

HOUSE BILL 767

P4, F2

9lr1742
CF SB 696

By: **Delegates B. Barnes, Acevero, Gaines, Haynes, Jackson, Jones, Krimm, Solomon, and P. Young**

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Collective Bargaining – Chancellor of the University System of Maryland –**
3 **Negotiations**

4 FOR the purpose of requiring the Chancellor of the University System of Maryland to act
5 on behalf of the University System of Maryland and certain system institutions for
6 the purpose of collective bargaining; repealing a provision of law authorizing certain
7 presidents of certain system institutions to cooperate for the purpose of collective
8 bargaining; repealing a provision of law regarding the termination of a certain
9 cooperating agreement; providing for the negotiation of a certain consolidated
10 memorandum of understanding between a certain exclusive representative and the
11 Chancellor under certain circumstances; providing for the application of this Act;
12 making conforming changes; defining a certain term; altering a certain definition;
13 and generally relating to collective bargaining for the University System of
14 Maryland.

15 BY repealing and reenacting, with amendments,
16 Article – State Personnel and Pensions
17 Section 3–101, 3–2A–09(a), 3–306(c), 3–403(d), 3–501(a), (d), and (f), and 3–601
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2018 Supplement)

20 BY repealing
21 Article – State Personnel and Pensions
22 Section 3–602
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2018 Supplement)

25 BY adding to
26 Article – State Personnel and Pensions
27 Section 3–602

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2018 Supplement)

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

5 **Article – State Personnel and Pensions**

6 3–101.

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

8 (b) “Board” means:

9 (1) with regard to any matter relating to employees of any of the units of
10 State government described in § 3–102(a)(1)(i) through (iv) and (vi) through (x) of this
11 subtitle and employees described in § 3–102(a)(2) of this subtitle, the State Labor Relations
12 Board; and

13 (2) with regard to any matter relating to employees of any State institution
14 of higher education described in § 3–102(a)(1)(v) of this subtitle, the State Higher Education
15 Labor Relations Board.

16 (c) **“CHANCELLOR” HAS THE MEANING STATED IN § 12–101 OF THE**
17 **EDUCATION ARTICLE.**

18 [(c)] (D) “Collective bargaining” means:

19 (1) good faith negotiations by authorized representatives of employees and
20 their employer with the intention of:

21 (i) 1. reaching an agreement about wages, hours, and other
22 terms and conditions of employment; and

23 2. incorporating the terms of the agreement in a written
24 memorandum of understanding or other written understanding; or

25 (ii) clarifying terms and conditions of employment;

26 (2) administration of terms and conditions of employment; or

27 (3) the voluntary adjustment of a dispute or disagreement between
28 authorized representatives of employees and their employer that arises under a
29 memorandum of understanding or other written understanding.

1 [(d)] (E) “Employee organization” means a labor or other organization in which
2 State employees participate and that has as one of its primary purposes representing
3 employees.

4 [(e)] (F) “Exclusive representative” means an employee organization that has
5 been certified by the Board as an exclusive representative under Subtitle 4 of this title.

6 [(f)] (G) “President” means[:

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

9 (2) with regard to a center or institute, as those terms are defined in §
10 12–101 of the Education Article, the president of the center or institute;

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

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

15 [(g)] (H) “System institution” means:

16 (1) a constituent institution, as defined in § 12–101 of the Education
17 Article;

18 (2) a center or institute, as those terms are defined in § 12–101 of the
19 Education Article; and

20 (3) the University System of Maryland Office.

21 3–2A–09.

22 (a) If **THE CHANCELLOR**, a president, a system institution, an exclusive
23 representative, or a person fails to comply with an order issued by the Board, a member of
24 the Board may petition the circuit court to order **THE CHANCELLOR**, the president, **THE**
25 system institution, an exclusive representative, or **A** person to comply with the Board’s
26 order.

27 3–306.

28 (c) (1) This subsection applies to [a system institution,] **THE CHANCELLOR**,
29 an employee organization for employees of a system institution, and its officers, employees,
30 agents, or representatives.

