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**By: The Speaker (Administration) and Delegates Rosapepe and Parker**

Introduced and read first time: January 25, 1996

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **State Employees - Collective Bargaining**

3 FOR the purpose of establishing Collective bargaining rights for certain State employees;  
4 specifying which State employees are not eligible to participate in the collective  
5 bargaining process; establishing a State Labor Relations Board; specifying the  
6 manner of appointment, membership, duties, and responsibilities of the Board;  
7 specifying the terms providing for staffing of the Board; authorizing the Board to  
8 adopt and enforce regulations; specifying that the provisions of this Act may not  
9 limit or interfere with the powers of the General Assembly; providing that certain  
10 information furnished to the Board is confidential; permitting the Board to petition  
11 a circuit court to seek enforcement of an order of the Board; establishing the  
12 respective rights of employees and employers; prohibiting strikes, lockouts, and  
13 unfair labor practices; providing for election and certification of exclusive  
14 representatives of bargaining units; specifying certain contents of a collective  
15 bargaining agreement; providing that provisions of this Act are severable; defining  
16 certain terms; and generally relating to collective bargaining for State employees.

17 BY adding to

18 Article - State Personnel and Pensions  
19 Section 3-101 through 3-601 to be under the new title "Title 3. Collective  
20 Bargaining"  
21 Annotated Code of Maryland  
22 (1994 Volume and 1995 Supplement)  
23 (As enacted by Chapter \_\_\_\_\_ (S.B.\_\_\_\_\_/H.B.\_\_\_\_\_) (6r1603/6r1943)of the Acts of  
24 the General Assembly of 1996)

25 Preamble

26 WHEREAS, The General Assembly of Maryland declares that it is the public  
27 policy of the State to increase the efficiency and effectiveness of State government by  
28 promoting harmonious and cooperative relations between State employers and their  
29 employees; and

30 WHEREAS, One of Maryland's greatest and most potent natural resources is the  
31 knowledge and experience of its public employees; and

2

1 WHEREAS, The enactment of positive public employment relations is the best  
2 way to harness and direct the ideas and experience of public employees eager to have a  
3 voice in providing the highest quality government services possible. This worker  
4 participation in decision making concerning the design or redesign and delivery of  
5 government services is essential; and

6 WHEREAS, The General Assembly has determined that these purposes may best  
7 be accomplished by making a commitment to Maryland's public employees by: (1)  
8 granting to public employees the right to associate with others in organizing and choosing  
9 representatives for the purpose of collective bargaining; (2) requiring public employers to  
10 recognize, negotiate, and bargain with employee organizations representing public  
11 employees and to enter into written agreements evidencing the result of bargaining; and  
12 (3) encouraging harmonious labor-management relations through the establishment of  
13 standards and procedures which protect the rights of the public employer, the public  
14 employee, and the citizens of this State; now, therefore,

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

17 **Article - State Personnel and Pensions**

18 TITLE 3. COLLECTIVE BARGAINING.

19 SUBTITLE 1. DEFINITIONS AND GENERAL PROVISIONS.

20 3-101.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
22 INDICATED.

23 (B) "BOARD" MEANS THE STATE LABOR RELATIONS BOARD.

24 (C) "COLLECTIVE BARGAINING" MEANS GOOD FAITH NEGOTIATIONS BY  
25 AUTHORIZED REPRESENTATIVES OF EMPLOYEES AND THEIR EMPLOYER WITH THE  
26 INTENTION OF:

27 (1) REACHING AN AGREEMENT ABOUT WAGES, HOURS, AND OTHER  
28 TERMS AND CONDITIONS OF EMPLOYMENT; AND

29 (2) INCORPORATING THE TERMS OF THE AGREEMENT IN A WRITTEN  
30 COLLECTIVE BARGAINING AGREEMENT.

31 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR, LICENSING, AND  
32 REGULATION.

33 (E) "EMPLOYEE ORGANIZATION" MEANS A LABOR OR OTHER  
34 ORGANIZATION IN WHICH STATE EMPLOYEES PARTICIPATE AND THAT HAS AS ONE  
35 OF ITS PRIMARY PURPOSES REPRESENTING THE EMPLOYEES IN COLLECTIVE  
36 BARGAINING.

3

1 (F) "EXCLUSIVE REPRESENTATIVE" MEANS AN EMPLOYEE ORGANIZATION  
2 THAT HAS BEEN CERTIFIED BY THE BOARD AS AN EXCLUSIVE REPRESENTATIVE  
3 UNDER SUBTITLE 4 OF THIS TITLE.

4 (G) "SECRETARY" MEANS THE SECRETARY OF LABOR, LICENSING, AND  
5 REGULATION.

6 3-102.

7 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS  
8 SUBTITLE APPLIES TO ALL EMPLOYEES IN THE EXECUTIVE BRANCH OF STATE  
9 GOVERNMENT.

10 (B) THIS SUBTITLE DOES NOT APPLY TO:

11 (1) AN EMPLOYEE WHO IS ELECTED TO THE POSITION BY POPULAR  
12 VOTE;

13 (2) AN EMPLOYEE IN A POSITION BY ELECTION OR APPOINTMENT THAT  
14 IS PROVIDED FOR BY THE MARYLAND CONSTITUTION;

15 (3) AN EMPLOYEE WHO IS:

16 (I) A SPECIAL APPOINTEE IN THE STATE PERSONNEL  
17 MANAGEMENT SYSTEM; OR

18 (II) 1. DIRECTLY APPOINTED BY THE GOVERNOR BY AN  
19 APPOINTMENT THAT IS NOT PROVIDED FOR BY THE MARYLAND CONSTITUTION;

20 2. APPOINTED BY OR ON THE STAFF OF THE GOVERNOR OR  
21 LIEUTENANT GOVERNOR;

22 3. ASSIGNED TO THE GOVERNMENT HOUSE OR THE  
23 GOVERNOR'S OFFICE;

24 (4) AN EMPLOYEE ASSIGNED TO THE BOARD OR WITH ACCESS TO  
25 RECORDS OF THE BOARD;

26 (5) AN EMPLOYEE WHO HAS:

27 (I) DIRECT ACCESS TO CONFIDENTIAL INFORMATION THAT WILL  
28 BE USED IN THE COURSE OF COLLECTIVE BARGAINING ABOUT THE  
29 ADMINISTRATIVE OPERATION OF AN OFFICE OR UNIT IN THE EXECUTIVE BRANCH;  
30 OR

