

HOUSE BILL 183

P4

3lr1365
CF 3lr1078

By: **Delegate Chang**

Introduced and read first time: January 18, 2023

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – Supervisory and Managerial**
3 **Employees**

4 FOR the purpose of providing collective bargaining rights to certain supervisory and
5 managerial State employees; establishing separate bargaining units for certain
6 supervisory and managerial State employees; and generally relating to collective
7 bargaining for supervisory and managerial State employees.

8 BY repealing and reenacting, with amendments,
9 Article – State Personnel and Pensions
10 Section 3–102 and 3–403
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2022 Supplement)

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

15 **Article – State Personnel and Pensions**

16 3–102.

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

19 (1) all employees of:

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

22 (ii) the Maryland Insurance Administration;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (iii) the State Department of Assessments and Taxation;
- 2 (iv) the State Lottery and Gaming Control Agency;
- 3 (v) the University System of Maryland, Morgan State University,
4 St. Mary's College of Maryland, and Baltimore City Community College;
- 5 (vi) the Comptroller;
- 6 (vii) the Maryland Transportation Authority who are not police
7 officers;
- 8 (viii) the State Retirement Agency;
- 9 (ix) the State Department of Education;
- 10 (x) the Maryland Environmental Service;
- 11 (xi) the Maryland School for the Deaf; and
- 12 (xii) the Office of the Public Defender;
- 13 (2) firefighters for the Martin State Airport at the rank of captain or below
14 who are employed by the Military Department; and
- 15 (3) all full-time Maryland Transportation Authority police officers at the
16 rank of first sergeant and below.
- 17 (b) This title does not apply to:
- 18 (1) employees of the Maryland Transit Administration, as that term is
19 defined in § 7-601(a)(2) of the Transportation Article;
- 20 (2) an employee who is elected to the position by popular vote;
- 21 (3) an employee in a position by election or appointment that is provided
22 for by the Maryland Constitution;
- 23 (4) an employee who is:
- 24 (i) a special appointment in the State Personnel Management
25 System; or
- 26 (ii) 1. directly appointed by the Governor by an appointment
27 that is not provided for by the Maryland Constitution;

1 (vi) a contingent, contractual, or temporary employee whose position
2 is funded through a research or service grant or contract, or through clinical revenues; or

3 (vii) an employee whose regular place of employment is outside the
4 State of Maryland;

5 (10) an employee whose participation in a labor organization would be
6 contrary to the State's ethics laws;

7 (11) any [supervisory, managerial, or] confidential employee of a unit of
8 State government listed in subsection (a)(1)(i) through (iv) and (vi) through (xi) of this
9 section, as defined in regulations adopted by the Secretary;

10 (12) any [supervisory, managerial, or] confidential employee of a State
11 institution of higher education listed in subsection (a)(1)(v) of this section, as defined in
12 regulations adopted by the governing board of the institution; or

13 (13) any employee described in subsection (a)(2) of this section who is a
14 [supervisory, managerial, or] confidential employee, as defined in regulations adopted by
15 the Secretary.

16 3-403.

17 (a) (1) Except as otherwise provided in this title, the Board shall determine
18 the appropriateness of each bargaining unit.

19 (2) If there is no dispute about the appropriateness of the establishment of
20 the bargaining unit, the Board shall issue an order defining an appropriate bargaining unit.

21 (3) If there is a dispute about the appropriateness of the establishment of
22 the bargaining unit, the Board shall:

23 (i) conduct a hearing; and

24 (ii) issue an order defining an appropriate bargaining unit.

25 (b) If the appropriate bargaining unit as determined by the Board differs from the
26 bargaining unit described in the petition, the Board may:

27 (1) dismiss the petition; or

28 (2) direct an election in the appropriate bargaining unit if the signatures
29 included in the petition include those of at least 30% of the employees in the appropriate
30 bargaining unit.

1 (c) A bargaining unit shall consist only of employees defined in regulations
2 adopted by the Secretary and not specifically excluded by § 3–102(b) of this title.

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

5 (2) Appropriate bargaining units shall consist of:

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

8 (ii) all eligible exempt employees, as described in the federal Fair
9 Labor Standards Act; [and]

10 (iii) all eligible sworn police officers;

11 **(IV) ALL ELIGIBLE SUPERVISORY EMPLOYEES AS DEFINED IN**
12 **REGULATIONS ADOPTED BY THE GOVERNING BOARD OF THE INSTITUTION; AND**

13 **(V) ALL ELIGIBLE MANAGERIAL EMPLOYEES AS DEFINED IN**
14 **REGULATIONS ADOPTED BY THE GOVERNING BOARD OF THE INSTITUTION.**

15 (e) (1) Except as provided in paragraph (2) of this subsection, the Secretary or
16 the Secretary's designee shall have the authority to assign classification titles and positions
17 to bargaining units as appropriate.

18 (2) The following individuals and entities shall assign classification titles
19 and positions to bargaining units at the following institutions:

20 (i) at a system institution, the President of the system institution;
21 and

22 (ii) at Morgan State University, St. Mary's College of Maryland, or
23 Baltimore City Community College, the governing board of the institution.

24 (f) Notwithstanding any other provision of law:

25 (1) Maryland Transportation Authority police officers at the rank of first
26 sergeant and below shall have a separate bargaining unit; [and]

27 (2) faculty at the Maryland School for the Deaf shall have a separate
28 bargaining unit;

29 **(3) SUPERVISORY EMPLOYEES WHO ARE NOT CONFIDENTIAL**
30 **EMPLOYEES OF A UNIT OF STATE GOVERNMENT LISTED IN §**
31 **3–102(A)(1)(I), (II), (III), (IV), (VI), (VII), (VIII), (IX), (X), OR (XI) OR (2) OF THIS TITLE,**

1 AS DEFINED IN REGULATIONS ADOPTED BY THE SECRETARY, SHALL HAVE A
2 SEPARATE BARGAINING UNIT; AND

3 (4) MANAGERIAL EMPLOYEES WHO ARE NOT CONFIDENTIAL
4 EMPLOYEES OF A UNIT OF STATE GOVERNMENT LISTED IN §
5 3-102(A)(1)(I), (II), (III), (IV), (VI), (VII), (VIII), (IX), (X), OR (XI) OR (2) OF THIS TITLE,
6 AS DEFINED IN REGULATIONS ADOPTED BY THE SECRETARY, SHALL HAVE A
7 SEPARATE BARGAINING UNIT.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2023.