
By: **Senators Gladden, Astle, Britt, Conway, Currie, Della, Exum, Forehand, Frosh, Garagiola, Giannetti, Green, Grosfeld, Hogan, Hollinger, Hughes, Jimeno, Jones, Kelley, Klausmeier, Kramer, Lawlah, McFadden, Pinsky, Ruben, Stone, and Teitelbaum**

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CHAPTER _____

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 Department under certain circumstances to provide
 15 certain information to certain exclusive representatives; prohibiting certain
 16 exclusive representatives from requesting or receiving certain information
 17 under certain circumstances; prohibiting certain exclusive representatives from
 18 sharing releasing certain information; providing a certain exception; prohibiting
 19 a certain exclusive representative from using certain information for a certain
 20 purpose; authorizing a certain exclusive representative to use certain
 21 information only for a certain purpose; specifying certain employee rights;
 22 prohibiting the State and employee organizations from engaging in certain
 23 unfair labor practices; requiring the Department to make certain information
 24 available to certain employee organizations for certain purposes under certain
 25 circumstances; allowing parties in collective bargaining to request that a fact

1 finder be employed under certain circumstances; specifying the manner of
 2 appointment and the powers and duties of a fact finder; clarifying the processes
 3 of collective bargaining; altering a certain definition; making certain conforming
 4 changes; and generally relating to collective bargaining for State employees and
 5 employees of State institutions of higher education.

6 BY repealing and reenacting, with amendments,
 7 Article - State Personnel and Pensions
 8 Section 3-101, 3-103, 3-201, 3-202, 3-204, 3-206, 3-207, 3-208, 3-209, 3-210,
 9 3-2A-04, 3-2A-06, 3-301(a), 3-306, 3-405(a), and 3-501
 10 Annotated Code of Maryland
 11 (2004 Replacement Volume and 2005 Supplement)

12 BY repealing
 13 Article - State Personnel and Pensions
 14 Section 3-205
 15 Annotated Code of Maryland
 16 (2004 Replacement Volume and 2005 Supplement)

17 BY repealing and reenacting, without amendments,
 18 Article - State Personnel and Pensions
 19 Section 3-2A-01
 20 Annotated Code of Maryland
 21 (2004 Replacement Volume and 2005 Supplement)

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

24 **Article - State Personnel and Pensions**

25 3-101.

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

27 (b) "Board" means:

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

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

34 (c) "Collective bargaining" means:

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

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

5 [(2)] ~~(H)~~ 2. incorporating the terms of the agreement in a written
6 memorandum of understanding OR OTHER WRITTEN UNDERSTANDING; OR

7 (II) CLARIFYING TERMS AND CONDITIONS OF EMPLOYMENT;

8 (2) ADMINISTRATION OF TERMS AND CONDITIONS OF EMPLOYMENT;
9 ~~OR; OR~~

10 (3) THE VOLUNTARY ADJUSTMENT OF ~~GRIEVANCES BY AN EXCLUSIVE~~
11 ~~REPRESENTATIVE A DISPUTE OR DISAGREEMENT BETWEEN AUTHORIZED~~
12 ~~REPRESENTATIVES OF EMPLOYEES AND THEIR EMPLOYER THAT ARISES UNDER A~~
13 ~~MEMORANDUM OF UNDERSTANDING OR OTHER WRITTEN UNDERSTANDING.~~

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

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

19 (f) "President" means:

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

22 (2) with regard to a center or institute, as those terms are defined in §
23 12-101 of the Education Article, the president of the center or institute;

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

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

28 (g) "System institution" means:

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

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

33 (3) the University System of Maryland Office.

1 3-103.

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

5 3-201.

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

8 3-202.

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

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

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

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

17 (2) two members {with knowledge of labor issues} CHOSEN FROM A LIST
18 OF ~~FIVE~~ CANDIDATES SUBMITTED ~~JOINTLY BY THE EXCLUSIVE REPRESENTATIVES~~
19 BY EACH EXCLUSIVE REPRESENTATIVE, appointed by the Governor with the advice
20 and consent of the Senate, who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (2) each major geographic area of the State is represented on the Board.

19 3-204.

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

23 (2) The Executive Director:

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

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

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

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

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

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

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

3 (2) Each professional consultant serves at the pleasure of the Executive
4 Director.

5 [3-205.

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

7 [3-206.] 3-205.

