
By: **Delegates Jones, Anderson, Barkley, Barve, Bobo, Bromwell, Bronrott, Brown, Burns, Cadden, Carter, G. Clagett, V. Clagett, Conroy, Costa, C. Davis, D. Davis, DeBoy, Doory, Feldman, Franchot, Frush, Gaines, Gordon, Griffith, Gutierrez, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Holmes, Howard, Hubbard, Kaiser, Kelley, King, Kirk, Krysiak, Lawton, Lee, Love, Madaleno, Malone, Mandel, Marriott, McHale, McIntosh, Menes, Moe, Montgomery, Morhaim, Murray, Nathan-Pulliam, Paige, Parker, Patterson, Pendergrass, Petzold, Proctor, Pugh, Quinter, Ramirez, Rosenberg, Ross, Rudolph, Simmons, Sophocleus, Stern, Taylor, F. Turner, V. Turner, Vallario, Vaughn, Weir, and Zirkin**

Introduced and read first time: February 2, 2006

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Collective Bargaining - Revisions**

3 FOR the purpose of altering certain provisions of law governing collective bargaining
 4 for certain State employees and certain employees of State institutions of higher
 5 education; specifying that provisions of this Act may not limit or interfere with
 6 certain powers of the Governor; specifying that the State Labor Relations Board
 7 is an independent unit of State government; altering the membership of the
 8 Board; requiring that the Board elect a chairman from among its members;
 9 altering the duties of the Board and the State Higher Education Labor Relations
 10 Board; requiring the Board and the State Higher Education Labor Relations
 11 Board to jointly appoint an Executive Director; altering the duties and powers of
 12 the Executive Director; repealing a requirement that the Department of Budget
 13 and Management provide administrative support to the State Labor Relations
 14 Board; requiring the State under certain circumstances to provide certain
 15 information to certain exclusive representatives; prohibiting certain exclusive
 16 representatives from sharing certain information; providing a certain exception;
 17 specifying certain employee rights; prohibiting the State and employee
 18 organizations from engaging in certain unfair labor practices; allowing parties
 19 in collective bargaining to request that a fact finder be employed under certain
 20 circumstances; specifying the manner of appointment and the powers and duties
 21 of a fact finder; clarifying the processes of collective bargaining; altering a
 22 certain definition; making certain conforming changes; and generally relating to
 23 collective bargaining for State employees and employees of State institutions of
 24 higher education.

25 BY repealing and reenacting, with amendments,

1 Article - State Personnel and Pensions
2 Section 3-101, 3-103, 3-201, 3-202, 3-204, 3-206, 3-207, 3-208, 3-209, 3-210,
3 3-2A-04, 3-2A-06, 3-301(a), 3-306, and 3-501
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2005 Supplement)

6 BY repealing
7 Article - State Personnel and Pensions
8 Section 3-205
9 Annotated Code of Maryland
10 (2004 Replacement Volume and 2005 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article - State Personnel and Pensions
13 Section 3-2A-01
14 Annotated Code of Maryland
15 (2004 Replacement Volume and 2005 Supplement)

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

18 **Article - State Personnel and Pensions**

19 3-101.

20 (a) In this title the following words have the meanings indicated.

21 (b) "Board" means:

22 (1) with regard to any matter relating to employees of any of the units of
23 State government described in § 3-102(a)(1) through (4) of this subtitle, the State
24 Labor Relations Board; and

25 (2) with regard to any matter relating to employees of any State
26 institution of higher education described in § 3-102(a)(5) of this subtitle, the State
27 Higher Education Labor Relations Board.

28 (c) "Collective bargaining" means:

29 (1) good faith negotiations by authorized representatives of employees
30 and their employer with the intention of:

31 [(1)] (I) reaching an agreement about wages, hours, and other terms
32 and conditions of employment; and

33 [(2)] (II) incorporating the terms of the agreement in a written
34 memorandum of understanding OR OTHER WRITTEN UNDERSTANDING; OR

1 (2) ADMINISTRATION OF TERMS AND CONDITIONS OF EMPLOYMENT, OR
2 THE VOLUNTARY ADJUSTMENT OF GRIEVANCES BY AN EXCLUSIVE
3 REPRESENTATIVE.

4 (d) "Employee organization" means a labor or other organization in which
5 State employees participate and that has as one of its primary purposes representing
6 employees.

7 (e) "Exclusive representative" means an employee organization that has been
8 certified by the Board as an exclusive representative under Subtitle 4 of this title.

