

BY: Senators Della and Young

AMENDMENTS TO HOUSE BILL NO. 774, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 6, after "System;" insert "establishing certain collective bargaining rights for certain State employees; requiring the Office of Administrative Hearings to adopt certain regulations relating to collective bargaining; requiring the Governor to submit to the General Assembly a certain request for funds under certain circumstances;".

On page 2, in line 17, before "4-201" insert "3-101 through 3-105, to be under the new title "Title 3. Collective Bargaining";".

AMENDMENT NO. 2

On page 2 of the Finance Committee Amendments (HB0774/267838/1), in line 2 of Amendment No. 4, strike "RESERVED" and substitute:

"COLLECTIVE BARGAINING

3-101.

(A) SUBJECT TO REGULATIONS ADOPTED UNDER § 3-103 OF THIS SUBTITLE, EMPLOYEES OF THE EXECUTIVE BRANCH OF THE STATE OF MARYLAND SHALL HAVE THE AUTHORITY TO NEGOTIATE IN GOOD FAITH WITH THE GOVERNOR OVER WAGES, HOURS, AND TERMS AND CONDITIONS OF THEIR EMPLOYMENT AND HAVE THOSE MATTERS REDUCED TO A WRITTEN AGREEMENT BETWEEN THE PARTIES.

(B) THE PARTIES SHALL WORK JOINTLY TO ESTABLISH WORK SYSTEMS THAT IMPROVE THE EFFICIENCY OF GOVERNMENTAL OPERATIONS AND THE QUALITY OF SERVICES.

(Over)

3-102.

(A) EMPLOYEES SHALL HAVE THE RIGHT TO SELECT AN EXCLUSIVE REPRESENTATIVE THROUGH A SECRET BALLOT ELECTION PROCESS TO REPRESENT THE EMPLOYEES IN NEGOTIATIONS UNDER THIS TITLE.

(B) EMPLOYEES MAY FORM, JOIN, OR ASSIST ANY EMPLOYEE ORGANIZATION.

(C) EMPLOYEES SUBJECT TO THIS TITLE MAY NOT ENGAGE IN A STRIKE.

3-103.

THIS TITLE SHALL BE ADMINISTERED BY THE OFFICE OF ADMINISTRATIVE HEARINGS, WHICH SHALL ADOPT AND ENFORCE REGULATIONS TO CARRY OUT THIS TITLE INCLUDING REGULATIONS THAT:

(1) DETERMINE THE ELIGIBILITY OF EMPLOYEES;

(2) DETERMINE BARGAINING UNITS;

(3) PROVIDE PROCEDURES FOR ELECTION OF EXCLUSIVE REPRESENTATIVES;

(4) RESOLVE DISPUTES IN BARGAINING AND INTERPRETATION OF THE WRITTEN AGREEMENT, PROVIDED THAT THE RESOLUTION OF THE DISPUTE MAY NOT INCLUDE BINDING ARBITRATION OVER ECONOMIC ISSUES;

(5) ESTABLISH PENALTIES FOR STRIKING;

(6) DEFINE UNFAIR PRACTICES AND ESTABLISH REMEDIES FOR SUCH PRACTICES;

(7) RESOLVE DISPUTES OVER THE SCOPE OF BARGAINING;

(8) HOLD HEARINGS IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF

THE STATE GOVERNMENT ARTICLE WHENEVER NECESSARY FOR A FAIR DETERMINATION OF ANY ISSUE OR COMPLAINT ARISING UNDER THIS TITLE OR A REGULATION ADOPTED UNDER IT.

3-104.

THE STATE, THROUGH ITS APPROPRIATE OFFICERS AND EMPLOYEES, HAS THE RIGHT TO:

(1) DETERMINE THE OVERALL MISSION OF THE EMPLOYER AS A UNIT OF GOVERNMENT;

(2) MAINTAIN AND IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF GOVERNMENTAL OPERATIONS;

(3) DETERMINE THE SERVICES TO BE RENDERED, OPERATIONS TO BE PERFORMED, TECHNOLOGY TO BE UTILIZED, AND MATTERS TO BE BUDGETED;

(4) HIRE, DIRECT, SUPERVISE, ASSIGN, SCHEDULE, AND EVALUATE EMPLOYEES; AND

(5) PROMOTE, DISCIPLINE, DISCHARGE, TRANSFER, RETAIN, AND LAY OFF EMPLOYEES.

3-105.

(A) (1) AFTER A NEGOTIATED AGREEMENT HAS BEEN AGREED TO BY THE PARTIES, THE GOVERNOR SHALL, IN THE ANNUAL BUDGET OR BY OTHER APPROPRIATE MEANS, SUBMIT TO THE GENERAL ASSEMBLY A REQUEST FOR FUNDS NECESSARY TO IMPLEMENT THE AGREEMENT WITHIN 10 DAYS AFTER THE DATE ON WHICH THE PARTIES FINALIZE THE AGREEMENT.

(2) IF THE GENERAL ASSEMBLY IS NOT IN SESSION AT THE TIME, THE

(Over)

SUBMISSION SHALL BE WITHIN 10 DAYS AFTER IT NEXT CONVENES.

(B) THE AGREEMENT SHALL TAKE EFFECT UPON APPROVAL BY THE GENERAL ASSEMBLY IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.”.