

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 207

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “boards” in line 5 down through “regents” in line 6 and substitute “presidents of the constituent institutions of the University System of Maryland”; in line 6, after “the” insert “governing”; in the same line, strike “of trustees”; in line 8, after the semicolon insert “repealing certain provisions of law relating to rights and privileges of certain employees of the University System of Maryland and Morgan State University; establishing a State Higher Education Labor Relations Board; specifying the manner of appointment, membership, duties, and responsibilities of the Board; providing for staffing of the Board; authorizing the Board to adopt and enforce certain regulations, guidelines, and policies; providing that certain information furnished to the Board is confidential; permitting the Board to petition a circuit court to seek enforcement of an order of the Board;”; in the same line, after the second “the” insert “governing”; in lines 8 and 12, in each instance, strike “boards of regents” and substitute “presidents”; in line 9, strike “of trustees” and substitute “of certain State institutions of higher education”; in line 12, after the second “the” insert “governing”; in the same line, strike “of trustees”; strike beginning with “authorizing” in line 14 down through the first semicolon in line 17; in line 18, strike “Board” and substitute “State Labor Relations Board and the State Higher Education Labor Relations Board”; in line 19, after the second “the” insert “State Labor Relations”; strike beginning with “providing” in line 20 down through “understanding” in line 21 and substitute “requiring certain memoranda of understanding to be executed by certain persons; providing for the application of the terms of certain memoranda of understanding; altering a certain definition; defining certain terms”; in line 28, after “Section” insert “12-109(e)(17) and (18),”; and after line 30, insert:

“BY adding to

Article - Education

Section 12-109(e)(18) and 16-505(m)

Annotated Code of Maryland

(1999 Replacement Volume and 2000 Supplement)”.

(Over)

On page 2, in line 3, after “Section” insert “3-101(b).”; in the same line, strike “3-206” and substitute “3-206(a)”; in the same line, strike “3-207.”; and after line 5, insert:

“BY adding to

Article - State Personnel and Pensions

Section 3-101(f) and (g); 3-2A-01 through 3-2A-09, inclusive, to be under the new subtitle

“Subtitle 2A. State Higher Education Labor Relations Board”; and 3-602

Annotated Code of Maryland

(1997 Replacement Volume and 2000 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 11, insert:

“12-109.

(e) Subject to the authority and applicable regulations and policies of the Board of Regents, each president shall:

(17) Establish traffic regulations for the campus; [and]

(18) DESIGNATE ONE OR MORE REPRESENTATIVES TO PARTICIPATE AS A PARTY IN COLLECTIVE BARGAINING ON BEHALF OF THE INSTITUTION IN ACCORDANCE WITH TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

[(18)] (19) Perform any other duties assigned by the Board.”;

and strike in their entirety lines 21 through 24, inclusive.

On page 3, strike beginning with “After” in line 1 down through “AND” in line 14.

On page 4, in line 12, after “UNIVERSITY” insert “IN ACCORDANCE WITH TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE”; and strike beginning with “(1)” in line 13 down through “AND” in line 26.

AMENDMENT NO. 3

On page 5, in line 8, strike “THE REQUIREMENTS OF”; after line 19, insert:

“16-505.

(M) ON THE RECOMMENDATION OF THE PRESIDENT, THE BOARD OF TRUSTEES SHALL DESIGNATE ONE OR MORE REPRESENTATIVES TO PARTICIPATE AS A PARTY IN COLLECTIVE BARGAINING ON BEHALF OF THE COLLEGE IN ACCORDANCE WITH TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.”;

and after line 20, insert:

“3-101.

(b) “Board” means:

(1) WITH REGARD TO ANY MATTER RELATING TO EMPLOYEES OF ANY OF THE UNITS OF STATE GOVERNMENT DESCRIBED IN § 3-102(A)(1) THROUGH (4) OF THIS SUBTITLE, the State Labor Relations Board; AND

(2) WITH REGARD TO ANY MATTER RELATING TO EMPLOYEES OF ANY STATE INSTITUTION OF HIGHER EDUCATION DESCRIBED IN § 3-102(A)(5) OF THIS SUBTITLE, THE STATE HIGHER EDUCATION LABOR RELATIONS BOARD.

(F) “PRESIDENT” MEANS:

(1) WITH REGARD TO A CONSTITUENT INSTITUTION, AS DEFINED IN § 12-101 OF THE EDUCATION ARTICLE, THE PRESIDENT OF THE CONSTITUENT INSTITUTION;

(2) WITH REGARD TO A CENTER OR INSTITUTE, AS THOSE TERMS ARE DEFINED IN § 12-101 OF THE EDUCATION ARTICLE, THE PRESIDENT OF THE CENTER OR INSTITUTE;

(3) WITH REGARD TO THE UNIVERSITY SYSTEM OF MARYLAND

(Over)

OFFICE, THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND; AND

(4) WITH REGARD TO MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE, THE PRESIDENT OF THE INSTITUTION.

