Unofficial Copy P4 2003 Regular Session 3lr1942

By: Senator McFadden

Introduced and read first time: February 6, 2003

Assigned to: Rules

#### A BILL ENTITLED

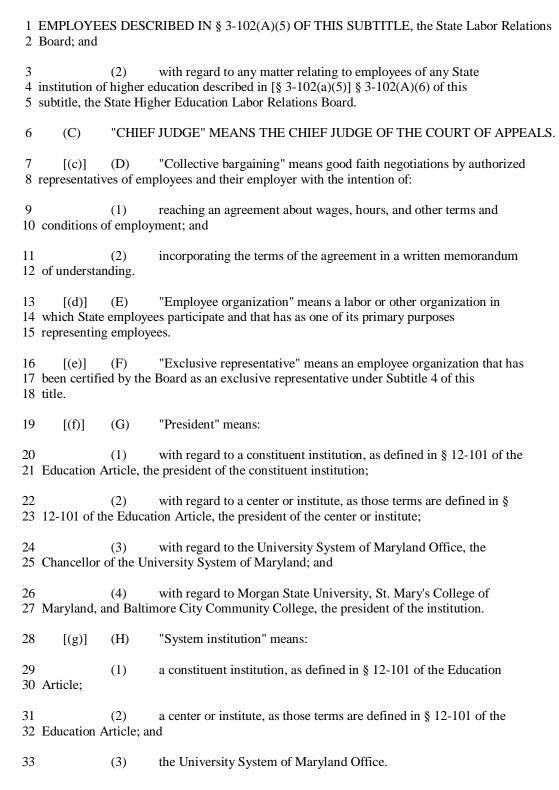
4	4 3 T	A (717)	
ı	AN	ACT	concerning

## 2 State Employees - Collective Bargaining - Judicial Branch Employees

- 3 FOR the purpose of expanding the scope of certain provisions of law governing
- 4 collective bargaining to include certain employees of the Judicial Branch of
- 5 State Government; specifying that the State Labor Relations Board is an
- 6 independent unit of State government; altering the membership of the Board;
- 7 altering the responsibilities of the Board; requiring the Board to appoint an
- 8 Executive Director; requiring the Chief Judge of the Court of Appeals to
- 9 designate certain representatives for the purpose of collective bargaining;
- requiring the Chief Judge to enter into a memorandum of understanding;
- requiring the ratification of a certain memorandum of understanding; defining a
- certain term; altering a certain definition; making certain conforming changes;
- and generally relating to collective bargaining for employees of the Judicial
- 14 Branch of State Government and the State Labor Relations Board.
- 15 BY repealing and reenacting, with amendments,
- 16 Article State Personnel and Pensions
  - Section 3-101, 3-102(a), 3-201, 3-202, 3-204, 3-206, 3-207, 3-306, 3-403(c)
- and (e), 3-501, and 3-601
- 19 Annotated Code of Maryland
- 20 (1997 Replacement Volume and 2002 Supplement)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 22 MARYLAND, That the Laws of Maryland read as follows:
- 23 Article State Personnel and Pensions
- 24 3-101.

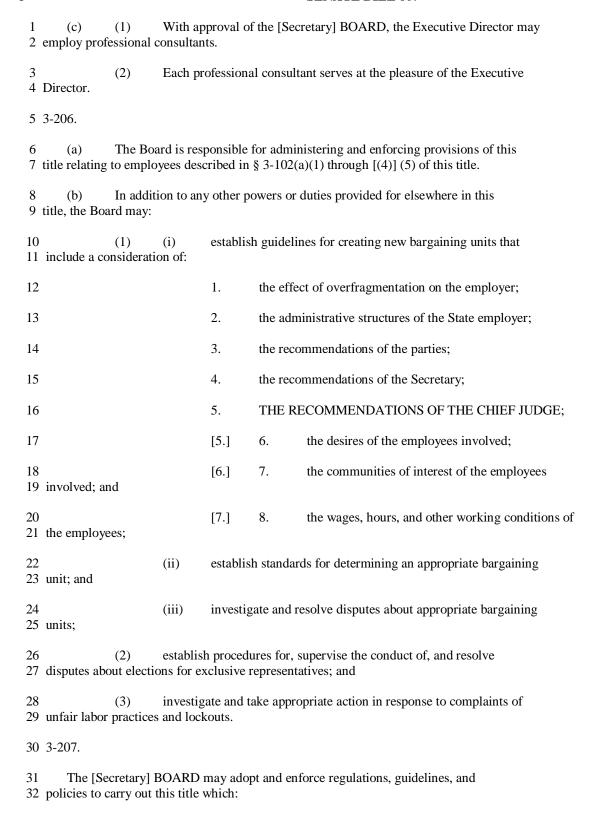
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- 25 (a) In this title the following words have the meanings indicated.
- 26 (b) "Board" means:
- 27 (1) with regard to any matter relating to employees of any of the units of
- 28 State government described in § 3-102(a)(1) through (4) of this subtitle, OR TO

