

HOUSE BILL 1357

P4, R2
SB 722/06 – FIN

9lr2749

By: **Delegates Jones and DeBoy**

Introduced and read first time: February 19, 2009

Assigned to: Rules and Executive Nominations

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 binding arbitration under
14 certain circumstances; providing for the membership, procedures, powers, and
15 duties of the arbitration panel; specifying that the decision of the arbitration
16 panel is binding on both parties; providing for the payment of the costs of an
17 arbitration proceeding under this Act; providing for the construction of certain
18 provisions of law; and generally relating to collective bargaining with Maryland
19 Transportation Authority.

20 BY adding to

21 Article – Transportation
22 Section 4-208.2
23 Annotated Code of Maryland
24 (2008 Replacement Volume)

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

27 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **4-208.2.**

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

5 (B) MARYLAND TRANSPORTATION AUTHORITY POLICE OFFICERS MAY:

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

9 (2) SELECT A LABOR ORGANIZATION AS THEIR EXCLUSIVE
10 REPRESENTATIVE;

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

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

20 (5) CERTIFY A LABOR ORGANIZATION AS THEIR EXCLUSIVE
21 REPRESENTATIVE.

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

24 (I) A PETITION FOR THE LABOR ORGANIZATION TO BE
25 RECOGNIZED BY THE AUTHORITY IS SIGNED BY AT LEAST 51% OF THE POLICE
26 OFFICERS AT THE RANK OF LIEUTENANT AND BELOW INDICATING THEIR DESIRE
27 TO BE EXCLUSIVELY REPRESENTED BY THE PETITIONER FOR THE PURPOSE OF
28 COLLECTIVE BARGAINING; AND

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

30 (2) IF THE AUTHORITY DOES NOT CHALLENGE THE VALIDITY OF
31 THE PETITION WITHIN 10 CALENDAR DAYS FOLLOWING THE RECEIPT OF THE
32 PETITION, THE LABOR ORGANIZATION SHALL BE DEEMED CERTIFIED AS THE
33 EXCLUSIVE REPRESENTATIVE.

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

7 **(II) THE COSTS ASSOCIATED WITH THE AMERICAN**
8 **ARBITRATION ASSOCIATION AND THE NEUTRAL THIRD PARTY SHALL BE**
9 **SHARED EQUALLY BY THE PARTIES.**

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

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

16 **(E) (1) A COLLECTIVE BARGAINING AGREEMENT SHALL CONTAIN ALL**
17 **MATTERS OF AGREEMENT REACHED IN THE COLLECTIVE BARGAINING PROCESS.**

18 **(2) THE AGREEMENT MAY CONTAIN A GRIEVANCE PROCEDURE**
19 **PROVIDING FOR BINDING ARBITRATION OF GRIEVANCES.**

20 **(3) AN AGREEMENT REACHED IN ACCORDANCE WITH THIS**
21 **SECTION SHALL BE IN WRITING AND SIGNED BY THE DESIGNATED**
22 **REPRESENTATIVES OF THE PARTIES INVOLVED IN THE COLLECTIVE**
23 **BARGAINING NEGOTIATIONS.**

24 **(4) AN AGREEMENT IS NOT EFFECTIVE UNTIL IT IS RATIFIED BY A**
25 **MAJORITY OF THE VOTES CAST BY THE POLICE OFFICERS IN THE BARGAINING**
26 **UNIT AND THE AUTHORITY.**

27 **(F) (1) IF THE AUTHORITY AND THE CERTIFIED LABOR**
28 **ORGANIZATION ARE UNABLE TO REACH A WRITTEN AGREEMENT BY JANUARY 15**
29 **OF ANY YEAR ON WAGES AND TERMS AND CONDITIONS OF EMPLOYMENT, THE**
30 **AUTHORITY OR THE CERTIFIED LABOR ORGANIZATION MAY DEMAND BINDING**
31 **ARBITRATION BEFORE AN ARBITRATION PANEL IN ACCORDANCE WITH THIS**
32 **SUBSECTION.**

33 **(2) (I) THE PANEL SHALL BE COMPOSED OF THREE MEMBERS**
34 **WHO ARE MEMBERS OF THE NATIONAL ACADEMY OF ARBITRATORS.**

1 **(II) WITHIN 3 DAYS OF THE REQUEST FOR ARBITRATION,**
2 **EACH PARTY SHALL SELECT ONE MEMBER OF THE PANEL BY ALTERNATIVE**
3 **STRIKES FROM A PANEL THAT IS CHOSEN FROM A LIST SUPPLIED BY THE**
4 **AMERICAN ARBITRATION ASSOCIATION OR THE FEDERAL MEDIATION AND**
5 **CONCILIATION SERVICE.**

6 **(III) WITHIN 4 ADDITIONAL DAYS, THE THIRD MEMBER, WHO**
7 **SHALL SERVE AS CHAIR OF THE PANEL, SHALL BE SELECTED:**

8 **1. BY THE TWO ARBITRATORS CHOSEN UNDER**
9 **SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND**

10 **2. IN ACCORDANCE WITH THE PROCEDURES OF THE**
11 **AMERICAN ARBITRATION ASSOCIATION.**

12 **(3) THE PANEL SHALL BEGIN ARBITRATION PROCEEDINGS**
13 **WITHIN 15 DAYS AFTER THE CHAIR IS SELECTED AND SHALL MAKE A DECISION**
14 **ON THE MATTER THAT IS THE SUBJECT OF THE ARBITRATION, BY MAJORITY**
15 **VOTE, WITHIN 30 DAYS AFTER THE COMMENCEMENT OF THE ARBITRATION**
16 **PROCEEDINGS.**

17 **(4) THE ARBITRATION PANEL SHALL HAVE THE POWER TO**
18 **ADMINISTER OATHS, COMPEL THE ATTENDANCE OF WITNESSES AND THE**
19 **PRODUCTION OF EVIDENCE BY SUBPOENA, AND DECLARE THE RECORD CLOSED.**

20 **(5) THE WRITTEN DECISION OF THE ARBITRATION PANEL SHALL**
21 **BE FINAL AND BINDING ON THE AUTHORITY AND THE CERTIFIED LABOR**
22 **ORGANIZATION.**

23 **(6) THE AUTHORITY AND THE CERTIFIED LABOR ORGANIZATION**
24 **SHALL SHARE EQUALLY IN THE COSTS OF AN ARBITRATION PROCEEDING UNDER**
25 **THIS SUBSECTION.**

26 **(G) NOTHING IN THIS SECTION MAY BE CONSTRUED AS AUTHORIZING**
27 **OR OTHERWISE ALLOWING A POLICE OFFICER TO ENGAGE IN A STRIKE AS**
28 **DEFINED IN § 3-303 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

29 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
30 **July 1, 2009.**