(G) "SYSTEM INSTITUTION" MEANS:

(1) A CONSTITUENT INSTITUTION, AS DEFINED IN § 12-101 OF THE EDUCATION ARTICLE;

(2) A CENTER OR INSTITUTE, AS THOSE TERMS ARE DEFINED IN § 12-101 OF THE EDUCATION ARTICLE; AND

(3) THE UNIVERSITY SYSTEM OF MARYLAND OFFICE."

AMENDMENT NO. 4

On page 7, in line 12, strike "WITH LESS THAN 2 YEARS OF CONTINUOUS SERVICE"; in line 13, after "CONTRACTUAL" insert a comma; in line 14, after "GRANT" insert "OR CONTRACT,"; strike in their entirety lines 18 and 19; in lines 20 and 22, strike "(11)" and "(12)", respectively, and substitute "(10)" and "(11)", respectively; and in line 25, strike "this title" and substitute "PROVISIONS OF THIS TITLE RELATING TO EMPLOYEES DESCRIBED IN § 3-102(A)(1) THROUGH (4) OF THIS TITLE".

On pages 7 and 8, strike in their entirety the lines beginning with line 26 on page 7 through line 20 on page 8, inclusive.

AMENDMENT NO. 5

On page 8, after line 20, insert:

"SUBTITLE 2A. STATE HIGHER EDUCATION LABOR RELATIONS BOARD.

3-2A-01.

THERE IS A STATE HIGHER EDUCATION LABOR RELATIONS BOARD ESTABLISHED AS AN INDEPENDENT UNIT OF STATE GOVERNMENT.

3-2A-02.

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

(1) FOUR MEMBERS WITH EXPERTISE IN HIGHER EDUCATION, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE FROM A LIST PROVIDED BY THE MARYLAND HIGHER EDUCATION COMMISSION:

(I) WHO ARE NOT OFFICERS OR EMPLOYEES OF A STATE INSTITUTION OF HIGHER EDUCATION OR AN EMPLOYEE ORGANIZATION;

(II) WHO ARE KNOWN FOR OBJECTIVE AND INDEPENDENT JUDGMENT; AND

(III) TWO OF WHOM HAVE KNOWLEDGE OF LABOR ISSUES; AND

(2) ONE MEMBER OF THE GENERAL PUBLIC, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE FROM A LIST PROVIDED BY THE MARYLAND HIGHER EDUCATION COMMISSION, WHO IS KNOWN FOR OBJECTIVE AND INDEPENDENT JUDGMENT.

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

(C) WITH THE ADVICE OF THE GOVERNING BOARDS OF STATE INSTITUTIONS OF HIGHER EDUCATION, THE GOVERNOR SHALL DESIGNATE A CHAIRMAN FROM AMONG THE MEMBERS OF THE BOARD.

(D) (1) THE TERM OF A MEMBER IS 6 YEARS.

(Over)

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2001.

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

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

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

(E) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR MISCONDUCT.

(F) IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR SHALL ENSURE, TO THE EXTENT PRACTICABLE, THAT:

(1) THE RATIO OF MALE AND FEMALE MEMBERS AND THE RACIAL MAKEUP OF THE BOARD IS REFLECTIVE OF THE GENERAL POPULATION OF THE STATE; AND

(2) EACH MAJOR GEOGRAPHIC AREA OF THE STATE IS REPRESENTED ON THE BOARD.

3-2A-03.

(A) (1) A MAJORITY OF THE VOTING MEMBERS SHALL CONSTITUTE A QUORUM FOR:

(I) THE TRANSACTION OF ANY BUSINESS; OR

(II) THE EXERCISE OF ANY POWER OR THE PERFORMANCE OF

ANY DUTY AUTHORIZED OR IMPOSED BY LAW.

(2) NO FORMAL ACTION MAY BE TAKEN BY THE BOARD WITHOUT THE APPROVAL OF A MAJORITY OF THE VOTING MEMBERS OF THE BOARD.

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

(C) A MEMBER OF THE BOARD IS ENTITLED TO:

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

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

3-2A-04.

(A) (1) THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR OF THE BOARD.