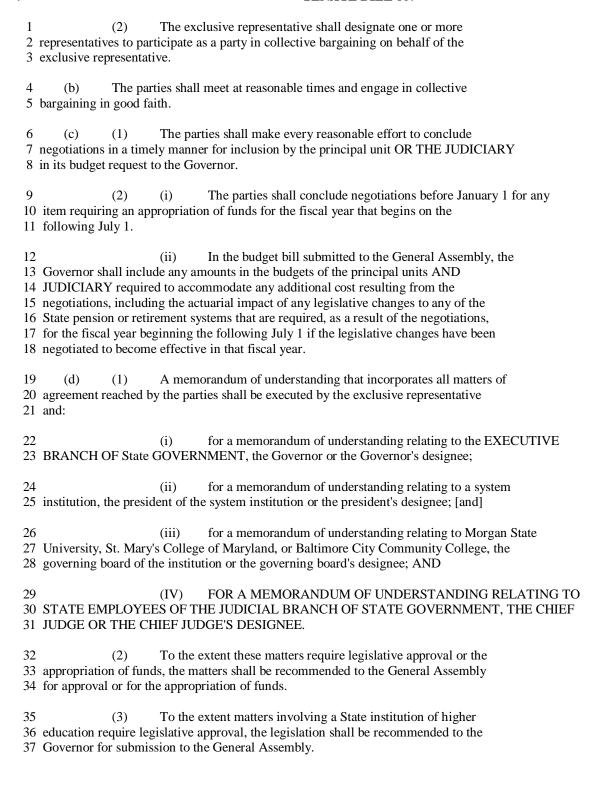


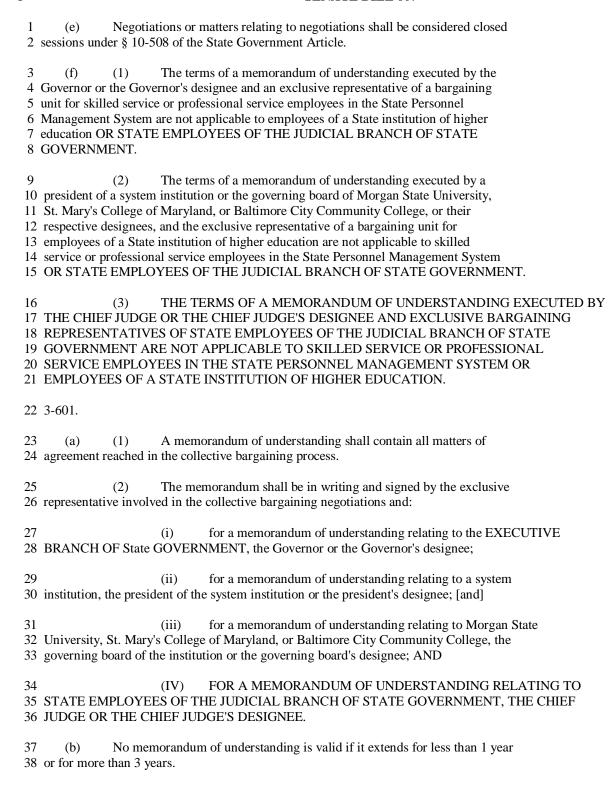
1	3-102.				
2 3	(a) Except as provided in this title or as otherwise provided by law, this title applies to all employees of:				
4 5	government;	(1)	the prin	cipal departments within the Executive Branch of State	
6		(2)	the Mar	yland Insurance Administration;	
7		(3)	the State	e Department of Assessments and Taxation;	
8		(4)	the State	e Lottery Agency; [and]	
9 10	GOVERNM	(5) IENT; Al		EMPLOYEES OF THE JUDICIAL BRANCH OF STATE	
11 12	St. Mary's C	[(5)] College of	(6) Marylar	the University System of Maryland, Morgan State University, ad, and Baltimore City Community College.	
13	3-201.				
14 15	There is a State Labor Relations Board [in the Department] ESTABLISHED AS AN INDEPENDENT UNIT OF STATE GOVERNMENT.				
16	3-202.				
17	(a)	The Boa	ard consis	sts of the following [five] SEVEN members:	
18		(1)	the Secr	etary or a designee of the Secretary;	
19 20		(2) ith the ad		mbers with knowledge of labor issues appointed by the consent of the Senate, who:	
21 22	organization	ı; and	(i)	are not officers or employees of the State or an employee	
23			(ii)	are known for objective and independent judgment; [and]	
	(3) two members of the business community, appointed by the Governor with the advice and consent of the Senate, who are known for objective and independent judgment; AND				
27 28	THE CHIEF	(4) F JUDGE		IEMBERS WITH KNOWLEDGE OF LABOR ISSUES APPOINTED BY	
29 30	(b) Before taking office, each appointed member shall take the oath required by Article I, § 9 of the Maryland Constitution.				
31 32	(c) shall designa			of the Secretary AND THE CHIEF JUDGE, the Governor m among the appointed members of the Board.	