9 (f) "President" means:

10 (1) with regard to a constituent institution, as defined in § 12-101 of the
11 Education Article, the president of the constituent institution;

12 (2) with regard to a center or institute, as those terms are defined in §
13 12-101 of the Education Article, the president of the center or institute;

14 (3) with regard to the University System of Maryland Office, the
15 Chancellor of the University System of Maryland; and

16 (4) with regard to Morgan State University, St. Mary's College of
17 Maryland, and Baltimore City Community College, the president of the institution.

18 (g) "System institution" means:

19 (1) a constituent institution, as defined in § 12-101 of the Education
20 Article;

21 (2) a center or institute, as those terms are defined in § 12-101 of the
22 Education Article; and

23 (3) the University System of Maryland Office.

24 3-103.

25 This title and any agreement under this title do not limit or otherwise interfere
26 with the powers of the GOVERNOR OR THE Maryland General Assembly under Article
27 III, § 52 of the Maryland Constitution.

28 3-201.

29 There is a State Labor Relations Board [in the Department] ESTABLISHED AS
30 AN INDEPENDENT UNIT OF STATE GOVERNMENT.

31 3-202.

32 (a) The Board consists of the following five members:

1 (1) [the Secretary or a designee of the Secretary] ONE MEMBER
2 APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE
3 REPRESENTING THE PUBLIC, WHO:

4 (I) IS NOT AN OFFICER OR EMPLOYEE OF THE STATE OR A STATE
5 EMPLOYEE ORGANIZATION; AND

6 (II) IS NOT AN ELECTED OFFICIAL OF THE STATE OR A STATE
7 EMPLOYEE ORGANIZATION;

8 (2) two members [with knowledge of labor issues] CHOSEN FROM A LIST
9 OF FIVE CANDIDATES SUBMITTED JOINTLY BY THE EXCLUSIVE REPRESENTATIVES,
10 appointed by the Governor with the advice and consent of the Senate, who:

11 (i) are not officers or employees of the State or [an] A STATE
12 employee organization; and

13 (ii) are known for objective and independent judgment; and

14 (3) two members of the business community, appointed by the Governor
15 with the advice and consent of the Senate, who:

16 (I) ARE NOT OFFICERS OR EMPLOYEES OF THE STATE OR A STATE
17 EMPLOYEE ORGANIZATION; AND

18 (II) are known for objective and independent judgment.

19 (b) Before taking office, each [appointed] member shall take the oath
20 required by Article I, § 9 of the Maryland Constitution.

21 (c) [With the advice of the Secretary, the Governor shall designate a chairman
22 from among the appointed members of the Board] FROM AMONG ITS MEMBERS, THE
23 BOARD SHALL ELECT A CHAIRMAN.

24 (d) [The Secretary or the Secretary's designee shall serve as a continuing
25 member.

26 (e)] (1) The term of [an appointed] A member is 6 years.

27 (2) The terms of [appointed] members are staggered as required by the
28 terms provided for [appointed] members of the Board on July 1, [1999] 2006.

29 (3) A vacancy shall be filled for an unexpired term in the same manner
30 as an original appointment.

31 (4) At the end of a term, a member continues to serve until a successor is
32 appointed and qualifies.

33 (5) A member who is appointed after a term has begun serves only for
34 the rest of the term and until a successor is appointed and qualifies.

1 [(f)] (E) The Governor may remove [an appointed] A member ONLY for
2 incompetence or misconduct.

3 [(g)] (F) In making appointments to the Board, the Governor shall ensure, to
4 the extent practicable, that:

5 (1) the ratio of male and female members and the racial makeup of the
6 Board is reflective of the general population of the State; and

7 (2) each major geographic area of the State is represented on the Board.
8 3-204.

9 (a) (1) [With approval of the] THE STATE LABOR RELATIONS Board[, the
10 Secretary] AND THE STATE HIGHER EDUCATION LABOR RELATIONS BOARD JOINTLY
11 shall appoint an Executive Director of the [Board] BOARDS.

12 (2) The Executive Director:

13 (i) is responsible to and serves at the pleasure of the [Secretary]
14 BOARDS; and

15 (ii) is entitled to the salary provided in the State budget.

16 (b) The Executive Director shall perform the duties that the [Secretary
17 assigns] BOARDS ASSIGN, including:

18 (1) operating the office of the [Board] BOARDS; and

19 (2) keeping the official records of the [Board] BOARDS.

