

HOUSE BILL 179

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P4

1999 Regular Session
9lr0228
CF 9lr0199

By: **The Speaker (Administration) and Delegates Hixson, McIntosh, Franchot, R. Baker, A. Jones, Barkley, Barve, Benson, Billings, Bobo, Burns, Conroy, C. Davis, DeCarlo, Dembrow, Dobson, Donoghue, Dypski, Frush, Griffith, Harrison, Healey, Heller, Howard, Hubbard, K. Kelly, Malone, Mandel, Marriott, Menes, Moe, Montague, Nathan-Pulliam, Paige, Patterson, Petzold, Pitkin, and Shriver**

Introduced and read first time: February 1, 1999

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Employees - Collective Bargaining**

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

22 BY repealing

23 Article - State Personnel and Pensions
24 Section 3-101 through 3-107, inclusive, and the title "Title 3.
25 Employee/Management Teams"
26 Annotated Code of Maryland
27 (1997 Replacement Volume and 1998 Supplement)

28 BY adding to

1 Article - State Personnel and Pensions
2 Section 3-101 through 3-701, inclusive, to be under the new title "Title 3.
3 Collective Bargaining"
4 Annotated Code of Maryland
5 (1997 Replacement Volume and 1998 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article - State Personnel and Pensions
8 Section 11-102
9 Annotated Code of Maryland
10 (1997 Replacement Volume and 1998 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That Section(s) 3-101 through 3-107, inclusive, and the title "Title 3.
13 Employee/Management Teams" of Article - State Personnel and Pensions of the
14 Annotated Code of Maryland be repealed.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
16 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 TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

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

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

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

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

30 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF BUDGET AND
31 MANAGEMENT.

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

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 THE DEPARTMENT OF BUDGET
5 AND MANAGEMENT.

6 3-102.

7 (A) EXCEPT AS PROVIDED IN THIS TITLE OR AS OTHERWISE PROVIDED BY
8 LAW, THIS TITLE APPLIES TO ALL EMPLOYEES OF:

9 (1) THE PRINCIPAL DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF
10 STATE GOVERNMENT;

11 (2) ANY STATE INSTITUTION OF HIGHER EDUCATION;

12 (3) THE MARYLAND INSURANCE ADMINISTRATION;

13 (4) THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION; AND

14 (5) THE STATE LOTTERY AGENCY.

15 (B) THIS TITLE DOES NOT APPLY TO:

16 (1) EMPLOYEES OF THE MASS TRANSIT ADMINISTRATION, AS THAT
17 TERM IS DEFINED IN § 7-601(A)(2) OF THE TRANSPORTATION ARTICLE;

18 (2) AN EMPLOYEE WHO IS ELECTED TO THE POSITION BY POPULAR
19 VOTE;

20 (3) AN EMPLOYEE IN A POSITION BY ELECTION OR APPOINTMENT THAT
21 IS PROVIDED FOR BY THE MARYLAND CONSTITUTION;

22 (4) AN EMPLOYEE WHO IS:

23 (I) A SPECIAL APPOINTEE IN THE STATE PERSONNEL
24 MANAGEMENT SYSTEM; OR

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

27 2. APPOINTED BY OR ON THE STAFF OF THE GOVERNOR OR
28 LIEUTENANT GOVERNOR; OR

29 3. ASSIGNED TO THE GOVERNMENT HOUSE OR THE
30 GOVERNOR'S OFFICE;

31 (5) AN EMPLOYEE ASSIGNED TO THE BOARD OR WITH ACCESS TO
32 RECORDS OF THE BOARD;

1 (6) AN EMPLOYEE IN:

2 (I) THE EXECUTIVE SERVICE OF THE STATE PERSONNEL
3 MANAGEMENT SYSTEM; OR

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

6 1. THE CHIEF ADMINISTRATOR OF THE UNIT OR A
7 COMPARABLE POSITION THAT IS NOT EXCLUDED UNDER ITEM (3) OF THIS
8 SUBSECTION AS A CONSTITUTIONAL OR ELECTED OFFICE; OR