31 (II) KNOWLEDGE ABOUT CONFIDENTIAL ISSUES INVOLVED IN THE  
32 COLLECTIVE BARGAINING PROCESS;

33 (6) AN EMPLOYEE IN:

34 (I) THE MANAGEMENT SERVICE OF THE STATE PERSONNEL  
35 MANAGEMENT SYSTEM; OR

36 (II) A UNIT OF THE EXECUTIVE BRANCH WITH AN INDEPENDENT  
37 PERSONNEL SYSTEM WHOSE POSITION:

4

1 1. PRIMARILY INVOLVES DIRECT RESPONSIBILITY FOR THE  
2 OVERSIGHT AND MANAGEMENT OF PERSONNEL AND FINANCIAL RESOURCES;

3 2. REQUIRES THE EXERCISE OF DISCRETION AND  
4 INDEPENDENT JUDGMENT; AND

5 3. IS NOT EXCLUDED UNDER ITEM (7) OF THIS SUBSECTION;

6 (7) AN EMPLOYEE IN:

7 (I) THE EXECUTIVE SERVICE OF THE STATE PERSONNEL  
8 MANAGEMENT SYSTEM; OR

9 (II) A UNIT OF THE EXECUTIVE BRANCH WITH AN INDEPENDENT  
10 PERSONNEL SYSTEM WHO IS:

11 1. THE CHIEF ADMINISTRATOR OF THE UNIT OR A  
12 COMPARABLE POSITION THAT IS NOT EXCLUDED UNDER ITEM (2) OF THIS  
13 SUBSECTION AS A CONSTITUTIONAL OR ELECTED OFFICE; OR

14 2. A DEPUTY OR ASSISTANT ADMINISTRATOR OF THE UNIT  
15 OR A COMPARABLE POSITION; OR

16 (8) (I) A TEMPORARY EMPLOYEE IN THE STATE PERSONNEL  
17 MANAGEMENT SYSTEM; OR

18 (II) A CONTRACTUAL, TEMPORARY, OR EMERGENCY EMPLOYEE  
19 IN A UNIT OF THE EXECUTIVE BRANCH WITH AN INDEPENDENT PERSONNEL  
20 SYSTEM;

21 (9) A MEMBER OF THE FACULTY OF A STATE INSTITUTION OF HIGHER  
22 EDUCATION; OR

23 (10) AN EMPLOYEE WHO IS ENTITLED TO PARTICIPATE IN COLLECTIVE  
24 BARGAINING UNDER ANOTHER LAW.

25 3-103.

26 THIS TITLE AND ANY AGREEMENT UNDER THIS TITLE DO NOT LIMIT OR  
27 OTHERWISE INTERFERE WITH THE POWERS OF THE MARYLAND GENERAL  
28 ASSEMBLY UNDER ARTICLE III, § 52 OF THE MARYLAND CONSTITUTION.

29 SUBTITLE 2. STATE LABOR RELATIONS BOARD.

30 3-201.

31 THERE IS A STATE LABOR RELATIONS BOARD IN THE DEPARTMENT.

32 3-202.

33 (A) THE BOARD CONSISTS OF THE FOLLOWING FIVE MEMBERS:

34 (1) THE SECRETARY OR A DESIGNEE OF THE SECRETARY; AND

5

1 (2) FOUR MEMBERS OF THE GENERAL PUBLIC APPOINTED BY THE  
2 GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, WHO:

3 (I) ARE NOT OFFICERS OR EMPLOYEES OF THE STATE OR OF AN  
4 EMPLOYEE ORGANIZATION; AND

5 (II) ARE KNOWN FOR OBJECTIVE AND INDEPENDENT JUDGMENT.

6 (B) BEFORE TAKING OFFICE, EACH APPOINTED MEMBER SHALL TAKE THE  
7 OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

8 (C) WITH THE ADVICE OF THE SECRETARY, THE GOVERNOR SHALL  
9 DESIGNATE A CHAIRMAN FROM AMONG THE APPOINTED MEMBERS OF THE BOARD.

10 (D) THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL SERVE AS A  
11 CONTINUING MEMBER.

12 (E) (1) THE TERM OF AN APPOINTED MEMBER IS 6 YEARS.

13 (2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS  
14 REQUIRED BY THE TERMS PROVIDED FOR APPOINTED MEMBERS OF THE BOARD ON  
15 OCTOBER 1, 1996.

16 (3) A VACANCY SHALL BE FILLED FOR AN UNEXPIRED TERM IN THE  
17 SAME MANNER AS AN ORIGINAL APPOINTMENT.

18 (4) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
19 SUCCESSOR IS APPOINTED AND QUALIFIES.

20 (5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
21 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
22 QUALIFIES.

23 (F) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR  
24 INCOMPETENCE OR MISCONDUCT.

25 3-203.

26 (A) A MAJORITY OF THE MEMBERS IS A QUORUM FOR:

27 (1) THE TRANSACTION OF ANY BUSINESS;

28 (2) THE EXERCISE OF ANY POWER; OR

29 (3) THE PERFORMANCE OF ANY DUTY AUTHORIZED OR IMPOSED BY  
30 LAW.

31 (B) THE BOARD SHALL SET THE TIMES AND PLACES OF ITS MEETINGS.

32 (C) AN APPOINTED MEMBER OF THE BOARD IS ENTITLED TO:

33 (1) THE COMPENSATION PROVIDED IN THE STATE BUDGET; AND

34 (2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE  
35 TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

6

1 3-204.

2 (A) (1) WITH APPROVAL OF THE BOARD, THE SECRETARY SHALL APPOINT  
3 AN EXECUTIVE DIRECTOR OF THE BOARD.

4 (2) THE EXECUTIVE DIRECTOR:

5 (I) IS RESPONSIBLE TO AND SERVES AT THE PLEASURE OF THE  
6 SECRETARY; AND

7 (II) IS ENTITLED TO THE SALARY PROVIDED IN THE STATE  
8 BUDGET.

9 (B) THE EXECUTIVE DIRECTOR SHALL PERFORM THE DUTIES THAT THE  
10 SECRETARY ASSIGNS, INCLUDING:

11 (1) OPERATING THE OFFICE OF THE BOARD; AND

12 (2) KEEPING THE OFFICIAL RECORDS OF THE BOARD.

13 (C) (1) WITH APPROVAL OF THE SECRETARY, THE EXECUTIVE DIRECTOR  
14 MAY EMPLOY PROFESSIONAL CONSULTANTS.

