

HB0027/414668/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 27
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Haynes” and substitute “Delegates Haynes, Anderson, Angel, Barkley, B. Barnes, Barron, Barve, Branch, Bromwell, Brooks, Carey, Carr, Carter, Clippinger, Conaway, Cullison, Davis, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Hammen, Hayes, Healey, Hettleman, Hill, Hixson, C. Howard, Jackson, Jalisi, Jones, Kaiser, Kelly, Knotts, Korman, Kramer, Lafferty, Lam, Lierman, Luedtke, McCray, A. Miller, Moon, Morales, Oaks, Patterson, Pena-Melnyk, Platt, Reznik, B. Robinson, S. Robinson, Rosenberg, Sanchez, Smith, Sophocleus, Stein, Sydnor, Tarlau, Valderrama, Waldstreicher, A. Washington, M. Washington, K. Young, P. Young, and Zucker”.

AMENDMENT NO. 2

On page 1, in line 28, strike “providing” and substitute “requiring”; and in the same line, strike “may”.

On page 2, in line 1, after “time;” insert “repealing references to the Baltimore County Community College from certain provisions of law relating to collective bargaining requirements for certain State employees; providing that the exclusive representative of a certain bargaining unit maintains certification under certain circumstances; requiring that certain community colleges be subject to certain rules and regulations under certain circumstances;”; in line 16, after “Section” insert “3-101(a) and”; in line 21, after “Section” insert “3-101(f), 3-102(a),”; in the same line, strike “and”; and in the same line, after “3-2A-08(a)” insert “, 3-403(d) and (e), 3-501(a), (d), and (f), 3-502(c), and 3-601(a)”.

AMENDMENT NO. 3

On page 5, in line 4, after “(R)” insert “(1)”; and after line 5, insert:

(Over)

“(2) ‘PUBLIC EMPLOYER’ INCLUDES THE BOARD OF TRUSTEES OF BALTIMORE CITY COMMUNITY COLLEGE.”

On page 6, in line 22, strike “FOUR” and substitute “SIX”; and in line 29, strike “AND”.

On page 7, in line 1, strike “ONE UNIT” and substitute “TWO UNITS”; and in line 2, after “ACT” insert “;AND”

(V) ONE UNIT RESERVED FOR SWORN POLICE OFFICERS”.

On page 8, after line 9, insert:

“(G) THE EXCLUSIVE REPRESENTATIVE OF A BARGAINING UNIT THAT OPERATED UNDER A COLLECTIVE BARGAINING AGREEMENT OR CONTRACT BEFORE OCTOBER 1, 2016, MAINTAINS CERTIFICATION AFTER THE AGREEMENT OR CONTRACT EXPIRES.”

On page 13, after line 11, insert:

“3-101.

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

(f) ‘President’ means:

(1) with regard to a constituent institution, as defined in § 12-101 of the Education Article, the president of the constituent institution;

(2) with regard to a center or institute, as those terms are defined in § 12-101 of the Education Article, the president of the center or institute;

HB0027/414668/1 Appropriations Committee
Amendments to HB 27
Page 3 of 8

(3) with regard to the University System of Maryland Office, the Chancellor of the University System of Maryland; and

(4) with regard to Morgan State University[,] AND St. Mary's College of Maryland, [and Baltimore City Community College,] the president of the institution.

3-102.

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

(1) all employees of:

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

(ii) the Maryland Insurance Administration;

(iii) the State Department of Assessments and Taxation;

(iv) the State Lottery and Gaming Control Agency;

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

(vi) the Comptroller;

(vii) the Maryland Transportation Authority who are not police officers;

(Over)

HB0027/414668/1 Appropriations Committee
Amendments to HB 27
Page 4 of 8

(viii) the State Retirement Agency; and

(ix) the State Department of Education; and

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

On page 14, after line 23, insert:

“3-403.

(d) (1) Each system institution, Morgan State University, AND St. Mary’s College of Maryland[, and Baltimore City Community College] shall have separate bargaining units.

