
By: The President (Administration) and Senator Ruben

Introduced and read first time: January 26, 1996

Rule 32(d) suspended

Assigned to: Finance and Budget and Taxation

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.