(d) member.	The Secr	retary or t	the Secretary's designee shall serve as a continuing	
(e)	(1)	The term	of an appointed member is 6 years.	
terms provid	(2) ed for app		as of appointed members are staggered as required by the sembers of the Board on July 1, 1999.	
as an origina	(3) l appoint		cy shall be filled for an unexpired term in the same manner	
appointed an	(4) d qualifie		nd of a term, a member continues to serve until a successor is	
the rest of th	(5) ne term ar		er who is appointed after a term has begun serves only for successor is appointed and qualifies.	
( )			y remove [an appointed] A member APPOINTED BY THE e or misconduct.	
` /			GE MAY REMOVE A MEMBER APPOINTED BY THE CHIEF CE OR MISCONDUCT.	
L \U/J	(H) ll ensure,		g appointments to the Board, the Governor AND CHIEF tent practicable, that:	
	(1) lective of		of male and female members and the racial makeup of the ral population of the State; and	
	(2)	each maj	or geographic area of the State is represented on the Board.	
` /	(1) Director [c		proval of the] THE Board[, the Secretary] shall appoint an rd].	
	(2)	The Exec	cutive Director:	
BOARD; an	ıd	(i)	is responsible to and serves at the pleasure of the [Secretary]	
		(ii)	is entitled to the salary provided in the State budget.	
8 (b) The Executive Director shall perform the duties that the [Secretary] 9 BOARD assigns, including:				
	(1)	operating	g the office of the Board; and	
	(2)	keeping	the official records of the Board.	
	member.  (e)  terms provid as an original appointed and the rest of the  (f) GOVERNO  (G) JUDGE FOR  [(g)] JUDGE sha  Board is refit 3-204.  (a) Executive D  BOARD; and  (b)	member.  (e) (1)  (2) terms provided for applications (3) as an original appoints (4) appointed and qualifies  (f) The Gov GOVERNOR for incomplete (5) the rest of the term are (6) (7) THE CH JUDGE FOR INCOMPLICATION (1) Board is reflective of (2) 3-204.  (a) (1) Executive Director [6] (2) BOARD; and  (b) The Exel BOARD assigns, including (1)	member.  (e) (1) The term (2) The term terms provided for appointed mass an original appointment.  (3) A vacand as an original appointment.  (4) At the enappointed and qualifies.  (5) A member the rest of the term and until a form of the term and until a governor mass of the term and until a form of the term and until a governor mass of the term of the term and until a form of the term and until a governor mass of the term and until a form of the term and until a governor mass of the term and until a form of the term and until a governor mass of the term and until a form of the term and until a governor mass of the term and until a form of the term and until a governor mass of the term and until a form of the term and until a form of the term and until a governor mass of the term and until a form of the term and unti	



1	1 (1) define u	nfair labor practices; and					
2	2 (2) establish	permissible labor-related activities on the work site.					
3	3 3-306.						
	(a) The State and its officers, employees, agents, or representatives are prohibited from engaging in any unfair labor practice, as defined by the [Secretary] BOARD.						
7 8	(b) Employee organizations and their agents or representatives are prohibited from engaging in any unfair labor practice, as defined by the [Secretary] BOARD.						
9	9 3-403.						
		shall consist only of employees defined in regulations ARD and not specifically excluded by § 3-102(b) of this					
		as provided in paragraph (2) of this subsection, the [Secretary DARD shall have the authority to assign classification ng units as appropriate.					
16 17	The following individuals and entities shall assign classification titles and positions to bargaining units at the following institutions:						
18 19	18 (i) 19 and	at a system institution, the President of the system institution;					
20 21	` '	at Morgan State University, St. Mary's College of Maryland, or ollege, the governing board of the institution.					
22	22 3-501.						
		owing individuals or entities shall designate one or more s a party in collective bargaining on behalf of the State					
26 27	26 (i) 27 the Governor;	on behalf of the EXECUTIVE BRANCH OF State GOVERNMENT,					
28 29	28 (ii) 29 institution; [and]	on behalf of a system institution, the president of the system					
	` '	on behalf of Morgan State University, St. Mary's College of Community College, the governing board of the					
33 34	33 (IV) 34 OF STATE GOVERNMENT,	ON BEHALF OF STATE EMPLOYEES OF THE JUDICIAL BRANCH THE CHIEF JUDGE.					





- 1 (c) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this
- 2 subsection, a memorandum of understanding is not effective until it is ratified by the
- 3 Governor and a majority of the votes cast by the employees in the bargaining unit.
- 4 (2) In the case of a State institution of higher education, a memorandum
- 5 of understanding is not effective until it is ratified by the institution's governing
- 6 board and a majority of the votes cast by the employees in the bargaining unit.
- 7 (3) IN THE CASE OF THE JUDICIAL BRANCH OF STATE GOVERNMENT, A
- 8 MEMORANDUM OF UNDERSTANDING IS NOT EFFECTIVE UNTIL IT IS RATIFIED BY
- 9 THE CHIEF JUDGE AND A MAJORITY OF THE VOTES CAST BY THE EMPLOYEES IN THE
- 10 BARGAINING UNIT.
- 11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 12 October 1, 2003.