
By: Delegates Jacobs, Flanagan, Baldwin, Beck, Brinkley, Eckardt, Elliott, Getty, Greenip, Kittleman, Klima, La Vay, Mossburg, Ports, Redmer, Rzepkowski, Schade, Stocksdale, Stull, and Walkup

Introduced and read first time: January 31, 1997

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Mass Transit Administration - Privatization of Transit Services - Labor Contracts**

3 FOR the purpose of prohibiting the Mass Transit Administration from entering into a
4 contract with any labor organization that would have the effect of directly or
5 indirectly prohibiting the Administration from privatizing transit services; and
6 generally relating to a prohibition against certain contracts affecting the
7 privatization of transit services.

8 BY repealing and reenacting, without amendments,
9 Article - Transportation
10 Section 7-101(m)
11 Annotated Code of Maryland
12 (1993 Replacement Volume and 1996 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 7-601
16 Annotated Code of Maryland
17 (1993 Replacement Volume and 1996 Supplement)

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

20 **Article - Transportation**

21 7-101.

22 (m) (1) "Transit service" means the transportation of persons and their packages
23 and baggage and of newspapers, express, and mail in regular route, special, or charter
24 service by means of transit facilities between points within the District.

25 (2) "Transit service" does not include any:

26 (i) Taxicab service;

27 (ii) Vanpool operation; or

2

1 (iii) Railroad service.

2 7-601.

3 (a) In this subtitle the following words have the meanings indicated:

4 (1) "Accredited representative" includes the representative of any labor
5 organization, or its successor, authorized to act for the employees described in subsection
6 (b) of this section. As of December 31, 1983, "accredited representative" included only:

7 (i) The Amalgamated Transit Union, Division No. 1300;

8 (ii) The Office and Professional Employees International Union,
9 Local 2; and

10 (iii) The American Federation of State, County, and Municipal
11 Employees, Local 1859, Council 67.

12 (2) "Employees" means those employees who are validly represented by an
13 accredited representative.

14 (b) The Administration shall bargain collectively and enter into written collective
15 bargaining agreements as to wages, salaries, hours, working conditions, and pension and
16 retirement provisions with the accredited representatives of its employees who are
17 employed in:

18 (1) Job classifications that on December 31, 1983, were included in
19 recognized bargaining units pursuant to agreements in force on that date between the
20 Administration and an accredited representative identified in subsection (a)(1)(i), (ii), or
21 (iii) of this section; and

22 (2) New or revised classifications comparable to those described in
23 paragraph (1) of this subsection, provided, however, that supervisory, managerial,
24 professional, confidential, including secretaries or assistants to administrative department
25 and section heads or to other management staff personnel, and engineering classifications
26 shall not be included.

27 (c) The Administration may provide its employees with automatic cost-of-living
28 wage adjustments in accordance with any applicable formula in a collective bargaining
29 agreement between the parties, provided that the aggregate of automatic cost-of-living
30 wage adjustments provided to any employee in any contract year does not exceed 5
31 percent of the employee's base wage rate as that base wage rate existed immediately prior
32 to commencement of the contract year.

33 (D) THE ADMINISTRATION MAY NOT ENTER INTO A CONTRACT WITH ANY
34 LABOR ORGANIZATION THAT WOULD HAVE THE EFFECT OF DIRECTLY OR
35 INDIRECTLY PROHIBITING THE ADMINISTRATION FROM TRANSFERRING, TO A
36 PRIVATE, NONGOVERNMENTAL TRANSPORTATION PROVIDER, THE RESPONSIBILITY
37 FOR PROVIDING TRANSIT SERVICES.

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
39 October 1, 1997.