

HOUSE BILL 864

P4

8lr2922
CF SB 654

By: **Delegates A. Miller, B. Barnes, Haynes, Jones, Korman, Krimm, McIntosh, Reznik, Sophocleus, Tarlau, ~~and P. Young~~ P. Young, and Jackson**

Introduced and read first time: February 2, 2018

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2018

CHAPTER _____

1 AN ACT concerning

2 **Collective Bargaining – Memorandum of Understanding – Continuation**

3 FOR the purpose of prohibiting a certain memorandum of understanding from expiring
4 under certain circumstances; requiring that the terms of a certain memorandum of
5 understanding continue in force and effect until a certain memorandum of
6 understanding is agreed to and ratified; authorizing an exclusive representative to
7 file a certain action in a circuit court under certain circumstances; requiring the
8 court to issue a certain order to maintain a certain memorandum of understanding;
9 ~~requiring a certain proceeding to take precedence on a court docket for certain~~
10 ~~purposes~~; and generally relating to collective bargaining for State employees.

11 BY repealing and reenacting, without amendments,
12 Article – State Personnel and Pensions
13 Section 3–601(a)(1) and (b)
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2017 Supplement)

16 BY adding to
17 Article – State Personnel and Pensions
18 Section 3–603
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2017 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

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 That the Laws of Maryland read as follows:

2 **Article – State Personnel and Pensions**

3 **3–601.**

4 (a) (1) A memorandum of understanding shall contain all matters of
5 agreement reached in the collective bargaining process.

6 (b) No memorandum of understanding is valid if it extends for less than 1 year or
7 for more than 3 years.

8 **3–603.**

9 (A) A MEMORANDUM OF UNDERSTANDING AGREED TO AND RATIFIED
10 UNDER § 3–601 OF THIS SUBTITLE MAY NOT EXPIRE UNTIL IT IS SUCCEEDED BY A
11 MEMORANDUM OF UNDERSTANDING THAT IS AGREED TO AND RATIFIED UNDER THIS
12 TITLE.

13 (B) NOTWITHSTANDING § 3–601(B) OF THIS SUBTITLE, ALL TERMS OF A
14 MEMORANDUM OF UNDERSTANDING SHALL CONTINUE IN FORCE AND EFFECT
15 WITHOUT CHANGE UNTIL A SUCCESSOR MEMORANDUM OF UNDERSTANDING IS
16 AGREED TO AND RATIFIED.

17 (C) (1) BASED ON A VERIFIED COMPLAINT BY AN EXCLUSIVE
18 REPRESENTATIVE, THE EXCLUSIVE REPRESENTATIVE MAY FILE AN ACTION IN A
19 CIRCUIT COURT AGAINST THE STATE, A SYSTEM INSTITUTION, MORGAN STATE
20 UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, OR BALTIMORE CITY
21 COMMUNITY COLLEGE TO ENFORCE THE TERMS OF THIS SECTION.

22 (2) ON RECEIPT OF AN ACTION SUBMITTED BY THE EXCLUSIVE
23 REPRESENTATIVE, THE COURT SHALL ISSUE A STATUS QUO ORDER WITHOUT A
24 FINDING OF IRREPARABLE HARM TO MAINTAIN A MEMORANDUM OF
25 UNDERSTANDING AND THE TERMS IN EFFECT PENDING A FINAL ORDER IN THE
26 ACTION.

27 ~~(3) A PROCEEDING UNDER THIS SUBSECTION, INCLUDING APPEALS,~~
28 ~~SHALL TAKE PRECEDENCE ON THE COURT DOCKET AND BE EXPEDITED IN EVERY~~
29 ~~WAY POSSIBLE DUE TO THE IMPORTANCE OF THE ACTION TO THE PUBLIC INTEREST.~~

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2018.