

Chapter 23

(House Bill 864)

AN ACT concerning

Collective Bargaining – Memorandum of Understanding – Continuation

FOR the purpose of prohibiting a certain memorandum of understanding from expiring under certain circumstances; requiring that the terms of a certain memorandum of understanding continue in force and effect until a certain memorandum of understanding is agreed to and ratified; authorizing an exclusive representative to file a certain action in a circuit court under certain circumstances; requiring the court to issue a certain order to maintain a certain memorandum of understanding; ~~requiring a certain proceeding to take precedence on a court docket for certain purposes~~; and generally relating to collective bargaining for State employees.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 3–601(a)(1) and (b)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 3–603
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – State Personnel and Pensions

3–601.

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

(b) No memorandum of understanding is valid if it extends for less than 1 year or for more than 3 years.

3–603.

(A) A MEMORANDUM OF UNDERSTANDING AGREED TO AND RATIFIED UNDER § 3–601 OF THIS SUBTITLE MAY NOT EXPIRE UNTIL IT IS SUCCEEDED BY A

MEMORANDUM OF UNDERSTANDING THAT IS AGREED TO AND RATIFIED UNDER THIS TITLE.

(B) NOTWITHSTANDING § 3-601(B) OF THIS SUBTITLE, ALL TERMS OF A MEMORANDUM OF UNDERSTANDING SHALL CONTINUE IN FORCE AND EFFECT WITHOUT CHANGE UNTIL A SUCCESSOR MEMORANDUM OF UNDERSTANDING IS AGREED TO AND RATIFIED.

(C) (1) BASED ON A VERIFIED COMPLAINT BY AN EXCLUSIVE REPRESENTATIVE, THE EXCLUSIVE REPRESENTATIVE MAY FILE AN ACTION IN A CIRCUIT COURT AGAINST THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE TO ENFORCE THE TERMS OF THIS SECTION.

(2) ON RECEIPT OF AN ACTION SUBMITTED BY THE EXCLUSIVE REPRESENTATIVE, THE COURT SHALL ISSUE A STATUS QUO ORDER WITHOUT A FINDING OF IRREPARABLE HARM TO MAINTAIN A MEMORANDUM OF UNDERSTANDING AND THE TERMS IN EFFECT PENDING A FINAL ORDER IN THE ACTION.

~~(3) A PROCEEDING UNDER THIS SUBSECTION, INCLUDING APPEALS, SHALL TAKE PRECEDENCE ON THE COURT DOCKET AND BE EXPEDITED IN EVERY WAY POSSIBLE DUE TO THE IMPORTANCE OF THE ACTION TO THE PUBLIC INTEREST.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2018.