

HOUSE BILL 852

D3, K4, L1

7lr2946

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

Introduced and read first time: February 3, 2017

Assigned to: Appropriations

A BILL ENTITLED

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 of the duty
7 of fair representation of employees of the State or a political subdivision of the State;
8 providing for the application of this Act; and generally relating to periods of
9 limitations on actions arising from collective bargaining agreements.

10 BY adding to

11 Article – Courts and Judicial Proceedings

12 Section 5-120

13 Annotated Code of Maryland

14 (2013 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 – Courts and Judicial Proceedings**

18 **5-120.**

19 **(A) THIS SECTION APPLIES TO AN ACTION FOR INJUNCTIVE RELIEF OR**
20 **DAMAGES FOR:**

21 **(1) A VIOLATION OF A COLLECTIVE BARGAINING AGREEMENT**
22 **COVERING AN EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE**
23 **STATE; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) A BREACH OF THE DUTY OF FAIR REPRESENTATION OF AN**
2 **EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.**

3 **(B) AN ACTION SUBJECT TO THIS SECTION SHALL BE COMMENCED WITHIN**
4 **6 MONTHS AFTER THE LATER OF:**

5 **(1) THE DATE ON WHICH THE CLAIM ACCRUED; OR**

6 **(2) THE DATE ON WHICH THE COMPLAINANT KNEW OR SHOULD**
7 **REASONABLY HAVE KNOWN OF THE BREACH.**

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

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