

SENATE BILL 338

P4
SB 446/17 – FIN

8lr2669
CF HB 335

By: **Senators Feldman, Astle, Benson, Currie, Guzzone, Klausmeier, Lee, Madaleno, Manno, Oaks, Ramirez, and Rosapepe**

Introduced and read first time: January 24, 2018

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 2, 2018

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – Grievance Procedures** ~~– Exclusive Representatives~~

3 FOR the purpose of expanding the application of certain provisions of law governing
4 grievance procedures for certain State employees ~~in the State Personnel~~
5 ~~Management System to include certain exclusive representatives; authorizing~~
6 ~~certain exclusive representatives to present certain grievances free from coercion,~~
7 ~~discrimination, interference, reprisal, or restraint; requiring a grievant to complete~~
8 ~~certain forms in a certain manner for a certain purpose; applying a certain definition~~
9 ~~of “grievance” to a certain requirement that the Department of Transportation adopt~~
10 ~~certain regulations relating to employee grievance procedures; altering a certain~~
11 ~~definition; defining a certain term; making a conforming change; and generally~~
12 ~~relating to grievance procedures and exclusive representatives of State employees.~~

13 BY repealing and reenacting, with amendments,
14 Article – State Personnel and Pensions
15 Section 12–101, 12–102, and ~~12–103(a)~~ 12–108
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2017 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 2–103.4(d)(2)
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2017 Supplement)

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

3 **Article – State Personnel and Pensions**

4 12–101.

5 (a) In this title the following words have the meanings indicated.

6 (b) “Employer” means one or more of the following:

- 7 (1) an employee’s appointing authority;
- 8 (2) an employee’s principal unit; or
- 9 (3) the Department of Budget and Management.

10 (c) **“EXCLUSIVE REPRESENTATIVE” HAS THE MEANING STATED IN § 3–101**
11 **OF THIS ARTICLE.**

12 **[(c)] (D)** (1) “Grievance” means a dispute between:

13 ~~(H)~~ an employee and the employee’s employer about the
14 interpretation of and application to the employee of:

15 ~~{(i)}~~ ~~1.~~ a personnel policy or regulation adopted by the Secretary;
16 ~~or~~

17 ~~{(ii)}~~ ~~2.~~ any other policy or regulation over which management has
18 control; **OR**

19 ~~(H)~~ ~~AN EXCLUSIVE REPRESENTATIVE AND AN EMPLOYER:~~

20 ~~1.~~ ~~ABOUT THE INTERPRETATION AND APPLICATION OF:~~

21 ~~A.~~ ~~A PERSONNEL POLICY OR REGULATION ADOPTED BY~~
22 ~~THE SECRETARY; OR~~

23 ~~B.~~ ~~ANY OTHER POLICY OR REGULATION OVER WHICH~~
24 ~~MANAGEMENT HAS CONTROL; OR~~

25 ~~2.~~ **(III)** ~~OVER~~ ANY TERM OR CONDITION OF A
26 MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE AND THE EXCLUSIVE
27 REPRESENTATIVE.

1 (2) "Grievance" does not include a dispute about:

- 2 (i) a pay grade or range for a class;
- 3 (ii) the amount or the effective date of a statewide pay increase;
- 4 (iii) the establishment of a class;
- 5 (iv) the assignment of a class to a service category;
- 6 (v) the establishment of classification standards;
- 7 (vi) a mid-year performance appraisal; or
- 8 (vii) an oral reprimand or counseling.

9 12-102.

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

11 ~~(1)~~ all employees in the State Personnel Management System within the
12 Executive Branch; ~~AND~~

13 ~~(2) EACH EXCLUSIVE REPRESENTATIVE OF EMPLOYEES IN THE~~
14 ~~STATE PERSONNEL MANAGEMENT SYSTEM AND INDEPENDENT PERSONNEL~~
15 ~~SYSTEMS, EXCEPT FOR THE DEPARTMENT OF TRANSPORTATION.~~

16 (b) This title does not apply to:

17 (1) an employee who is appointed by the Governor whose appointment
18 requires the Governor's approval;

19 (2) an employee in the executive service of the State Personnel
20 Management System;

21 (3) a temporary employee;

22 (4) an attorney in the Office of the Attorney General or the Office of the
23 Public Defender;

24 (5) a State Police officer;

25 (6) [an employee who is subject to a collective bargaining agreement that
26 contains another grievance procedure;

1 (7) an employee, including a member of a faculty, who is subject to a
2 contract or regulation governing teacher tenure;

3 [(8) (7) a member of the faculty, an officer, or an administrative
4 employee of Baltimore City Community College;

5 [(9) (8) a student employee;

6 [(10) (9) an individual who, as an inmate or patient in an institution, is
7 employed by the State; or

8 [(11) (10) an administrative law judge in the Office of Administrative
9 Hearings.

10 ~~12-103.~~

11 ~~(a) An employee with a grievance or the grievant's representative, OR AN~~
12 ~~EXCLUSIVE REPRESENTATIVE WITH A GRIEVANCE, may present the grievance free from~~
13 ~~coercion, discrimination, interference, reprisal, or restraint.~~

14 12-108.

15 (A) The Secretary shall:

16 (1) provide for forms for initiating and processing grievances; and

17 (2) make the forms available on the Department's Web site.

18 (B) THE GRIEVANT SHALL COMPLETE THE FORMS PROVIDED IN
19 ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION IN SUFFICIENT DETAIL THAT
20 WILL ALLOW FOR THE EXPEDITIOUS RESOLUTION OF THE GRIEVANCE.

21 Article – Transportation

22 2-103.4.

23 (d) (2) The regulations shall address procedures for leave, appointment,
24 hiring, promotion, layoff, removal, termination, redress of grievances, AS DEFINED IN §
25 12-101(D) OF THE STATE PERSONNEL AND PENSIONS ARTICLE, and reinstatement
26 of employees and shall be presented to the Joint Committee on Administrative, Executive,
27 and Legislative Review under Title 10, Subtitle 1 of the State Government Article.

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