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By: Senators Pinsky, Conway, Grosfeld, Jimeno, Kelley, Ruben, and Stone Introduced and read first time: January 31, 2003 Assigned to: Finance Committee Report: Favorable with amendments Senate action: Adopted Read second time: March 27, 2003	
1	AN ACT concerning
2 3	State Personnel - Collective Bargaining - Service Fees and Binding Arbitration
4 5 6 7 8 9 10 11	FOR the purpose of authorizing collective bargaining to include the rights of an employee organization to receive service fees from nonmembers; providing that a certain grievance is subject to binding arbitration; requiring that binding arbitration be conducted if requested by a certain appointing authority or exclusive representative; prescribing the method for selecting an arbitrator; establishing the powers and duties of an arbitrator; providing for the payment of the cost of arbitration; defining a certain term; and generally relating to service fees and binding arbitration.
12 13 14 15 16	Section 3-502 Annotated Code of Maryland
17 18 19 20 21 22	Section 3-701 through 3-707 3-706, inclusive, to be under the new subtitle "Subtitle 7. Binding Arbitration"
23 24	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

1 **Article - State Personnel and Pensions** 2 3 502. 3 Collective bargaining shall include all matters relating to wages, hours, (a) and other terms and conditions of employment. 5 (b) Collective bargaining may [not] include negotiations relating to the right 6 of an employee organization to receive service fees from nonmembers. 7 Notwithstanding subsection (a) of this section, the representatives of the 8 State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College: 10 (1)shall not be required to negotiate over any matter that is inconsistent 11 with applicable law; and 12 may negotiate and reach agreement with regard to any such matter 13 only if it is understood that the agreement with respect to such matter cannot become 14 effective unless the applicable law is amended by the General Assembly. SUBTITLE 7. BINDING ARBITRATION. 15 16 3-701. 17 IN THIS SUBTITLE, "GRIEVANCE" MEANS A DISPUTE REGARDING: 18 THE INTERPRETATION OR APPLICATION OF THE TERMS OF A (1)19 MEMORANDUM OF UNDERSTANDING NEGOTIATED AND RATIFIED UNDER THIS 20 TITLE; AN ALLEGED VIOLATION, MISINTERPRETATION, OR MISAPPLICATION 21 (2)22 OF AN APPOINTING AUTHORITY'S RULES OR REGULATIONS REGARDING A TERM OR 23 CONDITION OF EMPLOYMENT: OR AN ALLEGED BREACH OR VIOLATION OF A PROVISION OF DIVISION I 24 (3)25 OF THIS ARTICLE. 26 3-702. A GRIEVANCE THAT ARISES IN A BARGAINING UNIT WITH AN EXCLUSIVE 27 28 REPRESENTATIVE IS SUBJECT TO BINDING ARBITRATION BEFORE A NEUTRAL 29 ARBITRATOR. 30 (B) BINDING ARBITRATION SHALL BE CONDUCTED IF REQUESTED BY THE 31 APPOINTING AUTHORITY OR THE EXCLUSIVE REPRESENTATIVE OF THE BARGAINING

32 UNIT IN WHICH THE GRIEVANCE AROSE.

- 1 3-703.
- 2 THE APPOINTING AUTHORITY AND THE EXCLUSIVE REPRESENTATIVE SHALL
- 3 SELECT AN ARBITRATOR BY MUTUAL AGREEMENT OR BY ALTERNATING STRIKES
- 4 FROM A LIST THAT:
- 5 (1) IS PROVIDED BY THE FEDERAL MEDIATION AND CONCILIATION
- 6 SERVICE: AND
- 7 (2) CONSISTS OF NINE LABOR ARBITRATORS WHO ARE MEMBERS OF
- 8 THE NATIONAL ACADEMY OF ARBITRATORS.
- 9 3-704.
- 10 (A) AN ARBITRATOR SELECTED UNDER § 3-703 OF THIS SUBTITLE MAY:
- 11 (1) CONVENE AND CONDUCT AN EVIDENTIARY HEARING;
- 12 (2) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES
- 13 AND THE PRODUCTION OF DOCUMENTS AND OTHER TANGIBLE EVIDENCE;
- 14 (3) HEAR EVIDENCE AND RULE ON THE ADMISSIBILITY OF EVIDENCE;
- 15 (4) DETERMINE WHICH ISSUES ARE IN DISPUTE; AND
- 16 (5) ISSUE A FINAL, BINDING RULING ON THE GRIEVANCE.
- 17 (B) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS
- 18 SECTION OR FAILS TO TESTIFY ON A MATTER ON WHICH THE PERSON LAWFULLY
- 19 MAY BE INTERROGATED, ON PETITION OF THE ARBITRATOR, A COURT MAY:
- 20 (1) PASS AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR
- 21 COMPELLING TESTIMONY; AND
- 22 (2) ENFORCE THE ORDER BY PROCEEDINGS OF CONTEMPT.
- 23 3-705.
- 24 AN ARBITRATOR SHALL DELIVER A COPY OF A RULING AND A WRITTEN
- 25 STATEMENT THAT EXPLAINS THE REASONS FOR THE RULING TO THE EXCLUSIVE
- 26 REPRESENTATIVE AND THE APPOINTING AUTHORITY.
- 27 3-706.
- 28 THE COSTS OF BINDING ARBITRATION, INCLUDING AN ARBITRATOR'S FEES AND
- 29 OTHER COSTS RELATED TO A HEARING, CONDUCTED UNDER THIS SUBTITLE SHALL
- 30 BE PAID EQUALLY BY THE APPOINTING AUTHORITY AND THE EXCLUSIVE
- 31 REPRESENTATIVE.

- 1 3 707.
- 2 A GRIEVANCE PRESENTED TO AN ARBITRATOR FOR BINDING ARBITRATION
- 3 UNDER THIS SUBTITLE MAY NOT BE PRESENTED UNDER TITLE 12 OF THIS ARTICLE.
- 4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 5 October 1, 2003.