

# HOUSE BILL 537

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CF 2lr3042

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By: **Delegates Jones, Clagett, Cullison, Donoghue, Gaines, Glenn, Gutierrez, Guzzone, Haynes, Healey, Hixson, Hucker, Mizeur, Nathan-Pulliam, Reznik, B. Robinson, V. Turner, Valderrama, and Washington**

Introduced and read first time: February 3, 2012

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – Applicability**

3 FOR the purpose of providing certain collective bargaining rights to certain State  
4 employees; specifying the responsibilities of the State Labor Relations Board in  
5 administering and enforcing certain provisions of law relating to the collective  
6 bargaining rights of certain State employees; requiring the State Labor  
7 Relations Board to create certain bargaining units for certain State employees;  
8 and generally relating to the collective bargaining rights of State employees.

9 BY repealing and reenacting, with amendments,  
10 Article – State Personnel and Pensions  
11 Section 3–101(b), 3–102, and 3–205  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume and 2011 Supplement)

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

16 **Article – State Personnel and Pensions**

17 3–101.

18 (b) “Board” means:

19 (1) with regard to any matter relating to employees of any of the units  
20 of State government described in § 3–102(a)(1)(i) through (iv) **AND (VI) THROUGH**  
21 **(IX)** of this subtitle and employees described in § 3–102(a)(2) of this subtitle, the State  
22 Labor Relations Board; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) with regard to any matter relating to employees of any State  
2 institution of higher education described in § 3–102(a)(1)(v) of this subtitle, the State  
3 Higher Education Labor Relations Board.

4 3–102.

5           (a) Except as provided in this title or as otherwise provided by law, this title  
6 applies to:

7           (1) all employees of:

8                   (i) the principal departments within the Executive Branch of  
9 State government;

10                   (ii) the Maryland Insurance Administration;

11                   (iii) the State Department of Assessments and Taxation;

12                   (iv) the State Lottery Agency; [and]

13                   (v) the University System of Maryland, Morgan State  
14 University, St. Mary's College of Maryland, and Baltimore City Community College;  
15 [and]

16                   **(VI) THE COMPTROLLER;**

17                   **(VII) THE MARYLAND TRANSPORTATION AUTHORITY WHO**  
18 **ARE NOT POLICE OFFICERS;**

19                   **(VIII) THE STATE RETIREMENT AGENCY; AND**

20                   **(IX) THE STATE DEPARTMENT OF EDUCATION; AND**

21           (2) all full-time Maryland Transportation Authority police officers at  
22 the rank of first sergeant and below.

23           (b) This title does not apply to:

24                   (1) employees of the Maryland Transit Administration, as that term is  
25 defined in § 7–601(a)(2) of the Transportation Article;

26                   (2) an employee who is elected to the position by popular vote;

27                   (3) an employee in a position by election or appointment that is  
28 provided for by the Maryland Constitution;

- 1                   (4)    an employee who is:
- 2                           (i)    a special appointment in the State Personnel Management  
3 System; or
- 4                           (ii)   1.    directly appointed by the Governor by an appointment  
5 that is not provided for by the Maryland Constitution;
- 6                                   2.    appointed by or on the staff of the Governor or  
7 Lieutenant Governor; or
- 8                                   3.    assigned to the Government House or the Governor's  
9 Office;
- 10                   (5)    an employee assigned to the Board or with access to records of the  
11 Board;
- 12                   (6)    an employee in:
- 13                           (i)    the executive service of the State Personnel Management  
14 System; or
- 15                           (ii)   a unit of the Executive Branch with an independent  
16 personnel system who is:
- 17                                   1.    the chief administrator of the unit or a comparable  
18 position that is not excluded under item (3) of this subsection as a constitutional or  
19 elected office; or
- 20                                   2.    a deputy or assistant administrator of the unit or a  
21 comparable position;
- 22                   (7)    (i)    a temporary or contractual employee in the State Personnel  
23 Management System; or
- 24                           (ii)   a contractual, temporary, or emergency employee in a unit of  
25 the Executive Branch with an independent personnel system;
- 26                   (8)    an employee who is entitled to participate in collective bargaining  
27 under another law;
- 28                   (9)    an employee of the University System of Maryland, Morgan State  
29 University, St. Mary's College of Maryland, or Baltimore City Community College who  
30 is:
- 31                           (i)    a chief administrator or in a comparable position;

1 (ii) a deputy, associate, or assistant administrator or in a  
2 comparable position;

3 (iii) a member of the faculty, including a faculty librarian;

4 (iv) a student employee, including a teaching assistant or a  
5 comparable position, fellow, or post doctoral intern;

6 (v) a contingent, contractual, temporary, or emergency  
7 employee;

8 (vi) a contingent, contractual, or temporary employee whose  
9 position is funded through a research or service grant or contract, or through clinical  
10 revenues; or

11 (vii) an employee whose regular place of employment is outside  
12 the State of Maryland;

13 (10) an employee whose participation in a labor organization would be  
14 contrary to the State's ethics laws;

15 (11) any supervisory, managerial, or confidential employee of a unit of  
16 State government listed in subsection (a)(1)(i) through (iv) **AND (VI) THROUGH (IX)** of  
17 this section, as defined in regulations adopted by the Secretary;

18 (12) any supervisory, managerial, or confidential employee of a State  
19 institution of higher education listed in subsection (a)(1)(v) of this section, as defined  
20 in regulations adopted by the governing board of the institution; or

21 (13) any employee described in subsection (a)(2) of this section who is a  
22 supervisory, managerial, or confidential employee, as defined in regulations adopted  
23 by the Secretary.

24 3-205.

25 (a) The Board is responsible for administering and enforcing provisions of  
26 this title relating to employees described in § 3-102(a)(1)(i) through (iv) **AND (VI)**  
27 **THROUGH (IX)** and (2) of this title.

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

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

32 1. the effect of overfragmentation on the employer;

- 1                                   2.     the administrative structures of the State employer;
- 2                                   3.     the recommendations of the parties;
- 3                                   4.     the recommendations of the Executive Director;
- 4                                   5.     the desires of the employees involved;
- 5                                   6.     the communities of interest of the employees involved;
- 6     and
- 7                                   7.     the wages, hours, and other working conditions of the
- 8     employees;

9                                   (ii)    establish standards for determining an appropriate  
10    bargaining unit; and

11                                  (iii)   investigate and resolve disputes about appropriate  
12    bargaining units;

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

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

17                   **(C)    THE BOARD SHALL DESIGNATE A UNIQUE BARGAINING UNIT FOR**  
18    **EACH OF THE UNITS OF GOVERNMENT IDENTIFIED IN § 3-102(A)(1)(VI)**  
19    **THROUGH (IX) OF THIS TITLE.**

20                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21    July 1, 2012.