(2) THE EXECUTIVE DIRECTOR:

(I) IS RESPONSIBLE TO AND SERVES AT THE PLEASURE OF THE BOARD; AND

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

(B) THE EXECUTIVE DIRECTOR SHALL PERFORM THE DUTIES THAT THE BOARD ASSIGNS, INCLUDING:

(1) OPERATING THE OFFICE OF THE BOARD; AND

(2) KEEPING THE OFFICIAL RECORDS OF THE BOARD.

(Over)

(C) THE EXECUTIVE DIRECTOR MAY HIRE ANY STAFF NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

(D) (1) WITH APPROVAL OF THE BOARD, THE EXECUTIVE DIRECTOR MAY EMPLOY PROFESSIONAL CONSULTANTS.

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

3-2A-05.

(A) THE BOARD IS RESPONSIBLE FOR ADMINISTERING AND ENFORCING PROVISIONS OF THIS TITLE RELATING TO EMPLOYEES DESCRIBED IN § 3-102(A)(5) OF THIS TITLE.

(B) IN ADDITION TO ANY OTHER POWERS OR DUTIES PROVIDED FOR ELSEWHERE IN THIS TITLE, THE BOARD MAY:

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

(2) INVESTIGATE AND TAKE APPROPRIATE ACTION IN RESPONSE TO COMPLAINTS OF UNFAIR LABOR PRACTICES AND LOCKOUTS.

3-2A-06.

THE BOARD MAY ADOPT AND ENFORCE REGULATIONS, GUIDELINES, AND POLICIES TO CARRY OUT THIS TITLE WHICH:

(1) DEFINE UNFAIR LABOR PRACTICES; AND

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

3-2A-07.

(A) THE BOARD MAY INVESTIGATE:

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

(2) ANY OTHER RELEVANT MATTER.

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

3-2A-08.

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

3-2A-09.

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

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

AMENDMENT NO. 6

On page 9, in line 16, strike “THE” and substitute “EACH SYSTEM INSTITUTION”; in the same line, strike “UNIVERSITY SYSTEM OF MARYLAND”; in line 18, strike “EACH”; after line 18, insert:

(Over)

“(2) (I) THE PRESIDENTS OF THE SYSTEM INSTITUTIONS MAY AGREE TO COOPERATE FOR THE PURPOSE OF COLLECTIVE BARGAINING:

1. BEFORE THE ELECTION OF EXCLUSIVE REPRESENTATIVES; OR

2. AFTER THE CERTIFICATION OF EXCLUSIVE REPRESENTATIVES UNDER § 3-406(A) OF THIS TITLE.”;

in line 19, strike “(2)” and substitute “(3)”; in line 20, strike “LABOR AND TRADES EMPLOYEES;” and substitute “NONEXEMPT EMPLOYEES, AS DESCRIBED IN THE FEDERAL FAIR LABOR STANDARDS ACT, EXCEPT ELIGIBLE SWORN POLICE OFFICERS;

(II) ALL ELIGIBLE EXEMPT EMPLOYEES, AS DESCRIBED IN THE FEDERAL FAIR LABOR STANDARDS ACT; AND”;

strike in their entirety lines 21 through 24, inclusive; in line 25, strike “(IV)” and substitute “(III)”; and strike in their entirety lines 29 through 31, inclusive, and substitute:

“(2) THE FOLLOWING INDIVIDUALS AND ENTITIES SHALL ASSIGN CLASSIFICATION TITLES AND POSITIONS TO BARGAINING UNITS AT THE FOLLOWING INSTITUTIONS:

(I) AT A SYSTEM INSTITUTION, THE PRESIDENT OF THE SYSTEM INSTITUTION; AND

(II) AT MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE, THE GOVERNING BOARD OF THE INSTITUTION.”.

AMENDMENT NO. 7

On page 10, strike beginning with “The” in line 18 down through “EDUCATION” in line 19

and substitute "THE FOLLOWING INDIVIDUALS OR ENTITIES"; strike beginning with "STATE" in line 20 down through "EDUCATION" in line 21 and substitute "FOLLOWING INSTITUTIONS:"

(I) ON BEHALF OF THE STATE, THE GOVERNOR;

(II) ON BEHALF OF A SYSTEM INSTITUTION, THE PRESIDENT OF THE SYSTEM INSTITUTION; AND

(III) ON BEHALF OF MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE, THE GOVERNING BOARD OF THE INSTITUTION";

and strike beginning with "The" in line 30 down through the period in line 33 and substitute "A MEMORANDUM OF UNDERSTANDING THAT INCORPORATES ALL MATTERS OF AGREEMENT REACHED BY THE PARTIES SHALL BE EXECUTED BY THE EXCLUSIVE REPRESENTATIVE AND:"

(I) FOR A MEMORANDUM OF UNDERSTANDING RELATING TO THE STATE, THE GOVERNOR OR THE GOVERNOR'S DESIGNEE;

(II) FOR A MEMORANDUM OF UNDERSTANDING RELATING TO A SYSTEM INSTITUTION, THE PRESIDENT OF THE SYSTEM INSTITUTION OR THE PRESIDENT'S DESIGNEE; AND

(III) FOR A MEMORANDUM OF UNDERSTANDING RELATING TO MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE, THE GOVERNING BOARD OF THE INSTITUTION OR THE GOVERNING BOARD'S DESIGNEE."

