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By: **Senator Giannetti**

Introduced and read first time: February 3, 2006

Assigned to: Finance

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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.