a collective bargaining agreement entered
18 into before the effective date of this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2016.