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

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

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

14 1. the effect of over fragmentation on the employer;

15 2. the administrative structures of the State employer;

16 3. the recommendations of the parties;

17 4. the recommendations of the [Secretary] EXECUTIVE

18 DIRECTOR;

19 5. the desires of the employees involved;

20 6. the communities of interest of the employees involved; and

21 7. the wages, hours, and other working conditions of the

22 employees;

23 (ii) establish standards for determining an appropriate bargaining
24 unit; and

25 (iii) investigate and resolve disputes about appropriate bargaining
26 units;

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

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

1 [3-207.] 3-206.

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

4 (1) define unfair labor practices; and

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

7 [3-208.] 3-207.

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

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

11 (2) any other relevant matter.

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

15 [3-209.] 3-208.

16 (A) ON WRITTEN REQUEST OF AN EXCLUSIVE REPRESENTATIVE, FOR EACH
17 EMPLOYEE IN THE BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE
18 REPRESENTATIVE, THE ~~BOARD DEPARTMENT SHALL ORDER THE STATE TO PROVIDE~~
19 THE EXCLUSIVE REPRESENTATIVE WITH THE EMPLOYEE'S:

20 (1) NAME;

21 (2) POSITION CLASSIFICATION;

22 (3) UNIT;

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

25 (5) HOME AND WORK SITE TELEPHONE NUMBERS.

26 (B) AN EXCLUSIVE REPRESENTATIVE MAY PRESENT A REQUEST FOR
27 EMPLOYEE INFORMATION, AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION,
28 ~~ONCE TWICE EVERY 3 MONTHS~~ CALENDAR YEAR.

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

32 (D) (1) THIRTY DAYS BEFORE PROVIDING AN EMPLOYEE'S NAME,
33 ADDRESSES, TELEPHONE NUMBERS, AND WORK INFORMATION TO AN EXCLUSIVE

1 REPRESENTATIVE, THE EMPLOYER SHALL NOTIFY THE EMPLOYEE OF THE
2 PROVISIONS OF THIS SECTION.

3 (2) THE EMPLOYEE MAY, WITHIN 15 DAYS OF THE EMPLOYER'S NOTICE
4 UNDER PARAGRAPH (1) OF THIS SUBSECTION, NOTIFY THE EMPLOYER THAT THE
5 EMPLOYEE DOES NOT WANT THE EMPLOYEE'S NAME, ADDRESSES, TELEPHONE
6 NUMBERS, OR WORK INFORMATION TO BE PROVIDED TO AN EXCLUSIVE
7 REPRESENTATIVE.

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

12 ~~(E) (1) ONCE ANNUALLY, BETWEEN AUGUST 1 AND AUGUST 31, AN~~
13 ~~EMPLOYEE:~~

14 ~~(1) MAY NOTIFY AN EXCLUSIVE REPRESENTATIVE TO REMOVE THE~~
15 ~~EMPLOYEE'S NAME AND HOME AND WORK ADDRESS FROM A LIST PROVIDED BY THE~~
16 ~~EMPLOYER; AND~~

17 ~~(1) SHALL SEND A COPY OF THE NOTIFICATION TO THE EMPLOYER.~~

18 ~~(2) WHEN THE EXCLUSIVE REPRESENTATIVE AND THE EMPLOYER~~
19 ~~RECEIVE NOTIFICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE~~
20 ~~EMPLOYEE'S NAME AND HOME AND WORK ADDRESS SHALL BE REMOVED FROM ALL~~
21 ~~FUTURE LISTS ISSUED THROUGH THE FOLLOWING AUGUST 1.~~

22 ~~(E) AN INCUMBENT EXCLUSIVE REPRESENTATIVE FOR A BARGAINING UNIT~~
23 ~~THAT IS THE SUBJECT OF AN ELECTION UNDER § 3-405 OF THIS TITLE MAY NOT~~
24 ~~REQUEST OR RECEIVE ANY EMPLOYEE INFORMATION AS PROVIDED UNDER~~
25 ~~SUBSECTIONS (A) AND (B) OF THIS SECTION.~~

26 (F) AN EMPLOYER MAY CHARGE AN EXCLUSIVE REPRESENTATIVE A FEE NOT
27 TO EXCEED THE ACTUAL COST OF PROVIDING A LIST OF EMPLOYEES' NAMES,
28 ADDRESSES, TELEPHONE NUMBERS, AND WORK INFORMATION TO THE EXCLUSIVE
29 REPRESENTATIVE.