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

22 [(c)] (D) (1) With approval of the [Secretary] BOARDS, the Executive
23 Director may employ professional consultants.

24 (2) Each professional consultant serves at the pleasure of the Executive
25 Director.

26 [3-205.

27 The Department shall provide administrative support to the Board.]

28 [3-206.] 3-205.

29 (a) The Board is responsible for administering and enforcing provisions of this
30 title relating to employees described in § 3-102(a)(1) through (4) of this title.

31 (b) In addition to any other powers or duties provided for elsewhere in this
32 title, the Board may:

1 (1) (i) establish guidelines for creating new bargaining units that
 2 include a consideration of:

3 1. the effect of over fragmentation on the employer;
 4 2. the administrative structures of the State employer;
 5 3. the recommendations of the parties;
 6 4. the recommendations of the [Secretary] EXECUTIVE
 7 DIRECTOR;
 8 5. the desires of the employees involved;
 9 6. the communities of interest of the employees involved; and
 10 7. the wages, hours, and other working conditions of the
 11 employees;

12 (ii) establish standards for determining an appropriate bargaining
 13 unit; and

14 (iii) investigate and resolve disputes about appropriate bargaining
 15 units;

16 (2) establish procedures for, supervise the conduct of, and resolve
 17 disputes about elections for exclusive representatives; and

18 (3) investigate and take appropriate action in response to complaints of
 19 unfair labor practices and lockouts.

20 [3-207.] 3-206.

21 The [Secretary] BOARD [may] SHALL adopt and enforce regulations,
 22 guidelines, and policies to carry out this title [which:

23 (1) define unfair labor practices; and

24 (2) establish], INCLUDING ESTABLISHING permissible labor-related
 25 activities on the work site.

26 [3-208.] 3-207.

27 (a) The Board [may] SHALL investigate:

28 (1) a possible violation of this title or any regulation adopted under it;
 29 and

30 (2) any other relevant matter.

1 (b) The Board may hold a hearing in accordance with Title 10, Subtitle 2 of the
2 State Government Article whenever necessary for a fair determination of any issue or
3 complaint arising under this title or a regulation adopted under it.

4 [3-209.] 3-208.

5 (A) ON WRITTEN REQUEST OF AN EXCLUSIVE REPRESENTATIVE, FOR EACH
6 EMPLOYEE IN THE BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE
7 REPRESENTATIVE, THE BOARD SHALL ORDER THE STATE TO PROVIDE THE
8 EXCLUSIVE REPRESENTATIVE WITH THE EMPLOYEE'S:

9 (1) NAME;

10 (2) POSITION CLASSIFICATION;

11 (3) UNIT;

12 (4) HOME AND WORK SITE ADDRESSES WHERE THE EMPLOYEE
13 RECEIVES INTEROFFICE OR UNITED STATES MAIL; AND

14 (5) HOME AND WORK SITE TELEPHONE NUMBERS.

15 (B) AN EXCLUSIVE REPRESENTATIVE MAY REQUEST EMPLOYEE
16 INFORMATION, AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, ONCE
17 EVERY 3 MONTHS.

18 (C) Names or lists of employees provided to the Board in connection with an
19 election under this title are not subject to disclosure in accordance with Title 10,
20 Subtitle 6 of the State Government Article.

21 (D) (1) THIRTY DAYS BEFORE PROVIDING AN EMPLOYEE'S NAME,
22 ADDRESSES, TELEPHONE NUMBERS, AND WORK INFORMATION TO AN EXCLUSIVE
23 REPRESENTATIVE, THE EMPLOYER SHALL NOTIFY THE EMPLOYEE OF THE
24 PROVISIONS OF THIS SECTION.

25 (2) THE EMPLOYEE MAY, WITHIN 15 DAYS OF THE EMPLOYER'S NOTICE
26 UNDER PARAGRAPH (1) OF THIS SUBSECTION, NOTIFY THE EMPLOYER THAT THE
27 EMPLOYEE DOES NOT WANT THE EMPLOYEE'S NAME, ADDRESSES, TELEPHONE
28 NUMBERS, OR WORK INFORMATION TO BE PROVIDED TO AN EXCLUSIVE
29 REPRESENTATIVE.

30 (3) IF AN EMPLOYEE PROVIDES TIMELY NOTIFICATION TO THE
31 EMPLOYER UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE EMPLOYER MAY NOT
32 PROVIDE THE EMPLOYEE'S NAME, ADDRESSES, TELEPHONE NUMBERS, OR WORK
33 INFORMATION.