(2) The presidents of the system institutions may agree to cooperate for the purpose of collective bargaining:

(i) before the election of exclusive representatives; or

(ii) after the certification of exclusive representatives under § 3-406(a) of this subtitle.

(3) Appropriate bargaining units shall consist of:

(i) all eligible nonexempt employees, as described in the federal Fair Labor Standards Act, except eligible sworn police officers;

(ii) all eligible exempt employees, as described in the federal Fair Labor Standards Act; and

(iii) all eligible sworn police officers.

HB0027/414668/1 Appropriations Committee
Amendments to HB 27
Page 5 of 8

(e) (1) Except as provided in paragraph (2) of this subsection, the Secretary or the Secretary's designee shall have the authority to assign classification titles and positions to bargaining units as appropriate.

(2) The following individuals and entities shall assign classification titles and positions to bargaining units at the following institutions:

(i) at a system institution, the President of the system institution; and

(ii) at Morgan State University[,] OR St. Mary's College of Maryland, [or Baltimore City Community College,] the governing board of the institution.

3-501.

(a) (1) The following individuals or entities shall designate one or more representatives to participate as a party in collective bargaining on behalf of the State or the following institutions:

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

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

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

(Over)

HB0027/414668/1 Appropriations Committee
Amendments to HB 27
Page 6 of 8

(2) The exclusive representative shall designate one or more representatives to participate as a party in collective bargaining on behalf of the exclusive representative.

(d) (1) A memorandum of understanding that incorporates all matters of agreement reached by the parties shall be executed by the exclusive representative and:

(i) for a memorandum of understanding relating to the State, the Governor or the Governor's designee;

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

(iii) for a memorandum of understanding relating to Morgan State University[,] OR St. Mary's College of Maryland, [or Baltimore City Community College.] the governing board of the institution or the governing board's designee.

(2) To the extent these matters require legislative approval or the appropriation of funds, the matters shall be recommended to the General Assembly for approval or for the appropriation of funds.

(3) To the extent matters involving a State institution of higher education require legislative approval, the legislation shall be recommended to the Governor for submission to the General Assembly.

(f) (1) The terms of a memorandum of understanding executed by the Governor or the Governor's designee and an exclusive representative of a bargaining unit for skilled service or professional service employees in the State Personnel Management System are not applicable to employees of a State institution of higher education.

HB0027/414668/1 Appropriations Committee
Amendments to HB 27
Page 7 of 8

(2) The terms of a memorandum of understanding executed by a president of a system institution or the governing board of Morgan State University[,] OR St. Mary's College of Maryland, [or Baltimore City Community College,] or their respective designees, and the exclusive representative of a bargaining unit for employees of a State institution of higher education are not applicable to skilled service or professional service employees in the State Personnel Management System.

3-502.

(c) Notwithstanding subsection (a) of this section, the representatives of the State, a system institution, Morgan State University, AND St. Mary's College of Maryland[, and Baltimore City Community College]:

(1) shall not be required to negotiate over any matter that is inconsistent with applicable law; and

(2) may negotiate and reach agreement with regard to any such matter only if it is understood that the agreement with respect to such matter cannot become effective unless the applicable law is amended by the General Assembly.

3-601.

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

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

(i) for a memorandum of understanding relating to the State, the Governor or the Governor's designee;

(Over)

HB0027/414668/1 Appropriations Committee
Amendments to HB 27
Page 8 of 8

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

(iii) for a memorandum of understanding relating to Morgan State University[,] OR St. Mary's College of Maryland, [or Baltimore City Community College.] the governing board of the institution or the governing board's designee.”;

in line 27, strike “may” and substitute “shall”; in the same line, after “contracts” insert “, and the certification of the exclusive representative for any existing bargaining unit shall continue.”; and in line 28, strike “After the agreements and contracts expire” and substitute “If a bargaining unit in existence before October 1, 2016, dissolves”.