
By: **Delegates Marriott and Rawlings**

Rules suspended

Introduced and read first time: March 13, 2000

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **University of Maryland Medical System - Coverage by National Labor**
3 **Relations Act**

4 FOR the purpose of specifying that the University of Maryland Medical System
5 Corporation is an employer subject to the National Labor Relations Act;
6 specifying that an employee of the Medical System Corporation is an employee
7 subject to the coverage and protections of the National Labor Relations Act;
8 modifying certain provisions of law relating to the staffing of the Medical
9 System Corporation, the intermingling of Medical System Corporation
10 employees and University System of Maryland personnel, the participation of
11 University and Medical System Corporation employees in certain matters, and
12 promotional opportunities and seniority for Medical System Corporation
13 employees to allow for application of the National Labor Relations Act and any
14 collective bargaining agreement negotiated under the Act; and generally
15 relating to the University of Maryland Medical System Corporation and the
16 application of the National Labor Relations Act to the Corporation and
17 employees of the Corporation.

18 BY repealing and reenacting, with amendments,
19 Article - Education
20 Section 13-305
21 Annotated Code of Maryland
22 (1999 Replacement Volume)

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

25 **Article - Education**

26 13-305.

27 (a) (1) THE MEDICAL SYSTEM CORPORATION IS:

1 (I) AN "EMPLOYER", AS DEFINED UNDER 29 U.S.C. § 152(2) OF THE
2 NATIONAL LABOR RELATIONS ACT; AND

3 (II) SUBJECT TO THE PROVISIONS OF THE NATIONAL LABOR
4 RELATIONS ACT AND THE REGULATIONS ADOPTED BY THE NATIONAL LABOR
5 RELATIONS BOARD UNDER THE ACT.

6 (2) AN EMPLOYEE OF THE MEDICAL SYSTEM CORPORATION IS:

7 (I) AN "EMPLOYEE", AS DEFINED UNDER 29 U.S.C. § 152(3) OF THE
8 NATIONAL LABOR RELATIONS ACT, OF THE MEDICAL SYSTEM CORPORATION; AND

9 (II) SUBJECT TO THE COVERAGE AND PROTECTIONS OF THE
10 NATIONAL LABOR RELATIONS ACT AND THE REGULATIONS ADOPTED BY THE
11 NATIONAL LABOR RELATIONS BOARD UNDER THE ACT.

12 (B) The medical system will serve as the primary clinical setting for
13 University students in health care fields to receive educational and research
14 experiences.

15 (C) (1) [The] TO THE EXTENT PERMITTED UNDER THE NATIONAL LABOR
16 RELATIONS ACT AND ANY COLLECTIVE BARGAINING AGREEMENT NEGOTIATED
17 UNDER THE ACT, THE clinical faculties of the School of Medicine and Dental School
18 will be the sources for the medical staff of the medical system.

19 (2) The same persons will serve both as Chairmen of the Clinical Science
20 Departments of the School of Medicine and chiefs of the corresponding clinical
21 services of the medical system. The University and the Medical System Corporation
22 will institute appropriate procedures to effect such appointments.

23 [(b)] (D) (1) [The] TO THE EXTENT PERMITTED UNDER THE NATIONAL
24 LABOR RELATIONS ACT AND ANY COLLECTIVE BARGAINING AGREEMENT
25 NEGOTIATED UNDER THE ACT, THE Medical System Corporation shall utilize both
26 Medical System Corporation employees and medical system University personnel.

27 (2) (I) Prior to the transfer date, each University employee working in
28 the medical system shall elect to be either a Medical System Corporation employee or
29 a part of medical system University personnel.

30 (II) TO THE EXTENT PERMITTED UNDER THE NATIONAL LABOR
31 RELATIONS ACT AND ANY COLLECTIVE BARGAINING AGREEMENT NEGOTIATED
32 UNDER THE ACT:

33 1. No University employee may be required to become an
34 employee of the Medical System Corporation as a condition of employment or
35 promotion[.]; AND

36 2. All medical system University personnel are University
37 employees in all respects.

1 (3) [With] TO THE EXTENT PERMITTED UNDER THE NATIONAL LABOR
2 RELATIONS ACT AND ANY COLLECTIVE BARGAINING AGREEMENT NEGOTIATED
3 UNDER THE ACT, WITH respect to promotion opportunities, the Medical System
4 Corporation shall treat medical system University personnel on the same basis as
5 Medical System Corporation employees.

6 (4) [The] TO THE EXTENT PERMITTED UNDER THE NATIONAL LABOR
7 RELATIONS ACT AND ANY COLLECTIVE BARGAINING AGREEMENT NEGOTIATED
8 UNDER THE ACT:

9 (I) THE Medical System Corporation shall establish an integrated
10 seniority list composed of Medical System Corporation employees and medical system
11 University personnel[.]; AND

12 (II) Each listed employee's seniority will be calculated by including
13 all employment with the University or the Medical System Corporation or both.

14 [(c)] (E) (1) Sections 15-501 through 15-504 of the State Government
15 Article shall not bar an official or employee of the University from becoming a
16 director, official, or employee of the Medical System Corporation or participating in
17 matters involving the Corporation [and] TO THE EXTENT PERMITTED UNDER THE
18 NATIONAL LABOR RELATIONS ACT AND ANY COLLECTIVE BARGAINING AGREEMENT
19 NEGOTIATED UNDER THE ACT.

20 (2) SECTIONS 15-501 THROUGH 15-504 OF THE STATE
21 GOVERNMENT ARTICLE shall not prevent the Executive Director of the Maryland
22 Institute for Emergency Medical Services Systems from becoming a voting Director of
23 the Medical System Corporation.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2000.