

HOUSE BILL 580

P4, R2

(2lr2172)

ENROLLED BILL
— Appropriations/Finance —

Introduced by **Delegates P. Young and Ebersole**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Transit Administration Police – Collective Bargaining – Supervisors**
3 **and Sergeants**

4 FOR the purpose of adding sergeants and supervisors within the Maryland Transit
5 Administration Police to the list of employees authorized to participate in collective
6 bargaining *with the Maryland Transit Administration* ~~with the Maryland Transit~~
7 ~~Administration; requiring that the collective bargaining rights afforded to the~~
8 ~~sergeants and supervisors be afforded in a certain manner; requiring that the~~
9 ~~supervisors and sergeants have a separate bargaining unit and that the Maryland~~
10 ~~Transit Administration bargain with their exclusive representative, if any; and~~
11 generally relating to collective bargaining and the Maryland Transit Administration
12 Police.

13 ~~BY repealing and reenacting, with amendments,~~
14 ~~Article — Transportation State Personnel and Pensions~~

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.

Italics indicate opposite chamber/conference committee amendments.



1 ~~Section 7-601, 3-102(a) and 3-301~~
 2 ~~Annotated Code of Maryland~~
 3 ~~(2020 (2015 Replacement Volume and 2021 Supplement))~~

4 ~~BY adding to~~
 5 ~~Article — State Personnel and Pensions~~
 6 ~~Section 3-403(g)~~
 7 ~~Annotated Code of Maryland~~
 8 ~~(2015 Replacement Volume and 2021 Supplement)~~

9 *BY repealing and reenacting, with amendments,*
 10 *Article – Transportation*
 11 *Section 7-601*
 12 *Annotated Code of Maryland*
 13 *(2020 Replacement Volume and 2021 Supplement)*

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

16 ~~Article — Transportation~~

17 ~~7-601.~~

18 (a) ~~In this subtitle the following words have the meanings indicated:~~

19 (1) ~~(I)~~ “Accredited representative” includes ~~[the]~~:

20 ~~1. THE representative of any labor organization, or its~~
 21 ~~successor, authorized to act for the employees described in subsection (b) of this section;~~
 22 ~~AND~~

23 ~~2. A REPRESENTATIVE OF THE MARYLAND CLASSIFIED~~
 24 ~~EMPLOYEES ASSOCIATION, LOCAL 1935 AUTHORIZED TO ACT FOR THE EMPLOYEES~~
 25 ~~DESCRIBED IN SUBSECTION (B)(2)(II) OF THIS SECTION.~~

26 ~~(II) As of December 31, 1983, “accredited representative” included~~
 27 ~~only:~~

28 ~~[(i)] 1. The Amalgamated Transit Union, Division No. 1300;~~

29 ~~[(ii)] 2. The Office and Professional Employees International~~
 30 ~~Union, Local 2; and~~

31 ~~[(iii)] 3. The American Federation of State, County, and Municipal~~
 32 ~~Employees, Local 1859, Council 67.~~

~~(2) "Employees" means those employees who are validly represented by an accredited representative.~~

~~(b) The Administration shall bargain collectively and enter into written collective bargaining agreements as to wages, salaries, hours, working conditions, and pension and retirement provisions with the accredited representatives of its employees who are employed [in]:~~

~~(1) [Job] IN JOB classifications that on December 31, 1983, were included in recognized bargaining units pursuant to agreements in force on that date between the Administration and an accredited representative identified in subsection (a)(1)(i), (ii), or (iii) of this section; and~~

~~(2) (I) [New] IN NEW or revised classifications comparable to those described in paragraph (1) of this subsection, provided, however, that supervisory, managerial, professional, confidential, including secretaries or assistants to administrative department and section heads or to other management staff personnel, and engineering classifications shall not be included; AND~~

~~(II) AS SUPERVISORS AND SERGEANTS IN THE MARYLAND TRANSIT ADMINISTRATION POLICE.~~

~~(e) The Administration may provide its employees with automatic cost of living wage adjustments in accordance with any applicable formula in a collective bargaining agreement between the parties, provided that the aggregate of automatic cost of living wage adjustments provided to any employee in any contract year does not exceed 5 percent of the employee's base wage rate as that base wage rate existed immediately prior to commencement of the contract year.~~

~~Article State Personnel and Pensions~~

~~§ 102.~~

~~(a) Except as provided in this title or as otherwise provided by law, this title applies to:~~

~~(1) all employees of:~~

~~(i) the principal departments within the Executive Branch of State government;~~

~~(ii) the Maryland Insurance Administration;~~

~~(iii) the State Department of Assessments and Taxation;~~

~~(iv) the State Lottery and Gaming Control Agency;~~

~~(v) the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College;~~

~~(vi) the Comptroller;~~

~~(vii) the Maryland Transportation Authority who are not police officers;~~

~~(viii) the State Retirement Agency;~~

~~(ix) the State Department of Education;~~

~~(x) the Maryland Environmental Service; and~~

~~(xi) the Maryland School for the Deaf;~~

~~(2) firefighters for the Martin State Airport at the rank of captain or below who are employed by the Military Department; [and]~~