9 2. A DEPUTY OR ASSISTANT ADMINISTRATOR OF THE UNIT
10 OR A COMPARABLE POSITION;

11 (7) (I) A TEMPORARY OR CONTRACTUAL EMPLOYEE IN THE STATE
12 PERSONNEL MANAGEMENT SYSTEM; OR

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

15 (8) A MEMBER OF THE FACULTY OF A STATE INSTITUTION OF HIGHER
16 EDUCATION;

17 (9) AN EMPLOYEE WHO IS ENTITLED TO PARTICIPATE IN COLLECTIVE
18 BARGAINING UNDER ANOTHER LAW;

19 (10) AN EMPLOYEE WHOSE PARTICIPATION IN A LABOR ORGANIZATION
20 WOULD BE CONTRARY TO THE STATE'S ETHICS LAWS; OR

21 (11) ANY SUPERVISORY, MANAGERIAL, OR CONFIDENTIAL EMPLOYEE AS
22 DEFINED BY REGULATION BY THE SECRETARY.

23 3-103.

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

27 SUBTITLE 2. STATE LABOR RELATIONS BOARD.

28 3-201.

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

30 3-202.

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

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

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, 1999.

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:

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

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

4 3-204.

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

7 (2) THE EXECUTIVE DIRECTOR:

8 (I) IS RESPONSIBLE TO AND SERVES AT THE PLEASURE OF THE
9 SECRETARY; AND

10 (II) IS ENTITLED TO THE SALARY PROVIDED IN THE STATE
11 BUDGET.

12 (B) THE EXECUTIVE DIRECTOR SHALL PERFORM THE DUTIES THAT THE
13 SECRETARY ASSIGNS, INCLUDING:

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

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

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

18 (2) EACH PROFESSIONAL CONSULTANT SERVES AT THE PLEASURE OF
19 THE EXECUTIVE DIRECTOR.

20 3-205.

21 THE DEPARTMENT SHALL PROVIDE ADMINISTRATIVE SUPPORT TO THE BOARD.
22 3-206.

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

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

26 (1) (I) ESTABLISH GUIDELINES FOR CREATING NEW BARGAINING
27 UNITS THAT INCLUDE A CONSIDERATION OF:

28 1. THE EFFECT OF OVERFRAGMENTATION ON THE
29 EMPLOYER;

30 2. THE ADMINISTRATIVE STRUCTURES OF THE STATE
31 EMPLOYER;

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- 1 3. THE RECOMMENDATION OF THE PARTIES;
2 4. THE RECOMMENDATIONS OF THE SECRETARY AND THE
3 STATE INSTITUTIONS OF HIGHER EDUCATION OR THEIR DESIGNEES;
4 5. THE DESIRES OF THE EMPLOYEES INVOLVED;
5 6. THE COMMUNITIES OF INTEREST OF THE EMPLOYEES
6 INVOLVED; AND
7 7. THE WAGES, HOURS, AND OTHER WORKING CONDITIONS
8 OF THE EMPLOYEES;

9 (II) ESTABLISH STANDARDS FOR DETERMINING AN APPROPRIATE
10 BARGAINING UNIT; AND

11 (III) INVESTIGATE AND RESOLVE DISPUTES ABOUT APPROPRIATE
12 BARGAINING UNITS;

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

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

16 (I) COMPLAINTS OF UNFAIR LABOR PRACTICES AND LOCKOUTS;
17 AND

18 (II) IMPASSES IN COLLECTIVE BARGAINING.

19 3-207.

20 THE SECRETARY MAY ADOPT AND ENFORCE REGULATIONS, GUIDELINES, AND
21 POLICIES TO CARRY OUT THIS TITLE THAT:

22 (1) DEFINE UNFAIR LABOR PRACTICES; AND

23 (2) ESTABLISH PERMISSIBLE LABOR-RELATED ACTIVITIES ON THE
24 WORK SITE.

25 3-208.

