

SENATE BILL 515

K4

7lr2651

By: ~~Senators Jennings, Astle, Guzzone, and Peters~~ **Peters, Astle, Guzzone, Benson,
Feldman, Klausmeier, Mathias, Middleton, Oaks, and Rosapepe**

Introduced and read first time: February 1, 2017

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2017

CHAPTER _____

1 AN ACT concerning

2 **Collective Bargaining – Firefighters – Martin State Airport**

3 FOR the purpose of making certain provisions of law that relate to collective bargaining for
4 State employees apply to certain firefighters for the Martin State Airport who are
5 employed by the Military Department; altering certain provisions of law that relate
6 to collective bargaining for certain firefighters for the Martin State Airport; and
7 generally relating to collective bargaining rights for firefighters for the Martin State
8 Airport.

9 BY repealing and reenacting, with amendments,
10 Article – State Personnel and Pensions
11 Section ~~3–102(a)~~ 3–101(b), 3–102, and 3–205(a) and (c)
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2016 Supplement)

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

16 **Article – State Personnel and Pensions**

17 3–101.

18 (b) “Board” means:

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) 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.

3-102.

(a) Except as provided in this title or as otherwise provided by law, this title applies to:

(1) all employees of:

(i) the principal departments within the Executive Branch of State government;

(ii) the Maryland Insurance Administration;

(iii) the State Department of Assessments and Taxation;

(iv) the State Lottery and Gaming Control Agency;

(v) the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College;

(vi) the Comptroller;

(vii) the Maryland Transportation Authority who are not police officers;

(viii) the State Retirement Agency; ~~and~~

(ix) the State Department of Education; ~~and~~

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

(2) all full-time Maryland Transportation Authority police officers at the rank of first sergeant and below; ~~AND~~

~~**(3) FIREFIGHTERS FOR THE MARTIN STATE AIRPORT AT THE RANK OF CAPTAIN OR BELOW WHO ARE EMPLOYED BY THE MILITARY DEPARTMENT.**~~

1 (b) This title does not apply to:

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

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

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

7 (4) an employee who is:

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

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

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

14 3. assigned to the Government House or the Governor's
15 Office;

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

18 (6) an employee in:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 3-205.

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

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

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

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

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

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

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

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

15 1. the name of the incumbent exclusive representative; and

16 2. a provision for “no exclusive representative”.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 18 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.