

# HOUSE BILL 491

P4

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CF 7lr2844

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By: **Delegates Haynes, B. Barnes, Chang, Gutierrez, Hettleman, Jackson, Jones, Korman, Lam, Lierman, Reznik, Sophocleus, and Valentino-Smith**

Introduced and read first time: January 27, 2017

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Grievance Procedures – Exclusive Representatives**

3 FOR the purpose of expanding the application of certain provisions of law governing  
4 grievance procedures for certain employees in the State Personnel Management  
5 System to include certain exclusive representatives; authorizing certain exclusive  
6 representatives to present certain grievances free from coercion, discrimination,  
7 interference, reprisal, or restraint; altering a certain definition; defining a certain  
8 term; making a conforming change; and generally relating to grievance procedures  
9 and exclusive representatives of State employees.

10 BY repealing and reenacting, with amendments,  
11 Article – State Personnel and Pensions  
12 Section 12–101, 12–102, and 12–103(a)  
13 Annotated Code of Maryland  
14 (2015 Replacement Volume and 2016 Supplement)

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

17 **Article – State Personnel and Pensions**

18 12–101.

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

20 (b) “Employer” means one or more of the following:

21 (1) an employee’s appointing authority;

22 (2) an employee’s principal unit; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) the Department of Budget and Management.

2 (C) **“EXCLUSIVE REPRESENTATIVE” HAS THE MEANING STATED IN § 3-101**  
3 **OF THIS ARTICLE.**

4 ~~[(c)]~~ (D) (1) “Grievance” means a dispute between:

5 (I) an employee and the employee’s employer about the  
6 interpretation of and application to the employee of:

7 [(i)] 1. a personnel policy or regulation adopted by the Secretary;  
8 or

9 [(ii)] 2. any other policy or regulation over which management has  
10 control; **OR**

11 (II) **AN EXCLUSIVE REPRESENTATIVE AND AN EMPLOYER:**

12 1. **ABOUT THE INTERPRETATION AND APPLICATION OF:**

13 A. **A PERSONNEL POLICY OR REGULATION ADOPTED BY**  
14 **THE SECRETARY; OR**

15 B. **ANY OTHER POLICY OR REGULATION OVER WHICH**  
16 **MANAGEMENT HAS CONTROL; OR**

17 2. **OVER ANY TERM OR CONDITION OF A MEMORANDUM**  
18 **OF UNDERSTANDING BETWEEN THE STATE AND THE EXCLUSIVE REPRESENTATIVE.**

19 (2) “Grievance” does not include a dispute about:

20 (i) a pay grade or range for a class;

21 (ii) the amount or the effective date of a statewide pay increase;

22 (iii) the establishment of a class;

23 (iv) the assignment of a class to a service category;

24 (v) the establishment of classification standards;

25 (vi) a mid-year performance appraisal; or

26 (vii) an oral reprimand or counseling.

1 12-102.

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

3 (1) all employees in the State Personnel Management System within the  
4 Executive Branch; AND

5 (2) EACH EXCLUSIVE REPRESENTATIVE OF EMPLOYEES IN THE  
6 STATE PERSONNEL MANAGEMENT SYSTEM.

7 (b) This title does not apply to:

8 (1) an employee who is appointed by the Governor whose appointment  
9 requires the Governor's approval;

10 (2) an employee in the executive service of the State Personnel  
11 Management System;

12 (3) a temporary employee;

13 (4) an attorney in the Office of the Attorney General or the Office of the  
14 Public Defender;

15 (5) a State Police officer;

16 (6) [an employee who is subject to a collective bargaining agreement that  
17 contains another grievance procedure;

18 (7)] an employee, including a member of a faculty, who is subject to a  
19 contract or regulation governing teacher tenure;

20 [(8)] (7) a member of the faculty, an officer, or an administrative  
21 employee of Baltimore City Community College;

22 [(9)] (8) a student employee;

23 [(10)] (9) an individual who, as an inmate or patient in an institution, is  
24 employed by the State; or

25 [(11)] (10) an administrative law judge in the Office of Administrative  
26 Hearings.

27 12-103.

**HOUSE BILL 491**

1           (a) An employee with a grievance or the grievant's representative, **OR AN**  
2 **EXCLUSIVE REPRESENTATIVE WITH A GRIEVANCE**, may present the grievance free from  
3 coercion, discrimination, interference, reprisal, or restraint.

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2017.