26 (A) THE BOARD MAY INVESTIGATE:

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

29 (2) ANY OTHER RELEVANT MATTER.

30 (B) THE BOARD MAY HOLD A HEARING IN ACCORDANCE WITH TITLE 10,
31 SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE WHENEVER NECESSARY FOR A

1 FAIR DETERMINATION OF ANY ISSUE OR COMPLAINT ARISING UNDER THIS TITLE OR
2 A REGULATION ADOPTED UNDER IT.

3 3-209.

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

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

8 (2) A MEMBER OF THE BOARD MAY ISSUE SUBPOENAS FOR THE BOARD,
9 FOR A NEUTRAL MEMBER OF A FACT-FINDING PANEL, OR FOR ANY PARTY TO BOARD
10 PROCEEDINGS OR FACT-FINDING PROCEEDINGS, TO COMPEL THE ATTENDANCE AND
11 TESTIMONY OF WITNESSES OR TO COMPEL THE PRODUCTION FOR EXAMINATION OF
12 ANY DOCUMENTS.

13 (B) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA OR REFUSES TO BE
14 SWORN OR TO TESTIFY THEN, ON COMPLAINT OF A MEMBER OF THE BOARD, THE
15 CIRCUIT COURT MAY ORDER THE PERSON TO COMPLY WITH THE SUBPOENA, TO BE
16 SWORN, OR TO TESTIFY.

17 3-210.

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

21 3-211.

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

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

27 SUBTITLE 3. RIGHTS OF EMPLOYEES AND EMPLOYERS; STRIKES, LOCKOUTS, AND
28 UNFAIR LABOR PRACTICES PROHIBITED.

29 3-301.

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

31 (1) TAKE PART OR REFRAIN FROM TAKING PART IN FORMING, JOINING,
32 SUPPORTING, OR PARTICIPATING IN ANY EMPLOYEE ORGANIZATION OR ITS LAWFUL
33 ACTIVITIES;

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

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

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

8 (2) WHEN A GRIEVANCE IS RESOLVED UNDER PARAGRAPH (1) OF THIS
9 SUBSECTION:

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

13 (II) THE EXCLUSIVE REPRESENTATIVE SHALL BE NOTIFIED
14 PROMPTLY OF THE RESOLUTION.

15 3-302.

16 (A) THE STATE, THROUGH ITS APPROPRIATE OFFICERS AND EMPLOYEES, HAS
17 THE RIGHT TO:

18 (1) (I) DETERMINE THE MISSION, BUDGET, ORGANIZATION,
19 NUMBERS, TYPES AND GRADES OF EMPLOYEES ASSIGNED, THE WORK PROJECTS,
20 TOURS OF DUTY, METHODS, MEANS, AND PERSONNEL BY WHICH ITS OPERATIONS
21 ARE TO BE CONDUCTED, TECHNOLOGY NEEDED, INTERNAL SECURITY PRACTICES,
22 AND RELOCATION OF ITS FACILITIES; AND

23 (II) MAINTAIN AND IMPROVE THE EFFICIENCY AND
24 EFFECTIVENESS OF GOVERNMENTAL OPERATIONS;

25 (2) DETERMINE THE:

26 (I) SERVICES TO BE RENDERED, OPERATIONS TO BE PERFORMED,
27 AND TECHNOLOGY TO BE UTILIZED; AND

28 (II) OVERALL METHODS, PROCESSES, MEANS, AND CLASSES OF
29 WORK OR PERSONNEL BY WHICH GOVERNMENTAL OPERATIONS ARE TO BE
30 CONDUCTED;

31 (3) HIRE, DIRECT, SUPERVISE, AND ASSIGN EMPLOYEES;

32 (4) (I) PROMOTE, DEMOTE, DISCIPLINE, DISCHARGE, RETAIN, AND
33 LAY OFF EMPLOYEES; AND

34 (II) TERMINATE EMPLOYMENT BECAUSE OF LACK OF FUNDS, LACK
35 OF WORK, UNDER CONDITIONS WHERE THE EMPLOYER DETERMINES CONTINUED