15 (2) EACH PROFESSIONAL CONSULTANT SERVES AT THE PLEASURE OF  
16 THE EXECUTIVE DIRECTOR.

17 3-205.

18 THE DEPARTMENT SHALL PROVIDE ADMINISTRATIVE SUPPORT TO THE  
19 BOARD.

20 3-206.

21 (A) THE BOARD IS RESPONSIBLE TO ADMINISTER AND ENFORCE THIS TITLE.

22 (B) IN ADDITION TO ANY OTHER POWER OR DUTY ELSEWHERE IN THIS  
23 TITLE, THE BOARD MAY:

24 (1) (I) ESTABLISH GUIDELINES FOR CREATING BARGAINING UNITS,  
25 THAT INCLUDE A CONSIDERATION OF:

26 1. THE EFFECT OF OVERFRAGMENTATION ON THE  
27 EMPLOYER;

28 2. THE ADMINISTRATIVE STRUCTURES OF THE STATE  
29 EMPLOYER;

30 3. THE RECOMMENDATION OF THE PARTIES;

31 4. THE DESIRES OF THE EMPLOYEES INVOLVED;

32 5. THE COMMUNITY OF INTEREST OF THE EMPLOYEES  
33 INVOLVED; AND

34 6. THE WAGES, HOURS, AND OTHER WORKING CONDITIONS  
35 OF THE EMPLOYEES;

7

1 (II) ESTABLISH STANDARDS FOR DETERMINING AN APPROPRIATE  
2 BARGAINING UNIT; AND

3 (III) INVESTIGATE AND RESOLVE DISPUTES ABOUT APPROPRIATE  
4 BARGAINING UNITS;

5 (2) ESTABLISH PROCEDURES FOR, SUPERVISE THE CONDUCT OF, AND  
6 RESOLVE DISPUTES ABOUT ELECTIONS FOR EXCLUSIVE REPRESENTATIVES;

7 (3) INVESTIGATE AND TAKE APPROPRIATE ACTION IN RESPONSE TO:

8 (I) COMPLAINTS OF UNFAIR LABOR PRACTICES AND LOCKOUTS;  
9 AND

10 (II) IMPASSES IN COLLECTIVE BARGAINING.

11 (C) THE BOARD SHALL HAVE A SEAL.

12 3-207.

13 THE BOARD MAY ADOPT AND ENFORCE REGULATIONS TO CARRY OUT THIS  
14 TITLE, INCLUDING REGULATIONS THAT:

15 (1) DEFINE UNFAIR LABOR PRACTICES; AND

16 (2) ESTABLISH PERMISSIBLE LABOR-RELATED ACTIVITIES ON THE  
17 WORK SITE.

18 3-208.

19 (A) THE BOARD MAY INVESTIGATE:

20 (1) A POSSIBLE VIOLATION OF THIS TITLE OR ANY REGULATION  
21 ADOPTED UNDER IT; AND

22 (2) ANY OTHER RELEVANT MATTER.

23 (B) THE BOARD MAY HOLD A HEARING IN ACCORDANCE WITH TITLE 10,  
24 SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE WHENEVER NECESSARY FOR A  
25 FAIR DETERMINATION OF ANY ISSUE OR COMPLAINT ARISING UNDER THIS TITLE  
26 OR A REGULATION ADOPTED UNDER IT.

27 3-209.

28 (A) FOR PURPOSES OF ANY HEARING OR INVESTIGATION CONDUCTED BY  
29 THE BOARD OR OF ANY FACT-FINDING PROCEEDING CONDUCTED UNDER THIS  
30 TITLE:

31 (1) A MEMBER OF THE BOARD OR OF THE FACT-FINDING PANEL MAY  
32 ADMINISTER OATHS AND TAKE TESTIMONY AND OTHER EVIDENCE; AND

33 (2) A MEMBER OF THE BOARD MAY ISSUE SUBPOENAS FOR THE BOARD,  
34 FOR A NEUTRAL MEMBER OF A FACT-FINDING PANEL, OR FOR ANY PARTY TO  
35 BOARD PROCEEDINGS OR FACT-FINDING PROCEEDINGS, TO COMPEL THE  
36 ATTENDANCE AND TESTIMONY OF WITNESSES OR TO COMPEL THE PRODUCTION  
37 FOR EXAMINATION OF ANY DOCUMENTS.

8

1 (B) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA OR REFUSES TO BE  
2 SWORN OR TO TESTIFY THEN, ON COMPLAINT OF A MEMBER OF THE BOARD, THE  
3 CIRCUIT COURT MAY ORDER THE PERSON TO COMPLY WITH THE SUBPOENA, TO BE  
4 SWORN, OR TO TESTIFY.

5 3-210.

6 NAMES OR LISTS OF EMPLOYEES PROVIDED TO THE BOARD IN CONNECTION  
7 WITH AN ELECTION UNDER THIS TITLE ARE NOT SUBJECT TO DISCLOSURE IN  
8 ACCORDANCE WITH TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.

9 3-211.

10 (A) IF A PERSON FAILS TO COMPLY WITH AN ORDER ISSUED BY THE BOARD,  
11 A MEMBER OF THE BOARD MAY PETITION THE CIRCUIT COURT TO ORDER THE  
12 PERSON TO COMPLY WITH THE BOARD'S ORDER.

13 (B) THE BOARD SHALL NOT BE REQUIRED TO POST BOND IN AN ACTION  
14 UNDER SUBSECTION (A) OF THIS SECTION.

15 SUBTITLE 3. RIGHTS OF EMPLOYEES AND EMPLOYER; STRIKES, LOCKOUTS, AND  
16 UNFAIR LABOR PRACTICES PROHIBITED.

17 3-301.

18 (A) EMPLOYEES SUBJECT TO THIS TITLE HAVE THE RIGHT TO:

19 (1) TAKE PART OR REFRAIN FROM TAKING PART IN FORMING, JOINING,  
20 SUPPORTING, CONTRIBUTING TO, OR PARTICIPATING IN ANY EMPLOYEE  
21 ORGANIZATION OR ITS LAWFUL ACTIVITIES;

22 (2) BE FAIRLY REPRESENTED BY THEIR EXCLUSIVE REPRESENTATIVE,  
23 IF ANY, IN COLLECTIVE BARGAINING; AND

24 (3) EXCEPT AS PROVIDED IN §§ 3-303 AND 3-305 OF THIS SUBTITLE,  
25 ENGAGE IN OTHER CONCERTED ACTIVITIES FOR THE PURPOSE OF COLLECTIVE  
26 BARGAINING.