~~(3) all full-time Maryland Transportation Authority police officers at the rank of first sergeant and below;~~

~~(4) ALL SERGEANTS IN THE MARYLAND TRANSIT ADMINISTRATION POLICE; AND~~

~~(5) ALL SUPERVISORS IN THE MARYLAND TRANSIT ADMINISTRATION POLICE WHO ARE EMPLOYEES IN A CAREER SERVICE POSITION THAT:~~

~~(I) SUPERVISES CAREER SERVICE POSITIONS OF A LOWER GRADE;~~

~~(II) IS SUPERVISED BY AN EXECUTIVE SERVICE POSITION; AND~~

~~(III) HAS NO AUTHORITY TO TAKE PERSONNEL ACTIONS;~~

~~§ 301.~~

~~(a) Employees subject to this title have the right to:~~

~~(1) take part or refrain from taking part in forming, joining, supporting, or participating in any employee organization or its lawful activities;~~

~~(2) be fairly represented by their exclusive representative, if any, in collective bargaining; and~~

~~(3) except as provided in §§ 3-303 and 3-305 of this subtitle, engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.~~

~~(b) An employee who is a member of a bargaining unit with an exclusive representative may, without the intervention of an employee organization, discuss any matter with the employer.~~

~~(c) THE RIGHTS AFFORDED TO SUPERVISORS AND SERGEANTS IN THE MARYLAND TRANSIT ADMINISTRATION POLICE UNDER THIS TITLE SHALL BE AFFORDED IN A MANNER THAT COMPLIES AND IS CONSISTENT WITH 49 U.S.C. § 5333.~~

~~3-403.~~

~~(c) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL SUPERVISORS AND SERGEANTS IN THE MARYLAND TRANSIT ADMINISTRATION POLICE SHALL HAVE A SEPARATE BARGAINING UNIT.~~

~~(2) THE MARYLAND TRANSIT ADMINISTRATION SHALL BARGAIN WITH THE EXCLUSIVE REPRESENTATIVE, IF ANY, OF THE BARGAINING UNIT ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

Article - Transportation

7-601.

(a) *In this subtitle the following words have the meanings indicated:*

(1) (I) “Accredited representative” includes [the]:

1. THE representative of any labor organization, or its successor, authorized to act for the employees described in subsection (b) of this section; AND

2. A REPRESENTATIVE OF THE MARYLAND CLASSIFIED EMPLOYEES ASSOCIATION, LOCAL 1935 AUTHORIZED TO ACT FOR THE EMPLOYEES DESCRIBED IN SUBSECTION (B)(2)(II) OF THIS SECTION.

(II) As of December 31, 1983, “accredited representative” included only:

[(i)] 1. The Amalgamated Transit Union, Division No. 1300;

[(ii)] 2. The Office and Professional Employees International Union, Local 2; and

1 [(iii)] 3. The American Federation of State, County, and Municipal
 2 Employees, Local 1859, Council 67.

3 (2) "Employees" means those employees who are validly represented by an
 4 accredited representative.

5 (3) "SUPERVISOR" MEANS AN EMPLOYEE OF THE ADMINISTRATION
 6 WHO IS A SWORN POLICE OFFICER AND WHO IS IN A CAREER SERVICE POSITION THAT:

7 (I) SUPERVISES CAREER SERVICE POSITIONS OF A LOWER
 8 GRADE;

9 (II) IS SUPERVISED BY AN EXECUTIVE SERVICE POSITION; AND

10 (III) HAS NO AUTHORITY TO TAKE PERSONNEL ACTIONS.

11 (b) The Administration shall bargain collectively and enter into written collective
 12 bargaining agreements as to wages, salaries, hours, working conditions, and pension and
 13 retirement provisions with the accredited representatives of its employees who are employed
 14 [in]:

15 (1) [Job] IN JOB classifications that on December 31, 1983, were included
 16 in recognized bargaining units pursuant to agreements in force on that date between the
 17 Administration and an accredited representative identified in subsection (a)(1)(i), (ii), or (iii)
 18 of this section; and

19 (2) (I) [New] IN NEW or revised classifications comparable to those
 20 described in paragraph (1) of this subsection, provided, however, that supervisory,
 21 managerial, professional, confidential, including secretaries or assistants to administrative
 22 department and section heads or to other management staff personnel, and engineering
 23 classifications shall not be included; AND

24 (II) AS SUPERVISORS AND SERGEANTS IN THE MARYLAND
 25 TRANSIT ADMINISTRATION POLICE.

26 (c) The Administration may provide its employees with automatic cost-of-living
 27 wage adjustments in accordance with any applicable formula in a collective bargaining
 28 agreement between the parties, provided that the aggregate of automatic cost-of-living wage
 29 adjustments provided to any employee in any contract year does not exceed 5 percent of the
 30 employee's base wage rate as that base wage rate existed immediately prior to commencement
 31 of the contract year.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 33 1, 2022.