1 WORK WOULD BE INEFFICIENT OR NONPRODUCTIVE, OR FOR OTHER LEGITIMATE
2 REASONS;

3 (5) SET THE QUALIFICATIONS OF EMPLOYEES FOR APPOINTMENT,
4 PROMOTION, AND TO SET STANDARDS OF CONDUCT;

5 (6) PROMULGATE STATE OR DEPARTMENT RULES, REGULATIONS, OR
6 PROCEDURES;

7 (7) PROVIDE A SYSTEM OF MERIT EMPLOYMENT ACCORDING TO THE
8 STANDARD OF BUSINESS EFFICIENCY; AND

9 (8) TAKE ACTIONS, NOT OTHERWISE SPECIFIED IN THIS SECTION TO
10 CARRY OUT THE MISSION OF THE EMPLOYER.

11 (B) UNLESS THE STATE AGREES TO MODIFY THROUGH A COLLECTIVE
12 BARGAINING AGREEMENT, THE STATE THROUGH ITS APPROPRIATE OFFICERS AND
13 EMPLOYEES, HAS THE RIGHT TO:

14 (1) SCHEDULE, TRANSFER, AND EVALUATE EMPLOYEES; AND

15 (2) SET THE QUALIFICATIONS OF EMPLOYEES FOR STEP INCREASES,
16 AND TO SET STANDARDS OF PERFORMANCE AND APPEARANCE.

17 3-303.

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

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

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

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

26 (III) WITHDRAWAL FROM WORK;

27 (IV) WORK STOPPAGE; OR

28 (V) WORK SLOWDOWN.

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

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

1 (C) AN APPOINTING AUTHORITY MAY TAKE DISCIPLINARY ACTION,
2 INCLUDING TERMINATION OF EMPLOYMENT, AGAINST AN EMPLOYEE WHO
3 PARTICIPATES IN A STRIKE.

4 (D) THE BOARD SHALL REVOKE THE CERTIFICATION OF AN EXCLUSIVE
5 REPRESENTATIVE WHO ENGAGES IN ANY STRIKE ACTIVITY IN VIOLATION OF THIS
6 SECTION.

7 3-304.

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

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

13 (2) BRING ECONOMIC PRESSURE ON EMPLOYEES FOR THE PURPOSE OF
14 SECURING THE AGREEMENT OF THEIR EXCLUSIVE REPRESENTATIVE TO CERTAIN
15 COLLECTIVE BARGAINING AGREEMENT TERMS.

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

17 3-305.

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

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

23 3-306.

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

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

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

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 DETERMINED
9 TO BE AN APPROPRIATE BARGAINING UNIT UNDER § 3-403 OF THIS SUBTITLE.

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

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

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

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

19 3-402.

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

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

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

27 (B) A PETITION SHALL:

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

29 (2) MUST BE ACCOMPANIED BY A SHOWING OF INTEREST SUPPORTED
30 BY 30% OF THE EMPLOYEES IN THE APPROPRIATE UNIT INDICATING THEIR DESIRE
31 TO BE EXCLUSIVELY REPRESENTED BY THE PETITIONER FOR THE PURPOSE OF
32 COLLECTIVE BARGAINING.

1 3-403.

2 (A) (1) THE BOARD SHALL DETERMINE THE APPROPRIATENESS OF EACH
3 BARGAINING UNIT.

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

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

9 (I) CONDUCT A HEARING; AND

10 (II) ISSUE AN ORDER DEFINING AN APPROPRIATE BARGAINING
11 UNIT.

12 (B) IF THE APPROPRIATE BARGAINING UNIT AS DETERMINED BY THE BOARD
13 DIFFERS FROM THE BARGAINING UNIT DESCRIBED IN THE PETITION, THE BOARD
14 MAY:

15 (1) DISMISS THE PETITION; OR

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

19 (C) A BARGAINING UNIT SHALL CONSIST ONLY OF EMPLOYEES DEFINED IN
20 REGULATIONS ADOPTED BY THE SECRETARY AND NOT SPECIFICALLY EXCLUDED BY
21 § 3-102(B) OF THIS TITLE.

