

HOUSE BILL 852

D3, K4, L1

7lr2946

By: **Delegates Barkley, Atterbeary, B. Barnes, Frush, McCray, Sanchez, Sydnor, and P. Young P. Young, and Jackson**

Introduced and read first time: February 3, 2017

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2017

CHAPTER _____

1 AN ACT concerning

2 **Courts – Action for Violation of Collective Bargaining Agreement or Breach of**
3 **Duty of Fair Representation – Limitations Period**

4 FOR the purpose of establishing a certain limitations period on an action for injunctive
5 relief or damages for a violation of a collective bargaining agreement covering
6 employees of the State or a political subdivision of the State or a breach by an
7 exclusive representative of the duty of fair representation ~~or~~ owed to employees of
8 the State or a political subdivision of the State; providing for the application of this
9 Act; and generally relating to periods of limitations on actions arising from collective
10 bargaining agreements.

11 BY adding to

12 Article – Courts and Judicial Proceedings

13 Section 5-120

14 Annotated Code of Maryland

15 (2013 Replacement Volume and 2016 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 **5-120.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) THIS SECTION APPLIES TO AN ACTION FOR INJUNCTIVE RELIEF OR
2 DAMAGES FOR:

3 (1) A VIOLATION OF A COLLECTIVE BARGAINING AGREEMENT
4 COVERING AN EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE
5 STATE; OR

6 (2) A BREACH BY AN EXCLUSIVE REPRESENTATIVE OF THE DUTY OF
7 FAIR REPRESENTATION ~~OF OWED TO~~ AN EMPLOYEE OF THE STATE OR A POLITICAL
8 SUBDIVISION OF THE STATE.

9 (B) AN ACTION SUBJECT TO THIS SECTION SHALL BE COMMENCED WITHIN
10 6 MONTHS AFTER THE LATER OF:

11 (1) THE DATE ON WHICH THE CLAIM ACCRUED; OR

12 (2) THE DATE ON WHICH THE COMPLAINANT KNEW OR SHOULD
13 REASONABLY HAVE KNOWN OF THE BREACH.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
15 apply only prospectively and may not be applied or interpreted to have any effect on or
16 application to any cause of action arising before the effective date of this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.