

# SENATE BILL 938

P4, R2

9lr3063  
CF HB 1298

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By: **Senator Klausmeier**

Introduced and read first time: February 15, 2019

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority Police – Collective Bargaining – Binding**  
3 **Recommendations of Fact Finder**

4 FOR the purpose of requiring that the written recommendations of a fact finder be binding  
5 in a collective bargaining dispute between the Maryland Transportation Authority  
6 and the exclusive representative of certain Maryland Transportation Authority  
7 police officers; and generally relating to collective bargaining for Maryland  
8 Transportation Authority police.

9 BY repealing and reenacting, with amendments,  
10 Article – State Personnel and Pensions  
11 Section 3–501  
12 Annotated Code of Maryland  
13 (2015 Replacement Volume and 2018 Supplement)

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

16 **Article – State Personnel and Pensions**

17 3–501.

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

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

22 (ii) on behalf of a system institution, the president of the system  
23 institution; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6 (b) The parties shall meet at reasonable times and engage in collective bargaining  
7 in good faith to conclude a written memorandum of understanding or other written  
8 understanding as defined under § 3-101(c)(1)(ii) of this title.

9 (c) (1) The parties shall make every reasonable effort to conclude negotiations  
10 in a timely manner for inclusion by the principal unit in its budget request to the Governor.

11 (2) (i) The parties shall conclude negotiations before January 1 for any  
12 item requiring an appropriation of funds for the fiscal year that begins on the following  
13 July 1.

14 (ii) In the budget bill submitted to the General Assembly, the  
15 Governor shall include any amounts in the budgets of the principal units required to  
16 accommodate any additional cost resulting from the negotiations, including the actuarial  
17 impact of any legislative changes to any of the State pension or retirement systems that  
18 are required, as a result of the negotiations, for the fiscal year beginning the following July  
19 1 if the legislative changes have been negotiated to become effective in that fiscal year.

20 (3) (i) If the parties do not conclude negotiations for the next fiscal year  
21 before October 25, either party may request that a fact finder be employed to resolve the  
22 issues.

23 (ii) The fact finder shall be employed no later than November 1.

24 (iii) A fact finder shall be a neutral party appointed by alternate  
25 striking from a list by the parties provided:

- 26 1. by the Federal Mediation and Conciliation Service; or  
27 2. under the Labor Arbitration Rules of the American  
28 Arbitration Association.

29 (iv) The fact finder:

- 30 1. may give notice and hold hearings in accordance with the  
31 Administrative Procedure Act;  
32 2. may administer oaths and take testimony and other  
33 evidence;

1                                   3.     may issue subpoenas; and

2                                   4.     before November 20, shall make written recommendations  
3 regarding wages, hours, and working conditions, and any other terms or conditions of  
4 employment that may be in dispute.

5                                   (v)    The written recommendations of the fact finder shall be delivered  
6 to the Governor, the exclusive representative, the President of the Senate, and the Speaker  
7 of the House of Delegates by the Secretary on or before December 1.

8                                   **(VI) IN A DISPUTE BETWEEN THE MARYLAND TRANSPORTATION**  
9 **AUTHORITY AND THE EXCLUSIVE REPRESENTATIVE OF THE FULL-TIME MARYLAND**  
10 **TRANSPORTATION AUTHORITY POLICE OFFICERS AT THE RANK OF FIRST**  
11 **SERGEANT AND BELOW, THE WRITTEN RECOMMENDATIONS OF THE FACT FINDER**  
12 **SHALL BE BINDING.**

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

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

17                                   (ii)   for a memorandum of understanding relating to a system  
18 institution, the president of the system institution or the president's designee; and

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

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

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

28                               (e)    Negotiations for a memorandum of understanding shall be considered closed  
29 sessions under § 3-305 of the General Provisions Article.

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

34                               (2)    The terms of a memorandum of understanding executed by a president  
35 of a system institution or the governing board of Morgan State University, St. Mary's

1 College of Maryland, or Baltimore City Community College, or their respective designees,  
2 and the exclusive representative of a bargaining unit for employees of a State institution of  
3 higher education are not applicable to skilled service or professional service employees in  
4 the State Personnel Management System.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2019.