1 (2) In addition to the unfair labor practices in subsections (a) and (b) of this
2 section, [a system institution] **THE CHANCELLOR** and an employee organization are
3 prohibited from failing to meet an established negotiation deadline, unless a written
4 agreement between the [system institution,] **CHANCELLOR**, or [its] **THE CHANCELLOR'S**
5 officers, employees, agents, or representatives, and the exclusive representative provides
6 otherwise.

7 3-403.

8 (d) (1) Each system institution, Morgan State University, St. Mary's College
9 of Maryland, and Baltimore City Community College shall have separate bargaining units.

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

12 (i) before the election of exclusive representatives; or

13 (ii) after the certification of exclusive representatives under §
14 3-406(a) of this subtitle.

15 (3)] Appropriate bargaining units shall consist of:

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

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

20 (iii) all eligible sworn police officers.

21 3-501.

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

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

26 (ii) on behalf of [a system institution, the president of the system
27 institution] **THE UNIVERSITY SYSTEM OF MARYLAND, THE CHANCELLOR**; and

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

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

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

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

8 (ii) for a memorandum of understanding relating to a system
9 institution, [the president of the system institution or the president's] **THE CHANCELLOR**
10 **OR THE CHANCELLOR'S** designee; and

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

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

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

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

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

30 3-601.

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

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

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

3 (ii) for a memorandum of understanding relating to a system
4 institution, [the president of the system institution or the president's designee] **THE**
5 **CHANCELLOR OR THE CHANCELLOR'S DESIGNEE**; and

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

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

11 (c) (1) Except as provided in paragraph (2) of this subsection, a memorandum
12 of understanding is not effective until it is ratified by the Governor and a majority of the
13 votes cast by the employees in the bargaining unit.

14 (2) In the case of a State institution of higher education, a memorandum of
15 understanding is not effective until it is ratified by the institution's governing board and a
16 majority of the votes cast by the employees in the bargaining unit.

17 [3-602.

18 The president of a system institution may elect to terminate a cooperation agreement
19 with another system institution, entered into for the purpose of collective bargaining with
20 exclusive representatives, effective on the termination date of the memorandum of
21 understanding between the exclusive representatives and the system institutions that are
22 parties to the cooperation agreement.]

23 **3-602.**

24 **(A) IF AN EXCLUSIVE REPRESENTATIVE REPRESENTS MORE THAN ONE**
25 **BARGAINING UNIT FOR EMPLOYEES OF A SYSTEM INSTITUTION:**

26 **(1) TO THE EXTENT PRACTICABLE, THE CHANCELLOR AND THE**
27 **EXCLUSIVE REPRESENTATIVE SHALL NEGOTIATE THE TERMS OF ONE**
28 **CONSOLIDATED MEMORANDUM OF UNDERSTANDING TO APPLY TO ALL BARGAINING**
29 **UNITS FOR EMPLOYEES OF A SYSTEM INSTITUTION REPRESENTED BY THE**
30 **EXCLUSIVE REPRESENTATIVE; AND**

31 **(2) ON MUTUAL AGREEMENT AND IN WRITING, THE PARTIES MAY**
32 **DESIGNATE:**

1 **(I) A MATTER PARTICULAR TO A SYSTEM INSTITUTION TO BE**
2 **NEGOTIATED BY THE EXCLUSIVE REPRESENTATIVE AND THE PRESIDENT OF THE**
3 **SYSTEM INSTITUTION OR THE PRESIDENT’S DESIGNEE; AND**

4 **(II) A TIMELINE TO CONCLUDE NEGOTIATIONS ON THE MATTER.**

5 **(B) ON CONCLUSION OF NEGOTIATIONS UNDER SUBSECTION (A) OF THIS**
6 **SECTION, THE MATTERS OF AGREEMENT SHALL BE INCLUDED IN THE**
7 **CONSOLIDATED MEMORANDUM OF UNDERSTANDING UNDER SUBSECTION (A) OF**
8 **THIS SECTION.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other
10 provision of law or any stated or negotiated expiration date, all terms of a presently existing
11 memorandum of understanding under Title 3, Subtitle 6 of the State Personnel and
12 Pensions Article may not be impaired in any way by this Act and shall remain in full force
13 and effect until a successor memorandum of understanding is agreed to and ratified.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
15 1, 2019.