27 (B) (1) AN EMPLOYEE WHO IS A MEMBER OF A BARGAINING UNIT WITH AN  
28 EXCLUSIVE REPRESENTATIVE MAY, WITHOUT THE INTERVENTION OF AN  
29 EMPLOYEE ORGANIZATION, DISCUSS ANY MATTER WITH THE EMPLOYER AND  
30 PRESENT A GRIEVANCE AND HAVE THE GRIEVANCE RESOLVED.

31 (2) WHEN A GRIEVANCE IS RESOLVED UNDER PARAGRAPH (1) OF THIS  
32 SUBSECTION:

33 (I) THE RESOLUTION MAY NOT BE INCONSISTENT WITH THE  
34 TERMS OF THE COLLECTIVE BARGAINING AGREEMENT THEN IN EFFECT BETWEEN  
35 THE EMPLOYER AND THE EXCLUSIVE AGENT; AND

36 (II) THE EXCLUSIVE REPRESENTATIVE SHALL BE NOTIFIED  
37 PROMPTLY OF THE RESOLUTION.

9

1 3-302.

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

4 (1) (I) DETERMINE THE OVERALL MISSION OF THE EMPLOYER AS A  
5 UNIT OF GOVERNMENT; AND

6 (II) MAINTAIN AND IMPROVE THE EFFICIENCY AND  
7 EFFECTIVENESS OF GOVERNMENTAL OPERATIONS;

8 (2) DETERMINE THE:

9 (I) SERVICES TO BE RENDERED, OPERATIONS TO BE PERFORMED,  
10 TECHNOLOGY TO BE UTILIZED, AND MATTERS TO BE BUDGETED; AND

11 (II) OVERALL METHODS, PROCESSES, MEANS, AND CLASSES OF  
12 WORK OR PERSONNEL BY WHICH GOVERNMENTAL OPERATIONS ARE TO BE  
13 CONDUCTED;

14 (3) HIRE, DIRECT, SUPERVISE, ASSIGN, SCHEDULE, AND EVALUATE  
15 EMPLOYEES;

16 (4) (I) PROMOTE, DISCIPLINE, DISCHARGE, TRANSFER, RETAIN, AND  
17 LAY OFF EMPLOYEES; AND

18 (II) TERMINATE EMPLOYMENT BECAUSE OF LACK OF FUNDS, OR  
19 UNDER CONDITIONS WHERE THE EMPLOYER DETERMINES CONTINUED WORK  
20 WOULD BE INEFFICIENT OR NONPRODUCTIVE; AND

21 (5) TAKE ACTIONS, NOT OTHERWISE SPECIFIED IN THIS SUBSECTION TO  
22 CARRY OUT THE MISSION OF EMPLOYER AS THE GOVERNMENTAL UNIT IN  
23 SITUATIONS OF EMERGENCY.

24 3-303.

25 (A) (1) IN THIS SECTION, "STRIKE" MEANS ANY CONCERTED ACTION TO  
26 IMPEDE THE FULL AND PROPER PERFORMANCE OF EMPLOYMENT DUTIES IN ORDER  
27 TO INDUCE, INFLUENCE, COERCE, OR ENFORCE DEMANDS FOR A CHANGE IN  
28 WAGES, HOURS, TERMS, OR OTHER CONDITIONS OF EMPLOYMENT.

29 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,  
30 "STRIKE" INCLUDES A TOTAL OR PARTIAL:

31 (I) REFUSAL OR FAILURE TO REPORT TO WORK;

32 (II) REFUSAL OR FAILURE TO PERFORM EMPLOYMENT DUTIES;

33 (III) WITHDRAWAL FROM WORK;

34 (IV) WORK STOPPAGE; OR

35 (V) WORK SLOWDOWN.

10

1 (3) "STRIKE" DOES NOT INCLUDE A WORK STOPPAGE BY EMPLOYEES IN  
2 GOOD FAITH BECAUSE OF ABNORMAL WORKING CONDITIONS AT THE WORK SITE  
3 THAT ARE DANGEROUS AND UNHEALTHFUL.

4 (B) STATE EMPLOYEES ARE PROHIBITED FROM ENGAGING IN ANY STRIKE.

5 (C) AN APPOINTING AUTHORITY MAY TAKE DISCIPLINARY ACTION,  
6 INCLUDING TERMINATION OF EMPLOYMENT, AGAINST AN EMPLOYEE WHO  
7 PARTICIPATES IN A STRIKE.

8 (D) THE BOARD MAY REVOKE THE CERTIFICATION OF AN EXCLUSIVE  
9 REPRESENTATIVE WHO ENGAGES IN ANY STRIKE ACTIVITY IN VIOLATION OF THIS  
10 SECTION.

11 3-304.

12 (A) IN THIS SECTION, "LOCKOUT" MEANS ACTION TAKEN BY AN EMPLOYER  
13 TO:

14 (1) INTERRUPT OR PREVENT THE CONTINUITY OF THE EMPLOYEES'  
15 USUAL WORK FOR THE PURPOSE AND WITH THE INTENT OF COERCING THE  
16 EMPLOYEES INTO RELINQUISHING RIGHTS GUARANTEED BY THIS TITLE; OR

17 (2) BRING ECONOMIC PRESSURE ON EMPLOYEES FOR THE PURPOSE OF  
18 SECURING THE AGREEMENT OF THEIR EXCLUSIVE REPRESENTATIVE TO CERTAIN  
19 COLLECTIVE BARGAINING AGREEMENT TERMS.

20 (B) THE STATE IS PROHIBITED FROM ENGAGING IN ANY LOCKOUT.

21 3-305.

22 (A) IN THE EVENT A STRIKE OCCURS OR APPEARS IMMINENT, THE STATE  
23 MAY PETITION THE CIRCUIT COURT FOR APPROPRIATE RELIEF, INCLUDING  
24 INJUNCTION.

25 (B) IN THE EVENT A LOCKOUT OCCURS OR APPEARS IMMINENT, THE  
26 EMPLOYEE ORGANIZATION INVOLVED MAY PETITION THE CIRCUIT COURT FOR  
27 APPROPRIATE RELIEF, INCLUDING INJUNCTION.

28 3-306.

29 (A) THE STATE AND ITS OFFICERS, EMPLOYEES, AGENTS, OR  
30 REPRESENTATIVES ARE PROHIBITED FROM ENGAGING IN ANY UNFAIR LABOR  
31 PRACTICE, AS DEFINED BY THE BOARD.

