

SENATE BILL 312

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SB 559/03 - FIN

2004 Regular Session
4r1852
CF 4r1907

By: **Senators Pinsky, Conway, Exum, Garagiola, Grosfeld, Jimeno, Kelley,
Lawlah, Ruben, and Stone**

Introduced and read first time: February 2, 2004

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Collective Bargaining - Binding Arbitration**

3 FOR the purpose of providing that a certain grievance is subject to binding
4 arbitration; requiring that binding arbitration be conducted if requested by a
5 certain appointing authority or exclusive representative; prescribing the method
6 for selecting an arbitrator; establishing the powers and duties of an arbitrator;
7 providing for the payment of the cost of arbitration; defining a certain term; and
8 generally relating to binding arbitration.

9 BY adding to

10 Article - State Personnel and Pensions
11 Section 3-701 through 3-706, inclusive, to be under the new subtitle "Subtitle 7.
12 Binding Arbitration"
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 2003 Supplement)

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

17 **Article - State Personnel and Pensions**

18 **SUBTITLE 7. BINDING ARBITRATION.**

19 3-701.

20 IN THIS SUBTITLE, "GRIEVANCE" MEANS A DISPUTE REGARDING THE
21 INTERPRETATION OR APPLICATION OF THE TERMS OF A MEMORANDUM OF
22 UNDERSTANDING NEGOTIATED AND RATIFIED UNDER THIS TITLE.

23 3-702.

24 (A) A GRIEVANCE THAT ARISES IN A BARGAINING UNIT WITH AN EXCLUSIVE
25 REPRESENTATIVE IS SUBJECT TO BINDING ARBITRATION BEFORE A NEUTRAL
26 ARBITRATOR.

1 (B) BINDING ARBITRATION SHALL BE CONDUCTED IF REQUESTED BY THE
2 APPOINTING AUTHORITY OR THE EXCLUSIVE REPRESENTATIVE OF THE BARGAINING
3 UNIT IN WHICH THE GRIEVANCE AROSE.

4 3-703.

5 THE APPOINTING AUTHORITY AND THE EXCLUSIVE REPRESENTATIVE SHALL
6 SELECT AN ARBITRATOR BY MUTUAL AGREEMENT OR BY ALTERNATING STRIKES
7 FROM A LIST THAT:

8 (1) IS PROVIDED BY THE FEDERAL MEDIATION AND CONCILIATION
9 SERVICE; AND

10 (2) CONSISTS OF NINE LABOR ARBITRATORS WHO ARE MEMBERS OF
11 THE NATIONAL ACADEMY OF ARBITRATORS.

12 3-704.

13 (A) AN ARBITRATOR SELECTED UNDER § 3-703 OF THIS SUBTITLE MAY:

14 (1) CONVENE AND CONDUCT AN EVIDENTIARY HEARING;

15 (2) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES
16 AND THE PRODUCTION OF DOCUMENTS AND OTHER TANGIBLE EVIDENCE;

17 (3) HEAR EVIDENCE AND RULE ON THE ADMISSIBILITY OF EVIDENCE;

18 (4) DETERMINE WHICH ISSUES ARE IN DISPUTE; AND

19 (5) ISSUE A FINAL, BINDING RULING ON THE GRIEVANCE.

20 (B) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS
21 SECTION OR FAILS TO TESTIFY ON A MATTER ON WHICH THE PERSON LAWFULLY
22 MAY BE INTERROGATED, ON PETITION OF THE ARBITRATOR, A COURT MAY:

23 (1) PASS AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR
24 COMPELLING TESTIMONY; AND

25 (2) ENFORCE THE ORDER BY PROCEEDINGS OF CONTEMPT.

26 3-705.

27 AN ARBITRATOR SHALL DELIVER A COPY OF A RULING AND A WRITTEN
28 STATEMENT THAT EXPLAINS THE REASONS FOR THE RULING TO THE EXCLUSIVE
29 REPRESENTATIVE AND THE APPOINTING AUTHORITY.

30 3-706.

31 THE COSTS OF BINDING ARBITRATION, INCLUDING AN ARBITRATOR'S FEES AND
32 OTHER COSTS RELATED TO A HEARING, CONDUCTED UNDER THIS SUBTITLE SHALL

1 BE PAID EQUALLY BY THE APPOINTING AUTHORITY AND THE EXCLUSIVE
2 REPRESENTATIVE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2004.