22 (D) THE SECRETARY OR DESIGNEE SHALL HAVE THE AUTHORITY TO ASSIGN
23 CLASSIFICATION TITLES AND POSITIONS TO BARGAINING UNITS AS APPROPRIATE.

24 3-404.

25 (A) EACH EMPLOYEE ORGANIZATION THAT SEEKS CERTIFICATION AS AN
26 EXCLUSIVE REPRESENTATIVE SHALL FILE WITH THE BOARD:

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

29 (I) GIVE INDIVIDUAL MEMBERS THE RIGHT TO PARTICIPATE IN
30 ACTIVITIES OF THE ORGANIZATION;

31 (II) PROVIDE FAIR AND EQUITABLE PROCEDURES IN DISCIPLINARY
32 ACTIONS;

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

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

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

5 (2) A CERTIFICATION THAT THE ORGANIZATION:

6 (I) ACCEPTS MEMBERS WITHOUT REGARD TO ANY FACTOR IN §
7 2-302(B) OF THIS ARTICLE; AND

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

10 3-405.

11 (A) WITHIN 5 DAYS OF DETERMINATION THAT A VALID PETITION HAS BEEN
12 SUBMITTED, THE BOARD SHALL NOTIFY INTERESTED EMPLOYEE ORGANIZATIONS
13 OF THE PENDING ELECTION PETITION.

14 (B) AN ELECTION SHALL BE HELD IN ANY UNIT WITHIN 90 DAYS AFTER THE
15 FILING OF A VALID PETITION FOR ELECTION IN SUCH UNIT IN ACCORDANCE WITH
16 GUIDELINES ESTABLISHED BY THE BOARD.

17 (C) (1) ALL ELECTIONS SHALL BE CONDUCTED BY SECRET BALLOT.

18 (2) THE BOARD SHALL PLACE THE FOLLOWING CHOICES ON THE
19 BALLOT:

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

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

24 (III) THE NAME OF EACH EMPLOYEE ORGANIZATION DESIGNATED
25 IN A PETITION FILED WITH THE BOARD, WITHIN 15 DAYS OF NOTICE OF THE
26 PENDING ELECTION PETITION, THAT INCLUDES THE SIGNATURES OF AT LEAST 10%
27 OF THE EMPLOYEES IN THE APPROPRIATE BARGAINING UNIT; AND

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

29 (D) IF NONE OF THE CHOICES ON A BALLOT RECEIVES A MAJORITY OF THE
30 VOTES CAST IN AN ELECTION, THE BOARD SHALL CONDUCT A RUNOFF ELECTION
31 BETWEEN THE CHOICES THAT RECEIVED THE TWO HIGHEST NUMBER OF VOTES IN
32 THE ELECTION.

1 3-406.

2 (A) THE BOARD SHALL CERTIFY AS EXCLUSIVE REPRESENTATIVE THE
3 EMPLOYEE ORGANIZATION RECEIVING THE VOTES IN AN ELECTION FROM A
4 MAJORITY OF THE EMPLOYEES VOTING IN THE ELECTION.

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

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

10 (2) THE ORGANIZATION FILES WITH THE BOARD A CERTIFICATION THAT
11 A MAJORITY OF THE EMPLOYEES IN THE BARGAINING UNIT WANT TO BE
12 REPRESENTED BY THAT ORGANIZATION.

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

16 (1) THIS TITLE; OR

17 (2) THE GOVERNING DOCUMENTS OF THE ORGANIZATION.

18 3-407.

19 AN EMPLOYEE ORGANIZATION CERTIFIED AS THE EXCLUSIVE
20 REPRESENTATIVE SHALL:

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

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

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

29 SUBTITLE 5. COLLECTIVE BARGAINING PROCESS.

30 3-501.

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

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

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

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

13 3-502.

