
By: **Delegates DeBoy, Bromwell, G. Clagett, Conroy, Malone, Moe, and Weir**
Introduced and read first time: February 10, 2006
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority Police Officers - Collective Bargaining**

3 FOR the purpose of authorizing the representatives of certain full-time Maryland
4 Transportation Authority police officers to collectively bargain with the
5 Maryland Transportation Authority concerning wages and benefits; authorizing
6 certain police officers to take certain actions or refrain from taking certain
7 actions in connection with certain labor organizations and collective bargaining
8 activities; establishing procedures for certifying a labor organization as an
9 exclusive representative of Maryland Transportation Authority police officers
10 and for collective bargaining negotiations; requiring certain parties to engage in
11 collective bargaining in good faith; requiring a collective bargaining agreement
12 to contain certain matters; requiring a collective bargaining agreement to be
13 ratified before becoming effective; providing for the construction of certain
14 provisions of law; and generally relating to collective bargaining with Maryland
15 Transportation Authority.

16 BY adding to
17 Article - Transportation
18 Section 4-208.2
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2005 Supplement)

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

23 **Article - Transportation**

24 4-208.2.

25 (A) THIS SECTION APPLIES TO ALL FULL-TIME MARYLAND TRANSPORTATION
26 AUTHORITY POLICE OFFICERS AT THE RANK OF LIEUTENANT AND BELOW.

27 (B) MARYLAND TRANSPORTATION AUTHORITY POLICE OFFICERS MAY:

1 (1) TAKE PART IN OR REFRAIN FROM TAKING PART IN FORMING,
2 JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR ORGANIZATION OR ITS
3 LAWFUL ACTIVITIES;

4 (2) SELECT A LABOR ORGANIZATION AS THEIR EXCLUSIVE
5 REPRESENTATIVE;

6 (3) ENGAGE IN COLLECTIVE BARGAINING WITH THE AUTHORITY, OR
7 THE DESIGNEE OF THE AUTHORITY, CONCERNING WAGES, INCLUDING PAY PARITY
8 WITH THE POLICE FORCES OF THE MARYLAND NATURAL RESOURCES POLICE AND
9 THE MARYLAND STATE POLICE, AND BENEFITS, NOT REGULATED BY THE
10 AUTHORITY, THROUGH A LABOR ORGANIZATION CERTIFIED AS THEIR EXCLUSIVE
11 REPRESENTATIVE;

12 (4) ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, THROUGH
13 THEIR EXCLUSIVE REPRESENTATIVE, COVERING THOSE WAGES AND BENEFITS NOT
14 REGULATED BY THE AUTHORITY; AND

15 (5) CERTIFY A LABOR ORGANIZATION AS THEIR EXCLUSIVE
16 REPRESENTATIVE.

17 (C) (1) A LABOR ORGANIZATION SHALL BE DEEMED CERTIFIED AS AN
18 EXCLUSIVE REPRESENTATIVE IF:

19 (I) A PETITION FOR THE LABOR ORGANIZATION TO BE
20 RECOGNIZED BY THE AUTHORITY IS SIGNED BY AT LEAST 51% OF THE POLICE
21 OFFICERS AT THE RANK OF LIEUTENANT AND BELOW INDICATING THEIR DESIRE TO
22 BE EXCLUSIVELY REPRESENTED BY THE PETITIONER FOR THE PURPOSE OF
23 COLLECTIVE BARGAINING; AND

24 (II) THE PETITION IS SUBMITTED TO THE AUTHORITY.

25 (2) IF THE AUTHORITY DOES NOT CHALLENGE THE VALIDITY OF THE
26 PETITION WITHIN 10 CALENDAR DAYS FOLLOWING THE RECEIPT OF THE PETITION,
27 THE LABOR ORGANIZATION SHALL BE DEEMED CERTIFIED AS THE EXCLUSIVE
28 REPRESENTATIVE.

29 (3) (I) IF THE AUTHORITY CHALLENGES THE VALIDITY OF THE
30 PETITION, THE AMERICAN ARBITRATION ASSOCIATION SHALL BE REQUESTED TO
31 APPOINT A NEUTRAL THIRD PARTY TO CONDUCT AN ELECTION AND TO CERTIFY
32 WHETHER THE LABOR ORGANIZATION HAS BEEN SELECTED AS THE EXCLUSIVE
33 REPRESENTATIVE BY A MAJORITY OF THE VOTES CAST IN THE ELECTION.

34 (II) THE COSTS ASSOCIATED WITH THE AMERICAN ARBITRATION
35 ASSOCIATION AND THE NEUTRAL THIRD PARTY SHALL BE SHARED EQUALLY BY THE
36 PARTIES.

37 (D) (1) FOLLOWING CERTIFICATION OF AN EXCLUSIVE REPRESENTATIVE
38 AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE PARTIES SHALL MEET AT
39 REASONABLE TIMES AND ENGAGE IN COLLECTIVE BARGAINING IN GOOD FAITH.

1 (2) THE PARTIES SHALL MAKE EVERY REASONABLE EFFORT TO
2 CONCLUDE NEGOTIATIONS IN A TIMELY MANNER.

3 (E) (1) A COLLECTIVE BARGAINING AGREEMENT SHALL CONTAIN ALL
4 MATTERS OF AGREEMENT REACHED IN THE COLLECTIVE BARGAINING PROCESS.

5 (2) THE AGREEMENT MAY CONTAIN A GRIEVANCE PROCEDURE
6 PROVIDING FOR NONBINDING ARBITRATION OF GRIEVANCES.

7 (3) AN AGREEMENT REACHED IN ACCORDANCE WITH THIS SECTION
8 SHALL BE IN WRITING AND SIGNED BY THE DESIGNATED REPRESENTATIVES OF THE
9 PARTIES INVOLVED IN THE COLLECTIVE BARGAINING NEGOTIATIONS.

10 (4) AN AGREEMENT IS NOT EFFECTIVE UNTIL IT IS RATIFIED BY A
11 MAJORITY OF THE VOTES CAST BY THE POLICE OFFICERS IN THE BARGAINING UNIT
12 AND THE AUTHORITY.

13 (F) NOTHING IN THIS SECTION MAY BE CONSTRUED AS AUTHORIZING OR
14 OTHERWISE ALLOWING A POLICE OFFICER TO ENGAGE IN A STRIKE AS DEFINED IN §
15 3-303 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2006.