32 (B) EMPLOYEE ORGANIZATIONS AND THEIR AGENTS OR REPRESENTATIVES  
33 ARE PROHIBITED FROM ENGAGING IN ANY UNFAIR LABOR PRACTICE, AS DEFINED  
34 BY THE BOARD.

35 (C) STATE EMPLOYEES ARE PROHIBITED FROM ENGAGING IN ANY UNFAIR  
36 LABOR PRACTICE, AS DEFINED BY THE BOARD.

11

1 SUBTITLE 4. ELECTION AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVE.

2 3-401.

3 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE BOARD SHALL  
4 CONDUCT AN ELECTION FOR AN EXCLUSIVE REPRESENTATIVE OF A BARGAINING  
5 UNIT IF:

6 (1) A VALID PETITION IS FILED IN ACCORDANCE WITH § 3-402 OF THIS  
7 SUBTITLE; AND

8 (2) THE BARGAINING UNIT INVOLVED IN THE PETITION IS  
9 DETERMINED TO BE AN APPROPRIATE BARGAINING UNIT UNDER § 3-403 OF THIS  
10 SUBTITLE.

11 (B) (1) THE BOARD MAY NOT CONDUCT AN ELECTION FOR AN EXCLUSIVE  
12 REPRESENTATIVE IN A BARGAINING UNIT IF:

13 (I) THE BOARD HAS CERTIFIED AN EXCLUSIVE REPRESENTATIVE  
14 FOR THAT BARGAINING UNIT WITHIN THE PRECEDING 2 YEARS; OR

15 (II) THE BARGAINING UNIT HAS IN EFFECT A VALID COLLECTIVE  
16 BARGAINING AGREEMENT THAT, BY ITS TERMS, DOES NOT EXCEED 3 YEARS.

17 (2) THE LIMITATION OF PARAGRAPH (1)(II) OF THIS SUBSECTION DOES  
18 NOT APPLY IF THE PETITION FOR ELECTION IS FILED NOT MORE THAN 90 DAYS  
19 BEFORE THE EXISTING COLLECTIVE BARGAINING AGREEMENT EXPIRES.

20 3-402.

21 (A) A PETITION FOR THE ELECTION OF AN EXCLUSIVE REPRESENTATIVE OF  
22 A BARGAINING UNIT MAY BE FILED WITH THE BOARD BY:

23 (1) AN EMPLOYEE ORGANIZATION SEEKING CERTIFICATION AS  
24 EXCLUSIVE REPRESENTATIVE; OR

25 (2) AN EMPLOYEE, A GROUP OF EMPLOYEES, OR AN EMPLOYEE  
26 ORGANIZATION SEEKING A NEW ELECTION TO DETERMINE AN EXCLUSIVE  
27 REPRESENTATIVE.

28 (B) A PETITION SHALL:

29 (1) CONTAIN THE INFORMATION THE BOARD REQUIRES; AND

30 (2) INCLUDE THE SIGNATURES OF AT LEAST 30% OF THE EMPLOYEES IN  
31 THE BARGAINING UNIT.

32 3-403.

33 (A) (1) THE BOARD SHALL DETERMINE THE APPROPRIATENESS OF EACH  
34 BARGAINING UNIT.

35 (2) IF THERE IS NO DISPUTE ABOUT THE APPROPRIATENESS OF THE  
36 BARGAINING UNIT SOUGHT, THE BOARD SHALL ISSUE AN ORDER DEFINING AN  
37 APPROPRIATE BARGAINING UNIT.

12

1 (3) IF THERE IS A DISPUTE ABOUT THE APPROPRIATENESS OF THE  
2 BARGAINING UNIT SOUGHT, THE BOARD SHALL:

3 (I) CONDUCT A HEARING; AND

4 (II) ISSUE AN ORDER DEFINING AN APPROPRIATE BARGAINING  
5 UNIT.

6 (B) IF THE APPROPRIATE BARGAINING UNIT AS DETERMINED BY THE BOARD  
7 DIFFERS FROM THE BARGAINING UNIT DESCRIBED IN THE PETITION, THE BOARD  
8 MAY:

9 (1) DISMISS THE PETITION; OR

10 (2) DIRECT AN ELECTION IN THE APPROPRIATE BARGAINING UNIT IF  
11 THE SIGNATURES INCLUDED IN THE PETITION INCLUDE THOSE OF AT LEAST 30% OF  
12 THE EMPLOYEES IN THE APPROPRIATE BARGAINING UNIT.

13 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A  
14 BARGAINING UNIT SHALL CONSIST ONLY OF:

15 (1) EMPLOYEES IN:

16 (I) THE PROFESSIONAL SERVICE OF THE STATE PERSONNEL  
17 MANAGEMENT SYSTEM; OR

18 (II) A UNIT IN THE EXECUTIVE BRANCH WITH AN INDEPENDENT  
19 PERSONNEL SYSTEM WHOSE POSITIONS:

20 1. REQUIRE KNOWLEDGE OF AN ADVANCED TYPE IN A  
21 FIELD OF SCIENCE OR LEARNING CUSTOMARILY ACQUIRED BY A COURSE OF  
22 SPECIALIZED INTELLECTUAL INSTRUCTION AND STUDY; AND

23 2. NORMALLY REQUIRE A PROFESSIONAL LICENSE,  
24 ADVANCED DEGREE, OR BOTH; OR

25 (2) OTHER EMPLOYEES WHO ARE SUBJECT TO THIS TITLE.

26 (D) EMPLOYEES DESCRIBED IN SUBSECTION (C)(1) AND (2) OF THIS SECTION  
27 MAY BE INCLUDED IN THE SAME BARGAINING UNIT ONLY IF A MAJORITY OF THE  
28 EMPLOYEES IN EACH CATEGORY VOTE FOR THE INCLUSION.

29 3-404.

