

HOUSE BILL 893

P4

3lr2846
CF SB 759

By: **Delegates M. Washington, Anderson, Barkley, Braveboy, Cullison, Glenn, Gutierrez, Haynes, Hucker, Ivey, Kaiser, A. Kelly, Mitchell, Olszewski, B. Robinson, Stukes, Summers, and Zucker**

Introduced and read first time: February 7, 2013

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Equality for Maryland Caregivers Act of 2013**

3 FOR the purpose of providing certain collective bargaining rights to certain employees
4 of the University of Maryland Medical Center; and generally relating to the
5 collective bargaining rights of University of Maryland Medical Center
6 employees.

7 BY repealing and reenacting, with amendments,
8 Article – State Personnel and Pensions
9 Section 3–102
10 Annotated Code of Maryland
11 (2009 Replacement Volume and 2012 Supplement)

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

14 **Article – State Personnel and Pensions**

15 3–102.

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

18 (1) all employees of:

19 (i) the principal departments within the Executive Branch of
20 State government;

21 (ii) the Maryland Insurance Administration;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (iii) the State Department of Assessments and Taxation;
- 2 (iv) the State Lottery Agency;
- 3 (v) the University System of Maryland, Morgan State
4 University, St. Mary's College of Maryland, and Baltimore City Community College;
- 5 (vi) the Comptroller;
- 6 (vii) the Maryland Transportation Authority who are not police
7 officers;
- 8 (viii) the State Retirement Agency; [and]
- 9 (ix) the State Department of Education; and
- 10 **(X) THE UNIVERSITY OF MARYLAND MEDICAL CENTER;**

11 **AND**

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

14 (b) This title does not apply to:

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

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

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

20 (4) an employee who is:

21 (i) a special appointment in the State Personnel Management
22 System; or

23 (ii) 1. directly appointed by the Governor by an appointment
24 that is not provided for by the Maryland Constitution;

25 2. appointed by or on the staff of the Governor or
26 Lieutenant Governor; or

27 3. assigned to the Government House or the Governor's
28 Office;

1 (5) an employee assigned to the Board or with access to records of the
2 Board;

3 (6) an employee in:

4 (i) the executive service of the State Personnel Management
5 System; or

6 (ii) a unit of the Executive Branch with an independent
7 personnel system who is:

8 1. the chief administrator of the unit or a comparable
9 position that is not excluded under item (3) of this subsection as a constitutional or
10 elected office; or

11 2. a deputy or assistant administrator of the unit or a
12 comparable position;

13 (7) (i) a temporary or contractual employee in the State Personnel
14 Management System; or

15 (ii) a contractual, temporary, or emergency employee in a unit of
16 the Executive Branch with an independent personnel system;

17 (8) an employee who is entitled to participate in collective bargaining
18 under another law;

19 (9) an employee of the University System of Maryland, Morgan State
20 University, St. Mary's College of Maryland, [or] Baltimore City Community College,
21 **OR THE UNIVERSITY OF MARYLAND MEDICAL CENTER** who is:

22 (i) a chief administrator or in a comparable position;

23 (ii) a deputy, associate, or assistant administrator or in a
24 comparable position;

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

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

28 (v) a contingent, contractual, temporary, or emergency
29 employee;

30 (vi) a contingent, contractual, or temporary employee whose
31 position is funded through a research or service grant or contract, or through clinical
32 revenues; or

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

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

5 (11) any supervisory, managerial, or confidential employee of a unit of
6 State government listed in subsection (a)(1)(i) through (iv) and (vi) through (ix) of this
7 section, as defined in regulations adopted by the Secretary;

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2013.