34 (E) (1) ONCE ANNUALLY, BETWEEN AUGUST 1 AND AUGUST 31, AN
35 EMPLOYEE:

1 (I) MAY NOTIFY AN EXCLUSIVE REPRESENTATIVE TO REMOVE THE
2 EMPLOYEE'S NAME, ADDRESSES, TELEPHONE NUMBERS, AND WORK INFORMATION
3 FROM A LIST PROVIDED BY THE EMPLOYER; AND

4 (II) SHALL SEND A COPY OF THE NOTIFICATION TO THE EMPLOYER.

5 (2) WHEN THE EXCLUSIVE REPRESENTATIVE AND THE EMPLOYER
6 RECEIVE NOTIFICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE
7 EMPLOYEE'S NAME, ADDRESSES, TELEPHONE NUMBERS, AND WORK INFORMATION
8 SHALL BE REMOVED FROM ALL FUTURE LISTS ISSUED THROUGH THE FOLLOWING
9 AUGUST 1.

10 (F) AN EMPLOYER MAY CHARGE AN EXCLUSIVE REPRESENTATIVE A FEE NOT
11 TO EXCEED THE ACTUAL COST OF PROVIDING A LIST OF EMPLOYEES' NAMES,
12 ADDRESSES, TELEPHONE NUMBERS, AND WORK INFORMATION TO THE EXCLUSIVE
13 REPRESENTATIVE.

14 (G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN
15 EXCLUSIVE REPRESENTATIVE SHALL CONSIDER THE INFORMATION THAT IT
16 RECEIVES UNDER THIS SECTION AS CONFIDENTIAL AND MAY NOT RELEASE THE
17 INFORMATION TO ANY PERSON.

18 (2) AN EXCLUSIVE REPRESENTATIVE MAY UTILIZE THIRD PARTY
19 CONTRACTORS TO USE THE INFORMATION THAT IT RECEIVES UNDER THIS SECTION,
20 AS DIRECTED BY THE EXCLUSIVE REPRESENTATIVE, TO CARRY OUT ITS STATUTORY
21 DUTIES UNDER THIS TITLE.

22 [3-210.] 3-209.

23 (a) If a person fails to comply with an order issued by the Board, a member of
24 the Board may petition the circuit court to order the person to comply with the
25 Board's order.

26 (b) The Board shall not be required to post bond in an action under subsection
27 (a) of this section.

28 3-2A-01.

29 There is a State Higher Education Labor Relations Board established as an
30 independent unit of State government.

31 3-2A-04.

32 (a) (1) The STATE HIGHER EDUCATION LABOR RELATIONS Board AND THE
33 STATE LABOR RELATIONS BOARD JOINTLY shall appoint an Executive Director of the
34 [Board] BOARDS.

35 (2) The Executive Director:

1 (i) is responsible to and serves at the pleasure of the [Board]
2 BOARDS; and

3 (ii) is entitled to the salary provided in the State budget.

4 (b) The Executive Director shall perform the duties that the [Board assigns]
5 BOARDS ASSIGN, including:

6 (1) operating the office of the [Board] BOARDS; and

7 (2) keeping the official records of the [Board] BOARDS.

8 (c) The Executive Director may hire any staff necessary to carry out the
9 provisions of this subtitle.

10 (d) (1) With approval of the [Board] BOARDS, the Executive Director may
11 employ professional consultants.

12 (2) Each professional consultant serves at the pleasure of the Executive
13 Director.

14 3-2A-06.

15 The Board [may] SHALL adopt and enforce regulations, guidelines, and policies
16 to carry out this title [which:

17 (1) define unfair labor practices; and

18 (2) establish], INCLUDING ESTABLISHING permissible labor-related
19 activities on the work site.

20 3-301.

21 (a) Employees subject to this title have the right to:

22 (1) take part or refrain from taking part in forming, joining, supporting,
23 or participating in any employee organization or its lawful activities;

24 (2) be fairly represented by their exclusive representative, if any, in
25 collective bargaining; and

26 (3) except as provided in §§ 3-303 and 3-305 of this subtitle, engage in
27 other concerted activities for the purpose of collective bargaining OR OTHER MUTUAL
28 AID OR PROTECTION.

29 3-306.

