

SENATE BILL 886

P4, F2

8lr2819
CF HB 1220

By: **Senators Klausmeier, Conway, Exum, Gladden, Madaleno, McFadden, Pinsky, Raskin, and Stone**

Introduced and read first time: February 15, 2008

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – Procedures**

3 FOR the purpose of clarifying the application of certain provisions of law relating to
4 the failure to comply with certain orders of the State Labor Relations Board and
5 the State Higher Education Labor Relations Board; altering certain dates by
6 which certain actions relating to certain collective bargaining negotiations must
7 be taken; clarifying that certain fact finders must make certain written
8 recommendations to certain representatives; providing that a certain memorandum
9 of understanding is valid for more than a certain number of years
10 under certain circumstances; providing that certain matters of agreement in a
11 memorandum of understanding are not valid for more than a certain number of
12 years; providing that a certain memorandum of understanding is not effective
13 until it is ratified by a certain exclusive representative; defining a certain term;
14 and generally relating to collective bargaining for State employees.

15 BY repealing and reenacting, with amendments,
16 Article – State Personnel and Pensions
17 Section 3-101, 3-209, 3-2A-09, 3-501(c), and 3-601
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2007 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – State Personnel and Pensions
22 Section 3-501(a)
23 Annotated Code of Maryland
24 (2004 Replacement Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



Article – State Personnel and Pensions

2 3–101.

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

4 (b) “Board” means:

5 (1) with regard to any matter relating to employees of any of the units
6 of State government described in § 3–102(a)(1) through (4) of this subtitle, the State
7 Labor Relations Board; and

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

11 (c) “Collective bargaining” means:

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

14 (i) 1. reaching an agreement about wages, hours, and other
15 terms and conditions of employment; and

16 2. incorporating the terms of the agreement in a written
17 memorandum of understanding or other written understanding; or

18 (ii) clarifying terms and conditions of employment;

19 (2) administration of terms and conditions of employment; or

20 (3) the voluntary adjustment of a dispute or disagreement between
21 authorized representatives of employees and their employer that arises under a
22 memorandum of understanding or other written understanding.

23 (d) “Employee organization” means a labor or other organization in which
24 State employees participate and that has as one of its primary purposes representing
25 employees.

26 (e) **“EMPLOYER” MEANS:**

27 (1) **A PRINCIPAL DEPARTMENT WITHIN THE EXECUTIVE BRANCH**
28 **OF STATE GOVERNMENT;**

29 (2) **THE MARYLAND INSURANCE ADMINISTRATION;**

30 (3) **THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION;**

1 **(4) THE STATE LOTTERY AGENCY; AND**2 **(5) THE UNIVERSITY SYSTEM OF MARYLAND, MORGAN STATE**
3 **UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY**
4 **COMMUNITY COLLEGE.**5 **(F)** "Exclusive representative" means an employee organization that has
6 been certified by the Board as an exclusive representative under Subtitle 4 of this title.7 **[(f)] (G)** "President" means:8 (1) with regard to a constituent institution, as defined in § 12–101 of
9 the Education Article, the president of the constituent institution;10 (2) with regard to a center or institute, as those terms are defined in §
11 12–101 of the Education Article, the president of the center or institute;12 (3) with regard to the University System of Maryland Office, the
13 Chancellor of the University System of Maryland; and14 (4) with regard to Morgan State University, St. Mary's College of
15 Maryland, and Baltimore City Community College, the president of the institution.16 **[(g)] (H)** "System institution" means:17 (1) a constituent institution, as defined in § 12–101 of the Education
18 Article;19 (2) a center or institute, as those terms are defined in § 12–101 of the
20 Education Article; and

21 (3) the University System of Maryland Office.

22 3–209.

23 **(a) If [a person] AN EMPLOYER, EMPLOYEE ORGANIZATION, OR**
24 **COVERED EMPLOYEE** fails to comply with an order issued by the Board, a member of
25 the Board may petition the circuit court to order the **[person] EMPLOYER, EMPLOYEE**
26 **ORGANIZATION, OR COVERED EMPLOYEE** to comply with the Board's order.27 **(b) The Board shall not be required to post bond in an action under**
28 **subsection (a) of this section.**

29 3–2A–09.

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

7 3-501.

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

12 (ii) on behalf of a system institution, the president of the system
13 institution; and

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

1 (ii) The fact finder shall be [employed] **SELECTED** no later than
2 [November 1] **NOVEMBER 4**.

(iii) A fact finder shall be a neutral party appointed by alternate striking from a list by the parties provided:

5 1. by the Federal Mediation and Conciliation Service; or

8 (iv) The fact finder:

13 3. may issue subpoenas; and

18 (v) The written recommendations of the fact finder shall be
19 delivered to the Governor, the exclusive representative, the President of the Senate,
20 and the Speaker of the House of Delegates by the Secretary on or before [December 1]
21 **DECEMBER 15.**

22 3-601.

23 (a) (1) A memorandum of understanding shall contain all matters of
24 agreement reached in the collective bargaining process.

25 (2) The memorandum shall be in writing and signed by the exclusive
26 representative involved in the collective bargaining negotiations and:

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

4 (b) (1) [No] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
5 SUBSECTION, NO memorandum of understanding is valid if it extends for less than 1
6 year or for more than 3 years.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2008.