30 EACH EMPLOYEE ORGANIZATION THAT SEEKS CERTIFICATION AS AN  
31 EXCLUSIVE REPRESENTATIVE SHALL FILE WITH THE BOARD:

32 (1) A COPY OF THE EMPLOYEE ORGANIZATION'S GOVERNING  
33 DOCUMENTS, WHICH:

34 (I) GIVE INDIVIDUAL MEMBERS THE RIGHT TO PARTICIPATE IN  
35 ACTIVITIES OF THE ORGANIZATION;

36 (II) PROVIDE FAIR AND EQUITABLE PROCEDURES IN  
37 DISCIPLINARY ACTIONS;

13

1 (III) REQUIRE PERIODIC ELECTIONS BY SECRET BALLOT THAT ARE  
2 CONDUCTED WITH RECOGNIZED SAFEGUARDS TO ENSURE THE EQUAL RIGHTS OF  
3 ALL MEMBERS TO NOMINATE, SEEK OFFICE, AND VOTE IN THE ELECTIONS;

4 (IV) DIRECT FULL AND ACCURATE ACCOUNTING OF ALL INCOME  
5 AND EXPENSES USING STANDARD ACCOUNTING METHODS; AND

6 (V) REQUIRE AN ANNUAL REPORT THAT IS MADE AVAILABLE TO  
7 ALL MEMBERS; AND

8 (2) A CERTIFICATION THAT THE ORGANIZATION:

9 (I) ACCEPTS MEMBERS WITHOUT REGARD TO ANY FACTOR IN §  
10 2-302(B) OF THIS ARTICLE; AND

11 (II) WILL DENY MEMBERSHIP ONLY TO AN EMPLOYEE FOR A  
12 REASON THAT IS ACCEPTABLE TO THE BOARD.

13 3-405.

14 (A) (1) ALL ELECTIONS SHALL BE CONDUCTED BY SECRET BALLOT.

15 (2) THE BOARD SHALL PLACE THE FOLLOWING CHOICES ON THE  
16 BALLOT:

17 (I) THE NAME OF THE EXCLUSIVE REPRESENTATIVE, IF ANY;

18 (II) THE NAME OF THE EMPLOYEE ORGANIZATION DESIGNATED  
19 IN THE PETITION FILED UNDER § 3-402 OF THIS SUBTITLE WITH RESPECT TO AN  
20 APPROPRIATE BARGAINING UNIT;

21 (III) THE NAME OF EACH EMPLOYEE ORGANIZATION DESIGNATED  
22 IN A PETITION FILED WITH THE BOARD THAT INCLUDES THE SIGNATURES OF AT  
23 LEAST 10% OF THE EMPLOYEES IN THE APPROPRIATE BARGAINING UNIT; AND

24 (IV) A PROVISION FOR "NO EXCLUSIVE REPRESENTATIVE".

25 (B) IF NONE OF THE CHOICES ON A BALLOT RECEIVES A MAJORITY OF THE  
26 VOTES CAST IN AN ELECTION, THE BOARD SHALL CONDUCT A RUNOFF ELECTION  
27 BETWEEN THE CHOICES THAT RECEIVED THE TWO HIGHEST NUMBER OF VOTES IN  
28 THE ELECTION.

29 3-406.

30 (A) THE BOARD SHALL CERTIFY AS EXCLUSIVE REPRESENTATIVE THE  
31 EMPLOYEE ORGANIZATION RECEIVING THE VOTES IN AN ELECTION FROM A  
32 MAJORITY OF THE EMPLOYEES IN THE ORGANIZATION, PROVIDED THAT A  
33 MAJORITY OF THE EMPLOYEES IN THE BARGAINING UNIT PARTICIPATES IN THE  
34 ELECTION.

35 (B) WITHOUT CONDUCTING AN ELECTION, THE BOARD SHALL CERTIFY AS  
36 EXCLUSIVE REPRESENTATIVE THE EMPLOYEE ORGANIZATION DESIGNATED IN THE  
37 PETITION FILED UNDER § 3-402 OF THIS SUBTITLE, IF:

14

1 (1) THAT ORGANIZATION IS THE ONLY EMPLOYEE ORGANIZATION  
2 THAT WOULD BE NAMED ON A BALLOT IN AN ELECTION; AND

3 (2) THE ORGANIZATION FILES WITH THE BOARD A CERTIFICATION  
4 THAT A MAJORITY OF THE EMPLOYEES IN THE BARGAINING UNIT WANT TO BE  
5 REPRESENTED BY THAT ORGANIZATION.

6 (C) AFTER NOTICE AND AN OPPORTUNITY FOR A HEARING, THE BOARD MAY  
7 DENY OR REVOKE CERTIFICATION AS EXCLUSIVE REPRESENTATIVE OF AN  
8 EMPLOYEE ORGANIZATION FOR WILLFUL FAILURE TO COMPLY WITH:

9 (1) THIS TITLE; OR

10 (2) THE GOVERNING DOCUMENTS OF THE ORGANIZATION.

11 3-407.

12 (A) AN EMPLOYEE ORGANIZATION CERTIFIED AS THE EXCLUSIVE  
13 REPRESENTATIVE SHALL:

14 (1) SERVE AS THE SOLE AND EXCLUSIVE BARGAINING AGENT FOR ALL  
15 EMPLOYEES IN THE BARGAINING UNIT;

16 (2) REPRESENT FAIRLY AND WITHOUT DISCRIMINATION ALL  
17 EMPLOYEES IN THE BARGAINING UNIT, WHETHER OR NOT THE EMPLOYEES ARE  
18 MEMBERS OF THE EMPLOYEE ORGANIZATION OR ARE PAYING DUES OR OTHER  
19 CONTRIBUTIONS TO IT OR PARTICIPATING IN ITS AFFAIRS; AND

20 (3) PROMPTLY FILE WITH THE BOARD ALL CHANGES AND  
21 AMENDMENTS TO THE ORGANIZATION'S GOVERNING DOCUMENTS.

22 (B) THE BOARD:

23 (1) SHALL CERTIFY TO THE COMPTROLLER THAT ONLY THE EMPLOYEE  
24 ORGANIZATION CERTIFIED AS EXCLUSIVE REPRESENTATIVE IS ENTITLED TO  
25 RECEIVE PAYMENT THROUGH PAYROLL DEDUCTION UNDER § 2-403 OF THIS  
26 ARTICLE; AND

27 (2) SHALL CERTIFY TO THE COMPTROLLER ANY OTHER ENTITLEMENT  
28 OF THE EMPLOYEE ORGANIZATION TO DUES AND SERVICE FEES SPECIFIED IN A  
29 COLLECTIVE BARGAINING AGREEMENT.

30 SUBTITLE 5. COLLECTIVE BARGAINING PROCESS.

31 3-501.

32 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
33 INDICATED.

34 (B) "IMPASSE" MEANS A FAILURE TO REACH AN AGREEMENT IN THE  
35 COLLECTIVE BARGAINING PROCESS AFTER REASONABLE TIME AND EFFORT BY THE  
36 PARTIES INVOLVED IN COLLECTIVE BARGAINING.