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

34 (2) AN EXCLUSIVE REPRESENTATIVE MAY ~~UTILIZE~~ AUTHORIZE THIRD
35 PARTY CONTRACTORS TO USE THE INFORMATION THAT IT RECEIVES UNDER THIS
36 SECTION, AS DIRECTED BY THE EXCLUSIVE REPRESENTATIVE, TO CARRY OUT ~~ITS~~
37 THE EXCLUSIVE REPRESENTATIVE'S STATUTORY DUTIES UNDER THIS TITLE.

1 (H) (1) AN EXCLUSIVE REPRESENTATIVE MAY NOT USE THE INFORMATION
2 THAT IT RECEIVES UNDER THIS SECTION FOR THE PURPOSE OF INCREASING
3 EMPLOYEE MEMBERSHIP IN AN EMPLOYEE ORGANIZATION.

4 (2) AN EXCLUSIVE REPRESENTATIVE MAY USE THE INFORMATION THAT
5 IT RECEIVES UNDER THIS SECTION ONLY TO CARRY OUT ITS STATUTORY DUTIES
6 UNDER THIS TITLE.

7 [3-210.] 3-209.

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

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

13 3-2A-01.

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

16 3-2A-04.

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

20 (2) The Executive Director:

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

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

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

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

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

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

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

32 (2) Each professional consultant serves at the pleasure of the Executive
33 Director.

1 3-2A-06.

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

4 (1) define unfair labor practices; and

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

7 3-301.

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

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

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

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

16 3-306.

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

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

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

25 (3) GRANTING ADMINISTRATIVE LEAVE TO EMPLOYEES TO ATTEND
26 EMPLOYER SPONSORED OR SUPPORTED MEETINGS OR EVENTS RELATING TO AN
27 ELECTION UNDER § 3-405 OF THIS TITLE, UNLESS THE EMPLOYER GRANTS
28 EMPLOYEES AT LEAST THE SAME AMOUNT OF ADMINISTRATIVE LEAVE TO ATTEND
29 LABOR ORGANIZATION SPONSORED OR SUPPORTED MEETINGS OR EMPLOYEE
30 MEETINGS;

31 (4) DISCRIMINATING IN HIRING, TENURE, OR ANY TERM OR CONDITION
32 OF EMPLOYMENT TO ENCOURAGE OR DISCOURAGE MEMBERSHIP IN AN EMPLOYEE
33 ORGANIZATION;

34 (5) DISCHARGING OR DISCRIMINATING AGAINST AN EMPLOYEE
35 BECAUSE OF THE SIGNING OR FILING OF AN AFFIDAVIT, PETITION, OR COMPLAINT,

1 OR GIVING INFORMATION OR TESTIMONY IN CONNECTION WITH MATTERS UNDER
2 THIS SUBTITLE;

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

6 (7) ENGAGING IN SURVEILLANCE OF UNION ACTIVITIES;

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

8 (9) ENGAGING IN A LOCKOUT.

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

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

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

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

19 (4) INTERFERING WITH THE STATUTORY DUTIES OF THE STATE OR AN
20 EMPLOYER;

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

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

25 3-405.

26 (a) (1) Within 5 days of determination that a valid petition has been
27 submitted, the Board shall notify interested employee organizations of the pending
28 election petition.

29 (2) WITHIN 10 DAYS OF DETERMINATION THAT A VALID PETITION HAS
30 BEEN SUBMITTED UNDER § 3-402 OF THIS SUBTITLE OR SUBSECTION (C)(2)(III) OF
31 THIS SECTION, THE DEPARTMENT SHALL MAKE AVAILABLE TO ALL INTERESTED
32 EMPLOYEE ORGANIZATIONS REASONABLE AND EQUIVALENT MEANS TO
33 COMMUNICATE BY MAIL AND IN PERSON WITH EACH EMPLOYEE IN THE
34 APPROPRIATE BARGAINING UNIT FOR THE PURPOSE OF SOLICITING THE
35 EMPLOYEE'S VOTE IN AN ELECTION HELD UNDER THIS SECTION.

1 3-501.

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

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

6 (ii) on behalf of a system institution, the president of the system
7 institution; and

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

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

14 (b) The parties shall meet at reasonable times and engage in collective
15 bargaining in good faith TO CONCLUDE A WRITTEN MEMORANDUM OF
16 UNDERSTANDING OR OTHER WRITTEN UNDERSTANDING AS DEFINED UNDER §
17 3-101(C)(1)(II) OF THIS TITLE.

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

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

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

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

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

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

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

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

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

14 (a) one member in 2006;

15 (b) two members in 2007; and

16 (c) two members in 2009.

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