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

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

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

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

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

28 (E) NEGOTIATIONS OR MATTERS RELATING TO NEGOTIATIONS SHALL BE
29 CONSIDERED CLOSED SESSIONS UNDER § 10-508 OF THE STATE GOVERNMENT
30 ARTICLE.

31 3-503.

32 COLLECTIVE BARGAINING SHALL INCLUDE ALL MATTERS RELATING TO:

33 (1) WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF
34 EMPLOYMENT; AND

35 (2) THE RIGHT OF THE EMPLOYEE ORGANIZATION TO RECEIVE
36 MEMBERSHIP DUES AND SERVICE FEES THROUGH PAYROLL DEDUCTION.

1 3-504.

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

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

6 (I) ADVISES THE PARTIES THAT MEDIATION WILL BE INSTITUTED;
7 AND

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

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

12 (C) THE COSTS OF MEDIATION SHALL BE SHARED EQUALLY BY THE PARTIES.
13 3-505.

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

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

19 (I) FIND THAT AN IMPASSE EXISTS;

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

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

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

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

26 2. THE PARTIES JOINTLY SHALL SELECT THE THIRD FACT
27 FINDER.

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

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

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

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

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

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

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

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

15 (II) STIPULATIONS OF THE PARTIES;

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

17 (IV) THE FINANCIAL ABILITY OF THE STATE OR A UNIT OF STATE
18 GOVERNMENT TO FINANCE ECONOMIC ADJUSTMENTS AND THE EFFECT OF THOSE
19 ADJUSTMENTS ON THE NORMAL STANDARD OF PUBLIC SERVICES PROVIDED BY THE
20 STATE;

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

25 (VI) COMPARISONS OF WAGES, HOURS, AND CONDITIONS OF
26 EMPLOYMENT RECEIVED BY:

27 1. EMPLOYEES IN THE BARGAINING UNIT;

28 2. EMPLOYEES PERFORMING SIMILAR DUTIES; AND

29 3. EMPLOYEES GENERALLY IN PUBLIC OR PRIVATE
30 EMPLOYMENT IN COMPARABLE COMMUNITIES;

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

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

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

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

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

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

14 (F) THE ORDER CAN BE OVERTURNED BY THE GOVERNOR OR THE
15 GOVERNOR'S DESIGNEE.

16 SUBTITLE 6. COLLECTIVE BARGAINING AGREEMENT.

17 3-601.

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

20 (2) THE AGREEMENT SHALL BE IN WRITING AND SIGNED BY THE
21 DESIGNATED REPRESENTATIVES OF THE GOVERNOR AND THE EXCLUSIVE
22 REPRESENTATIVE INVOLVED IN THE COLLECTIVE BARGAINING NEGOTIATIONS.

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

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

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

31 SUBTITLE 7. SERVICE FEES.

32 3-701.

33 (A) NOTWITHSTANDING THE PROVISIONS OF § 3-301 OF THIS TITLE, A
34 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE STATE AND AN EMPLOYEE
35 ORGANIZATION THAT IS THE EXCLUSIVE REPRESENTATIVE OF A BARGAINING UNIT

1 MAY REQUIRE, AS A CONDITION OF EMPLOYMENT, THE PAYMENT OF A SERVICE FEE
2 BY NONMEMBERS IN LIEU OF, AND IN AN AMOUNT NOT GREATER THAN, THE DUES
3 WHICH ARE PAYABLE BY MEMBERS OF THE EMPLOYEE ORGANIZATION WHICH ARE
4 GERMANE TO ITS FUNCTIONS AS EXCLUSIVE BARGAINING REPRESENTATIVE.