15

1 (C) "MEDIATION" MEANS AN EFFORT BY AN IMPARTIAL THIRD PARTY TO  
2 ASSIST CONFIDENTIALLY IN RESOLVING A DISPUTE ARISING OUT OF COLLECTIVE  
3 BARGAINING USING INTERPRETATION, SUGGESTION, AND ADVICE TO RESOLVE THE  
4 DISPUTE.

5 (D) "FACT-FINDING" MEANS AN INVESTIGATION OF AN UNRESOLVED  
6 DISPUTE ARISING OUT OF COLLECTIVE BARGAINING, SUBMITTING A REPORT  
7 DEFINING THE UNRESOLVED ISSUES, REPORTING AND ANALYZING THE FACTS  
8 RELATING TO THOSE ISSUES, AND MAKING RECOMMENDATIONS TO RESOLVE THE  
9 DISPUTE.

10 3-502.

11 (A) (1) THE GOVERNOR SHALL DESIGNATE ONE OR MORE  
12 REPRESENTATIVES TO PARTICIPATE AS A PARTY IN COLLECTIVE BARGAINING ON  
13 BEHALF OF THE STATE.

14 (2) THE EXCLUSIVE REPRESENTATIVE SHALL DESIGNATE ONE OR  
15 MORE REPRESENTATIVES TO PARTICIPATE AS A PARTY IN COLLECTIVE  
16 BARGAINING ON BEHALF OF THE EXCLUSIVE REPRESENTATIVE.

17 (B) THE PARTIES SHALL MEET AT REASONABLE TIMES AND ENGAGE IN  
18 COLLECTIVE BARGAINING IN GOOD FAITH.

19 (C) THE PARTIES SHALL MAKE EVERY REASONABLE EFFORT TO CONCLUDE  
20 NEGOTIATIONS IN A TIMELY MANNER FOR INCLUSION BY THE PRINCIPAL UNIT IN  
21 ITS BUDGET REQUEST TO THE GOVERNOR.

22 (D) THE PARTIES, THE GOVERNOR'S DESIGNEE, AND THE EXCLUSIVE  
23 REPRESENTATIVE SHALL EXECUTE A WRITTEN AGREEMENT INCORPORATING ALL  
24 MATTERS OF AGREEMENT REACHED.

25 3-503.

26 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, COLLECTIVE  
27 BARGAINING SHALL INCLUDE ALL MATTERS RELATING TO:

28 (1) WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF  
29 EMPLOYMENT; AND

30 (2) THE RIGHT OF THE EMPLOYEE ORGANIZATION TO RECEIVE  
31 MEMBERSHIP DUES AND SERVICE FEE PAYMENTS.

32 (B) COLLECTIVE BARGAINING MAY NOT INCLUDE MATTERS RELATING TO  
33 THE STATE RETIREMENT AND PENSION SYSTEM UNDER DIVISION II OF THIS  
34 ARTICLE.

35 3-504.

36 (A) EITHER PARTY INVOLVED IN COLLECTIVE BARGAINING MAY DECLARE  
37 AN IMPASSE AND SUBMIT A REQUEST FOR MEDIATION TO THE BOARD.

38 (B) (1) IF THE BOARD DETERMINES THAT AN IMPASSE EXISTS, THE BOARD  
39 SHALL GIVE THE PARTIES A NOTICE THAT:

16

1 (I) ADVISES THE PARTIES THAT MEDIATION WILL BE INSTITUTED;  
2 AND

3 (II) REQUESTS THE PARTIES TO MUTUALLY ENGAGE A MEDIATOR  
4 WITHIN 5 DAYS AFTER RECEIVING THE NOTICE.

5 (2) IF, WITHIN 5 DAYS AFTER RECEIVING THE NOTICE, THE PARTIES  
6 FAIL TO ENGAGE A MEDIATOR, THE BOARD MAY APPOINT A MEDIATOR.

7 (C) THE COSTS OF MEDIATION SHALL BE SHARED EQUALLY BY THE PARTIES.

8 3-505.

9 (A) IF, AFTER A REASONABLE PERIOD OF MEDIATION, NO AGREEMENT HAS  
10 BEEN REACHED OR THE PARTIES ARE AT AN IMPASSE, EITHER PARTY OR BOTH  
11 PARTIES MAY PETITION THE BOARD TO INITIATE FACT-FINDING.

12 (B) (1) ON RECEIPT OF A PETITION FROM THE PARTIES OR ON ITS OWN  
13 MOTION, THE BOARD MAY:

14 (I) FIND THAT AN IMPASSE EXISTS;

15 (II) DEFINE THE AREA OR AREAS OF DISPUTE;

16 (III) ORDER THAT FACT-FINDING BEGIN; AND

17 (IV) NOTIFY THE PARTIES THAT, WITHIN 5 DAYS AFTER RECEIVING  
18 THE ORDER, THE PARTIES SHALL SELECT THE FOLLOWING THREE FACT FINDERS  
19 FROM THE LIST OF CERTIFIED FACT FINDERS PROVIDED BY THE BOARD:

20 1. EACH PARTY SHALL SELECT ONE FACT FINDER; AND

21 2. THE PARTIES JOINTLY SHALL SELECT THE THIRD FACT  
22 FINDER.

23 (2) IF, WITHIN 5 DAYS AFTER RECEIVING THE ORDER, THE PARTIES  
24 FAIL TO AGREE ON A FACT FINDER AS DIRECTED, THE BOARD SHALL DESIGNATE  
25 THE FACT FINDER FROM THE LIST.

26 (3) THE FACT FINDER WHO IS JOINTLY SELECTED BY THE PARTIES OR  
27 DESIGNATED BY THE BOARD SHALL BE CHAIRMAN OF THE PANEL.

28 (C) (1) AT A HEARING, EACH PARTY SHALL SUBMIT TO THE PANEL A  
29 POSITION ON EACH ISSUE IN DISPUTE.

30 (2) (I) AFTER CONDUCTING HEARINGS, THE FACT-FINDING PANEL  
31 SHALL MAKE WRITTEN FINDINGS OF FACT AND RECOMMENDATIONS FOR  
32 RESOLUTION OF THE IMPASSE.

33 (II) AS TO EACH ISSUE, THE PANEL MAY RECOMMEND ONLY THE  
34 LAST POSITION ADVOCATED BY EITHER ONE OF THE PARTIES AND MAY NOT  
35 RECOMMEND ANY OTHER POSITION AS A COMPROMISE.