30 (a) The State and its officers, employees, agents, or representatives are
31 prohibited from engaging in any unfair labor practice, [as defined by the Secretary]
32 INCLUDING:

1 (1) INTERFERING WITH, RESTRAINING, OR COERCING EMPLOYEES IN
2 THE EXERCISE OF THEIR RIGHTS UNDER THIS TITLE;

3 (2) DOMINATING, INTERFERING WITH, CONTRIBUTING FINANCIAL OR
4 OTHER SUPPORT TO, OR ASSISTING IN THE FORMATION, EXISTENCE, OR
5 ADMINISTRATION OF ANY LABOR ORGANIZATION;

6 (3) GRANTING ADMINISTRATIVE LEAVE TO EMPLOYEES TO ATTEND
7 EMPLOYER SPONSORED OR SUPPORTED MEETINGS OR EVENTS RELATING TO AN
8 ELECTION UNDER § 3-405 OF THIS TITLE, UNLESS THE EMPLOYER GRANTS
9 EMPLOYEES AT LEAST THE SAME AMOUNT OF ADMINISTRATIVE LEAVE TO ATTEND
10 LABOR ORGANIZATION SPONSORED OR SUPPORTED MEETINGS OR EMPLOYEE
11 MEETINGS;

12 (4) DISCRIMINATING IN HIRING, TENURE, OR ANY TERM OR CONDITION
13 OF EMPLOYMENT TO ENCOURAGE OR DISCOURAGE MEMBERSHIP IN AN EMPLOYEE
14 ORGANIZATION;

15 (5) DISCHARGING OR DISCRIMINATING AGAINST AN EMPLOYEE
16 BECAUSE OF THE SIGNING OR FILING OF AN AFFIDAVIT, PETITION, OR COMPLAINT,
17 OR GIVING INFORMATION OR TESTIMONY IN CONNECTION WITH MATTERS UNDER
18 THIS SUBTITLE;

19 (6) FAILING TO PROVIDE ALL EMPLOYEE ORGANIZATIONS INVOLVED IN
20 AN ELECTION THE SAME RIGHTS OF ACCESS AS PRESCRIBED BY THE BOARD
21 THROUGH REGULATION;

22 (7) ENGAGING IN SURVEILLANCE OF UNION ACTIVITIES;

23 (8) REFUSING TO BARGAIN IN GOOD FAITH; OR

24 (9) ENGAGING IN A LOCKOUT.

25 (b) Employee organizations and their agents or representatives are prohibited
26 from engaging in any unfair labor practice, [as defined by the Secretary]
27 INCLUDING:

28 (1) INTERFERING WITH, RESTRAINING, OR COERCING EMPLOYEES IN
29 THE EXERCISE OF THEIR RIGHTS UNDER THIS TITLE;

30 (2) CAUSING OR ATTEMPTING TO CAUSE AN EMPLOYER TO
31 DISCRIMINATE IN HIRING, TENURE, OR ANY TERM OR CONDITION OF EMPLOYMENT
32 TO ENCOURAGE OR DISCOURAGE MEMBERSHIP IN AN EMPLOYEE ORGANIZATION;

33 (3) ENGAGING IN, INDUCING, OR ENCOURAGING ANY PERSON TO
34 ENGAGE IN A STRIKE, AS DEFINED IN § 3-303(A) OF THIS SUBTITLE;

35 (4) INTERFERING WITH THE STATUTORY DUTIES OF THE STATE OR AN
36 EMPLOYER;

1 (5) REFUSING TO BARGAIN IN GOOD FAITH; OR

2 (6) NOT FAIRLY REPRESENTING EMPLOYEES IN COLLECTIVE
3 BARGAINING OR IN ANY OTHER MATTER IN WHICH THE EMPLOYEE ORGANIZATION
4 HAS THE DUTY OF FAIR REPRESENTATION.

5 3-501.

6 (a) (1) The following individuals or entities shall designate one or more
7 representatives to participate as a party in collective bargaining on behalf of the State
8 or the following institutions:

9 (i) on behalf of the State, the Governor;

10 (ii) on behalf of a system institution, the president of the system
11 institution; and

12 (iii) on behalf of Morgan State University, St. Mary's College of
13 Maryland, or Baltimore City Community College, the governing board of the
14 institution.

15 (2) The exclusive representative shall designate one or more
16 representatives to participate as a party in collective bargaining on behalf of the
17 exclusive representative.

18 (b) The parties shall meet at reasonable times and engage in collective
19 bargaining in good faith TO CONCLUDE A WRITTEN MEMORANDUM OF
20 UNDERSTANDING OR OTHER WRITTEN UNDERSTANDING.