5 (B) THE EXCLUSIVE REPRESENTATIVE SHALL, AS A CONDITION OF
6 RECEIVING SERVICE FEES AUTHORIZED UNDER THIS SECTION, ESTABLISH
7 PROCEDURES THAT PROVIDE THE FOLLOWING RIGHTS TO NONMEMBERS:

8 (1) A NOTICE IN WRITING OF THE FEE WHICH WILL BE PAYABLE,
9 INCLUDING:

10 (I) THE AMOUNT OF THE FEE, EXPRESSED IN MONETARY TERMS
11 OR AS A PERCENTAGE OF THE DUES PAYABLE BY MEMBERS;

12 (II) THE BASIS UPON WHICH THE EXCLUSIVE REPRESENTATIVE
13 HAS DETERMINED THE FEE; AND

14 (III) NOTICE OF THE PROCEDURES TO BE FOLLOWED IF A
15 NONMEMBER WISHES TO CHALLENGE THE DETERMINATION OF THE FEE;

16 (2) AN OPPORTUNITY TO CHALLENGE THE DETERMINATION OF THE FEE
17 AND RECEIVE A PROMPT DECISION FROM AN IMPARTIAL ARBITRATOR; AND

18 (3) THE ESCROWING OF ANY PORTION OF THE SERVICE FEE PAID BY A
19 CHALLENGING EMPLOYEE WHICH IS REASONABLY IN DISPUTE PENDING THE
20 ARBITRATOR'S DECISION.

21 (C) A COLLECTIVE BARGAINING AGREEMENT MAY REQUIRE THE PAYMENT OF
22 A SERVICE FEE AUTHORIZED UNDER THIS SECTION TO COMMENCE 30 DAYS AFTER:

23 (1) THE BEGINNING OF EMPLOYMENT IN THE BARGAINING UNIT; AND

24 (2) THE EFFECTIVE DATE OF AN AGREEMENT REQUIRING THE PAYMENT
25 OF A SERVICE FEE.

26 (D) WHEN PROVIDED IN THE COLLECTIVE BARGAINING AGREEMENT, THE
27 BOARD SHALL CERTIFY TO THE COMPTROLLER THAT AN EMPLOYEE ORGANIZATION
28 CERTIFIED AS AN EXCLUSIVE REPRESENTATIVE SHALL BE EXCLUSIVELY ENTITLED
29 TO RECEIVE PAYMENT OF A SERVICE FEE THROUGH PAYROLL DEDUCTIONS FROM
30 EMPLOYEES.

31 (E) THE STATE SHALL HAVE NO LIABILITY AND SHALL NOT BE MADE A PARTY
32 TO ANY CASE OR DISPUTE INVOLVING THE IMPOSITION OF SERVICE FEES UNDER A
33 COLLECTIVE BARGAINING AGREEMENT AUTHORIZED UNDER THIS TITLE.

34 11-102.

35 This subtitle applies to all employees in the State Personnel Management
36 System within the Executive Branch except:

1 (1) temporary employees; AND

2 (2) EMPLOYEES WHO ARE SUBJECT TO A COLLECTIVE BARGAINING
3 AGREEMENT THAT CONTAINS ANOTHER DISCIPLINARY PROCEDURE.

4 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
5 members of the State Labor Relations Board shall expire as follows:

6 (1) one member in 2000;

7 (2) one member in 2002; and

8 (3) two members in 2004.

9 SECTION 4. AND BE IT FURTHER ENACTED, That the Board shall
10 acknowledge existing bargaining units and exclusive representatives as certified by
11 the State under Executive Order 01.01.1996.13 and shall, with oversight from the
12 Secretary of the Department of Budget and Management and a representative of the
13 State Institutions of Higher Education, place newly covered employees in such units
14 as appropriate.

15 SECTION 5. AND BE IT FURTHER ENACTED, That in case of any conflict
16 between provisions of this Act and any other law, executive order, or administrative
17 regulation, the provisions of this Act shall prevail and control.

18 SECTION 6. AND BE IT FURTHER ENACTED, That if any provision of this
19 Act or the application thereof to any person or circumstance is held invalid for any
20 reason in a court of competent jurisdiction, the invalidity does not affect other
21 provisions or any other application of this Act which can be given effect without the
22 invalid provision or application, and for this purpose the provisions of this Act are
23 declared severable.

24 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 1999.