36 (3) NOT LATER THAN 30 DAYS AFTER THE PANEL IS APPOINTED, THE  
37 PANEL SHALL SEND FINDINGS TO THE PARTIES AND SEND A COPY TO THE BOARD.

17

1 (4) THE FACT-FINDING PANEL SHALL BASE ITS FINDINGS AND  
2 RECOMMENDATIONS ON THE FOLLOWING FACTORS:

3 (I) PAST COLLECTIVE BARGAINING CONTRACTS BETWEEN THE  
4 PARTIES INCLUDING THE BARGAINING HISTORY THAT LED TO THOSE CONTRACTS;

5 (II) STIPULATIONS OF THE PARTIES;

6 (III) THE INTERESTS AND WELFARE OF THE PUBLIC;

7 (IV) THE FINANCIAL ABILITY OF THE STATE OR A UNIT OF STATE  
8 GOVERNMENT TO FINANCE ECONOMIC ADJUSTMENTS AND THE EFFECT OF THOSE  
9 ADJUSTMENTS ON THE NORMAL STANDARD OF PUBLIC SERVICES PROVIDED BY THE  
10 STATE;

11 (V) THE OVERALL COMPENSATION PRESENTLY RECEIVED BY  
12 EMPLOYEES IN THE BARGAINING UNIT, INCLUDING DIRECT WAGES, PAID LEAVE  
13 AND HOLIDAYS, HEALTH AND WELFARE BENEFITS, PENSIONS, THE CONTINUITY  
14 AND STABILITY OF EMPLOYMENT, AND ALL OTHER BENEFITS RECEIVED;

15 (VI) COMPARISONS OF WAGES, HOURS, AND CONDITIONS OF  
16 EMPLOYMENT RECEIVED BY:

17 1. EMPLOYEES IN THE BARGAINING UNIT;

18 2. EMPLOYEES PERFORMING SIMILAR DUTIES; AND

19 3. EMPLOYEES GENERALLY IN PUBLIC OR PRIVATE  
20 EMPLOYMENT IN COMPARABLE COMMUNITIES;

21 (VII) THE AVERAGE CONSUMER PRICES FOR GOODS AND SERVICES,  
22 COMMONLY KNOWN AS THE COST OF LIVING, AND OTHER FACTORS THAT  
23 GENERALLY OR TRADITIONALLY ARE TAKEN INTO CONSIDERATION IN THE  
24 DETERMINATION OF WAGES, HOURS, AND CONDITIONS OF EMPLOYMENT THROUGH  
25 VOLUNTARY COLLECTIVE BARGAINING, MEDIATION, FACT-FINDING, OR  
26 OTHERWISE BETWEEN PARTIES IN PUBLIC OR PRIVATE EMPLOYMENT; AND

27 (VIII) ANY CHANGES IN ITEMS (I) THROUGH (VII) OF THIS  
28 PARAGRAPH DURING THE PENDENCY OF THE PROCEEDINGS.

29 (5) (I) THE PRESIDENT OF THE SENATE MAY DESIGNATE A  
30 REPRESENTATIVE TO ATTEND FACT-FINDING PROCEEDINGS AND TO PRESENT  
31 TESTIMONY ON ISSUES OF INTEREST.

32 (II) THE SPEAKER OF THE HOUSE OF DELEGATES MAY DESIGNATE  
33 A REPRESENTATIVE TO ATTEND FACT-FINDING PROCEEDINGS AND TO PRESENT  
34 TESTIMONY ON ISSUES OF INTEREST.

35 (D) PAYMENT OF THE COSTS OF FACT-FINDING SHALL BE DETERMINED BY  
36 THE BOARD.

37 (E) THE BOARD SHALL ISSUE AN ORDER DIRECTING THE PARTIES TO  
38 COMPLY WITH EACH RECOMMENDATION OF THE PANEL THAT IS SUPPORTED BY  
39 COMPETENT AND MATERIAL EVIDENCE ON THE WHOLE RECORD.

18

1 SUBTITLE 6. COLLECTIVE BARGAINING AGREEMENT.

2 3-601.

3 (A) (1) A COLLECTIVE BARGAINING AGREEMENT SHALL CONTAIN ALL  
4 MATTERS OF AGREEMENT REACHED IN THE COLLECTIVE BARGAINING PROCESS.

5 (2) THE AGREEMENT SHALL BE IN WRITING AND SIGNED BY THE  
6 DESIGNATED REPRESENTATIVES OF THE GOVERNOR AND THE EXCLUSIVE  
7 REPRESENTATIVE INVOLVED IN THE COLLECTIVE BARGAINING NEGOTIATIONS.

8 (B) (1) A COLLECTIVE BARGAINING AGREEMENT THAT CONTAINS A  
9 PROVISION FOR AUTOMATIC RENEWAL OR EXTENSION IS VOID IN ITS ENTIRETY  
10 UNLESS THE RENEWAL OR EXTENSION REQUIRES THE CONSENT OF BOTH PARTIES.

11 (2) UNLESS RENEWED OR EXTENDED AS PROVIDED IN PARAGRAPH (1)  
12 OF THIS SUBSECTION, NO COLLECTIVE BARGAINING AGREEMENT IS VALID IF IT  
13 EXTENDS FOR LESS THAN 1 YEAR OR FOR MORE THAN 3 YEARS.

14 (C) A COLLECTIVE BARGAINING AGREEMENT IS NOT EFFECTIVE UNTIL IT IS  
15 RATIFIED BY THE GOVERNOR AND THE EMPLOYEES IN THE BARGAINING UNIT.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial  
17 members of the State Labor Relations Board shall expire as follows:

18 (1) 1 member in 1998;

19 (2) 1 member in 2000; and

20 (3) 2 members in 2002.

21 SECTION 3. AND BE IT FURTHER ENACTED, That in case of any conflict  
22 between provisions of this Act and any other law, executive order, or administrative  
23 regulation, the provisions of this Act shall prevail and control.

24 SECTION 4. AND BE IT FURTHER ENACTED, That if any provision of this  
25 Act or the application thereof to any person or circumstance is held invalid for any reason  
26 in a court of competent jurisdiction, the invalidity does not affect other provisions or any  
27 other application of this Act which can be given effect without the invalid provision or  
28 application, and for this purpose the provisions of this Act are declared severable.

29 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 July 1, 1996.