AMENDMENT NO. 8

On page 11, strike in their entirety lines 1 through 3, inclusive; in line 4, strike "(4)" and substitute "(3)"; strike in their entirety lines 7 through 10, inclusive; in line 11, strike the brackets and "(F)"; after line 12, insert:

(Over)

“(F) (1) THE TERMS OF A MEMORANDUM OF UNDERSTANDING EXECUTED BY THE GOVERNOR OR THE GOVERNOR’S DESIGNEE AND AN EXCLUSIVE REPRESENTATIVE OF A BARGAINING UNIT FOR SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEES IN THE STATE PERSONNEL MANAGEMENT SYSTEM ARE NOT APPLICABLE TO EMPLOYEES OF A STATE INSTITUTION OF HIGHER EDUCATION.

(2) THE TERMS OF A MEMORANDUM OF UNDERSTANDING EXECUTED BY A PRESIDENT OF A SYSTEM INSTITUTION OR THE GOVERNING BOARD OF MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE, OR THEIR RESPECTIVE DESIGNEES, AND THE EXCLUSIVE REPRESENTATIVE OF A BARGAINING UNIT FOR EMPLOYEES OF A STATE INSTITUTION OF HIGHER EDUCATION ARE NOT APPLICABLE TO SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEES IN THE STATE PERSONNEL MANAGEMENT SYSTEM.”;

strike beginning with “Governor” in line 18 down through “DESIGNEE” in line 20 and substitute “REPRESENTATIVES OF THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE”; strike beginning with “the” in line 29 down through “and” in line 31; in line 32, after “negotiations” insert “AND:

(I) FOR A MEMORANDUM OF UNDERSTANDING RELATING TO THE STATE, THE GOVERNOR OR THE GOVERNOR’S DESIGNEE;

(II) FOR A MEMORANDUM OF UNDERSTANDING RELATING TO A SYSTEM INSTITUTION, THE PRESIDENT OF THE SYSTEM INSTITUTION OR THE PRESIDENT’S DESIGNEE; AND

(III) FOR A MEMORANDUM OF UNDERSTANDING RELATING TO MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE, THE GOVERNING BOARD OF THE INSTITUTION OR THE GOVERNING BOARD’S DESIGNEE”;

and in line 35, strike “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A”.

AMENDMENT NO. 9

On page 12, strike beginning with the colon in line 3 down through “(I)” in line 4; strike beginning with the semicolon in line 5 down through “INVOLVED” in line 8; and after line 8, insert:

“3-602.

THE PRESIDENT OF A SYSTEM INSTITUTION MAY ELECT TO TERMINATE A COOPERATION AGREEMENT WITH ANOTHER SYSTEM INSTITUTION, ENTERED INTO FOR THE PURPOSE OF COLLECTIVE BARGAINING WITH EXCLUSIVE REPRESENTATIVES, EFFECTIVE ON THE TERMINATION DATE OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE EXCLUSIVE REPRESENTATIVES AND THE SYSTEM INSTITUTIONS THAT ARE PARTIES TO THE COOPERATION AGREEMENT.”.

AMENDMENT NO. 10

On page 12, after line 15, insert:

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

- (a) one member in 2003;
- (b) two members in 2004; and
- (c) two members in 2005.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2001, the Baltimore City Community College, Morgan State University, St. Mary’s College of Maryland, and each system institution, as defined in § 3-101(g) of the State Personnel and Pensions Article as enacted by Section 1 of this Act, shall submit to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly, a report that:

(Over)

(a) states the institution's policy regarding conversion of contingent, contractual, temporary, and emergency positions to regular positions;

(b) provides for each contingent, contractual, temporary, and emergency employee of the institution the following information:

(1) the nature of the employee's position;

(2) the length of service of the employee currently filling the position; and

(3) the status of any conversion or planned conversion of the position to a regular position;

(c) identifies the number of contingent, contractual, temporary, and emergency positions that have been converted to regular positions in the previous 5 years; and

(d) provides an explanation of any plan to add contingent, contractual, temporary, or emergency positions in the future.”;

in line 16, strike “2.” and substitute “4.”; and line 17, strike “October 1” and substitute “July 1”.