21 (c) (1) The parties shall make every reasonable effort to conclude
22 negotiations in a timely manner for inclusion by the principal unit in its budget
23 request to the Governor.

24 (2) (i) The parties shall conclude negotiations before January 1 for any
25 item requiring an appropriation of funds for the fiscal year that begins on the
26 following July 1.

27 (ii) In the budget bill submitted to the General Assembly, the
28 Governor shall include any amounts in the budgets of the principal units required to
29 accommodate any additional cost resulting from the negotiations, including the
30 actuarial impact of any legislative changes to any of the State pension or retirement
31 systems that are required, as a result of the negotiations, for the fiscal year beginning
32 the following July 1 if the legislative changes have been negotiated to become effective
33 in that fiscal year.

34 (3) (I) IF THE PARTIES DO NOT CONCLUDE NEGOTIATIONS FOR THE
35 NEXT FISCAL YEAR BEFORE OCTOBER 25, EITHER PARTY MAY REQUEST THAT A FACT
36 FINDER BE EMPLOYED TO RESOLVE THE ISSUES.

1 (II) THE FACT FINDER SHALL BE EMPLOYED NO LATER THAN
2 NOVEMBER 1.

3 (III) A FACT FINDER SHALL BE A NEUTRAL PARTY APPOINTED BY
4 ALTERNATE STRIKING FROM A LIST BY THE PARTIES PROVIDED:

5 1. BY THE FEDERAL MEDIATION AND CONCILIATION
6 SERVICE; OR

7 2. UNDER THE LABOR ARBITRATION RULES OF THE
8 AMERICAN ARBITRATION ASSOCIATION.

9 (IV) THE FACT FINDER:

10 1. MAY GIVE NOTICE AND HOLD HEARINGS IN ACCORDANCE
11 WITH THE ADMINISTRATIVE PROCEDURE ACT;

12 2. MAY ADMINISTER OATHS AND TAKE TESTIMONY AND
13 OTHER EVIDENCE;

14 3. MAY ISSUE SUBPOENAS; AND

15 4. BEFORE NOVEMBER 20, SHALL MAKE WRITTEN
16 RECOMMENDATIONS REGARDING WAGES, HOURS, AND WORKING CONDITIONS, AND
17 ANY OTHER TERMS OR CONDITIONS OF EMPLOYMENT THAT MAY BE IN DISPUTE.

18 (V) THE WRITTEN RECOMMENDATIONS OF THE FACT FINDER
19 SHALL BE DELIVERED TO THE GOVERNOR, THE EXCLUSIVE REPRESENTATIVE, THE
20 PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES BY
21 THE SECRETARY ON OR BEFORE DECEMBER 1.

22 (d) (1) A memorandum of understanding that incorporates all matters of
23 agreement reached by the parties shall be executed by the exclusive representative
24 and:

25 (i) for a memorandum of understanding relating to the State, the
26 Governor or the Governor's designee;

27 (ii) for a memorandum of understanding relating to a system
28 institution, the president of the system institution or the president's designee; and

29 (iii) for a memorandum of understanding relating to Morgan State
30 University, St. Mary's College of Maryland, or Baltimore City Community College, the
31 governing board of the institution or the governing board's designee.

32 (2) To the extent these matters require legislative approval or the
33 appropriation of funds, the matters shall be recommended to the General Assembly
34 for approval or for the appropriation of funds.

1 (3) To the extent matters involving a State institution of higher
2 education require legislative approval, the legislation shall be recommended to the
3 Governor for submission to the General Assembly.

4 (e) Negotiations [or matters relating to negotiations] FOR A MEMORANDUM
5 OF UNDERSTANDING shall be considered closed sessions under § 10-508 of the State
6 Government Article.

7 (f) (1) The terms of a memorandum of understanding executed by the
8 Governor or the Governor's designee and an exclusive representative of a bargaining
9 unit for skilled service or professional service employees in the State Personnel
10 Management System are not applicable to employees of a State institution of higher
11 education.

12 (2) The terms of a memorandum of understanding executed by a
13 president of a system institution or the governing board of Morgan State University,
14 St. Mary's College of Maryland, or Baltimore City Community College, or their
15 respective designees, and the exclusive representative of a bargaining unit for
16 employees of a State institution of higher education are not applicable to skilled
17 service or professional service employees in the State Personnel Management System.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members
19 of the State Labor Relations Board shall expire as follows:

20 (a) one member in 2006;

21 (b) two members in 2007; and

22 (c) two members in 2009.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2006.