

# SENATE BILL 291

P4, M1

7lr1997  
CF HB 239

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By: **Senators Rosapepe, Benson, Conway, Feldman, Ferguson, Guzzone, King, Manno, Pinsky, Ramirez, Smith, and Young**

Introduced and read first time: January 20, 2017

Assigned to: Finance

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 1, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Environmental Service – Collective Bargaining**

3 FOR the purpose of requiring the Maryland Environmental Service, consistent with certain  
4 provisions of law, to recognize and deal with certain employee organizations,  
5 collectively bargain, and enter into certain types of agreements applicable to certain  
6 State employees; providing for an exception to an exemption from certain provisions  
7 of State personnel law; and generally relating to certain requirements for the  
8 Maryland Environmental Service in connection with collective bargaining for its  
9 employees.

10 BY repealing and reenacting, with amendments,  
11 Article – Natural Resources  
12 Section 3–103.1 and 3–103.2  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2016 Supplement)

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

17 **Article – Natural Resources**

18 3–103.1.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) The staff of the Service shall consist of such employees as the Service may  
2 determine are necessary to carry out the duties of the Service.

3 (b) (1) The Service shall adopt regulations to govern the employees of the  
4 Service.

5 (2) The Service shall establish a personnel system that:

6 (i) Is based on merit and compensates employees based on  
7 performance;

8 (ii) Includes fair and equitable procedures for the redress of  
9 grievances and for the hiring, promotion, and laying off of employees; and

10 (iii) Allows State employees who are employed by the Service prior to  
11 July 1, 1993 and members of the State retirement or pension systems to continue  
12 membership in the Employees' Retirement System of the State of Maryland or the  
13 Employees' Pension System of the State of Maryland.

14 (3) (i) The Service shall be liable for and shall pay to the State  
15 Retirement Agency the employer's share of employee retirement or pension costs for Service  
16 employees who participate in the State retirement or pension systems, as provided in Title  
17 21, Subtitle 3 of the State Personnel and Pensions Article.

18 (ii) The Service shall be liable for and shall pay the employer's share  
19 of health insurance costs for Service employees.

20 (4) In carrying out the requirements of this subsection, the Service may:

21 (i) Create or abolish any position other than one specifically  
22 provided for in this subtitle;

23 (ii) Determine employee qualifications, appointment and removal  
24 procedures, terms of employment including compensation, benefits, holiday schedules, and  
25 leave policies, and any other matter concerning employees; and

26 (iii) Subject to the provisions of subsection (c) of this section, take  
27 such actions that are necessary for the transition to a new personnel system.

28 (c) (1) All State employees who are employed by the Service prior to July 1,  
29 1993 shall be provided the opportunity to transfer to the Service's new personnel system  
30 without loss of pay. All nonstate employees of the Service employed prior to July 1, 1993  
31 shall be members of the new personnel system.

32 (2) All persons hired by the Service on or after July 1, 1993 shall be  
33 members of the new personnel system.

1           (3) State employees who transfer to the Service's new personnel system  
2 shall, unless fairly compensated for the leave by the Service, retain vacation leave, sick  
3 leave, and personal and compensatory leave earned prior to the date of transfer until the  
4 time that the leave would normally expire under the regulations adopted under the State  
5 Personnel and Pensions Article.

6           (4) The Director and the Secretary of Personnel will use their combined  
7 resources to facilitate, prior to January 1, 1995, the placement, reassignment, or transfer  
8 of Service State employees who elect not to transfer to the new personnel system.

9           (5) Classified State employees who elect not to transfer to the new  
10 personnel system shall retain all rights and privileges of the State Personnel Management  
11 System until January 1, 1995.

12           (6) State employees who are not classified in the State Personnel  
13 Management System who elect not to transfer to the new personnel system shall retain  
14 such rights and privileges as existed on July 1, 1993, until January 1, 1995.

15           (7) The Service shall permit continuation of the rights of employee  
16 organizations in existence on July 1, 1993, to represent employees and to collect union dues  
17 through a checkoff system.

18           (8) **[If] AS State employees in general are authorized [by law] UNDER**  
19 **TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE** to enter into [binding  
20 arbitration or] binding collective bargaining agreements **WITH UNITS OF STATE**  
21 **GOVERNMENT** establishing wages, hours, pension rights, or working conditions for State  
22 employees, the Service [may] **SHALL, CONSISTENT WITH THE PROVISIONS OF TITLE 3**  
23 **OF THE STATE PERSONNEL AND PENSIONS ARTICLE, RECOGNIZE AND DEAL WITH**  
24 **AN EMPLOYEE ORGANIZATION ONCE ELECTED AS AN EXCLUSIVE REPRESENTATIVE,**  
25 **COLLECTIVELY BARGAIN, AND** enter into the same type of agreements for employees of  
26 the Service.

27 3-103.2.

28           **[The] EXCEPT AS PROVIDED IN § 3-103.1(C)(8) OF THIS SUBTITLE, THE** Service  
29 is exempt from the provisions of Division I of the State Personnel and Pensions Article that  
30 govern the State Personnel Management System.

31           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2017.