

SENATE BILL 373

P4

5lr1491
CF HB 599

By: **Senator Beidle**

Introduced and read first time: January 17, 2025

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2025

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – BWI Airport Fire and Rescue Department – Collective**
3 **Bargaining and Arbitration Processes**

4 FOR the purpose of altering the collective bargaining process between the State and
5 uniformed fire employees of the BWI Airport Fire and Rescue Department by
6 requiring the parties to reach a collective bargaining agreement on or before a
7 certain date; establishing a process of binding arbitration in the event of an impasse;
8 and generally relating to collective bargaining between the State and employees of
9 the BWI Airport Fire and Rescue Department.

10 BY repealing and reenacting, with amendments,
11 Article – State Personnel and Pensions
12 Section 3–501 and 3–603
13 Annotated Code of Maryland
14 (2024 Replacement Volume and 2024 Supplement)

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

17 **Article – State Personnel and Pensions**

18 3–501.

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.



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

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

5 (ii) on behalf of the Maryland Environmental Service, the Board of
6 Directors of the Service;

7 (iii) on behalf of the University System of Maryland, the Chancellor;
8 and

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

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

14 (b) The parties shall meet at reasonable times and engage in collective bargaining
15 in good faith, including facilitating the meaningful use of a fact finder under subsection
16 (c)(3) of this section, and to conclude a written memorandum of understanding or other
17 written understanding as defined under § 3-101(d)(1)(i)2 of this title.

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

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

23 (ii) In the budget bill submitted to the General Assembly, the
24 Governor shall include any amounts in the budgets of the principal units required to
25 accommodate any additional cost resulting from the negotiations, including the actuarial
26 impact of any legislative changes to any of the State pension or retirement systems that
27 are required, as a result of the negotiations, for the fiscal year beginning the following July
28 1 if the legislative changes have been negotiated to become effective in that fiscal year.

29 (3) (i) **THIS PARAGRAPH DOES NOT APPLY TO NEGOTIATIONS**
30 **BETWEEN THE STATE AND THE EXCLUSIVE REPRESENTATIVE OF THE UNIFORMED**
31 **FIRE EMPLOYEES OF THE BWI AIRPORT FIRE AND RESCUE DEPARTMENT.**

32 (II) If the parties do not conclude negotiations for the next fiscal year
33 before October 25, either party may request that a fact finder be employed to resolve the
34 issues.

1 [(ii)] (III) The fact finder shall be employed no later than November
2 1.

3 [(iii)] (IV) A fact finder shall be a neutral party appointed by
4 alternate striking from a list by the parties provided:

- 5 1. by the Federal Mediation and Conciliation Service; or
6 2. under the Labor Arbitration Rules of the American
7 Arbitration Association.

8 [(iv)] (V) The fact finder:

- 9 1. may give notice and hold hearings in accordance with the
10 Administrative Procedure Act;
11 2. may administer oaths and take testimony and other
12 evidence;
13 3. may issue subpoenas; and
14 4. before November 20, shall make written recommendations
15 regarding wages, hours, and working conditions, and any other terms or conditions of
16 employment that may be in dispute.

17 [(v)] (VI) The written recommendations of the fact finder shall be
18 delivered to the Governor, the exclusive representative, the President of the Senate, and
19 the Speaker of the House of Delegates by the Secretary on or before December 1.

20 (4) (I) **THIS PARAGRAPH APPLIES ONLY TO NEGOTIATIONS**
21 **BETWEEN THE STATE AND THE EXCLUSIVE REPRESENTATIVE OF THE UNIFORMED**
22 **FIRE EMPLOYEES OF THE BWI AIRPORT FIRE AND RESCUE DEPARTMENT.**

23 (II) **THE PARTIES SHALL REACH AN AGREEMENT BY**
24 **SEPTEMBER 30 OF THE YEAR IN WHICH A COLLECTIVE BARGAINING AGREEMENT**
25 **WILL EXPIRE.**

26 (III) **AN IMPASSE IS REACHED DURING THE NEGOTIATIONS IF**
27 **THE PARTIES DO NOT REACH AN AGREEMENT:**

28 1. **BY STATING THAT THEY MUTUALLY AGREE THEY ARE**
29 **AT AN IMPASSE; OR**

30 2. **ON OR BEFORE OCTOBER 1 OF THE YEAR IN WHICH A**
31 **COLLECTIVE BARGAINING AGREEMENT WILL EXPIRE.**

1 (IV) IF AN IMPASSE IS REACHED UNDER SUBPARAGRAPH (III) OF
2 THIS PARAGRAPH, EACH PARTY SHALL SUBMIT ITS LAST, BEST, AND FINAL OFFER
3 TO THE OTHER PARTY WITHIN 48 HOURS AFTER THE IMPASSE IS REACHED.

4 (V) 1. UNLESS THE IMPASSE HAS BEEN RESOLVED, THE
5 PARTIES SHALL MEET WITHIN 5 BUSINESS DAYS AFTER THE IMPASSE IS REACHED
6 UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH TO SELECT AN ARBITRATOR
7 FROM A LIST OF 15 ARBITRATORS PROVIDED BY THE AMERICAN ARBITRATION
8 ASSOCIATION'S LABOR ARBITRATION PANEL.

9 2. THE PARTIES SHALL SELECT THE ARBITRATOR BY
10 ALTERNATELY STRIKING A NAME FROM THE LIST UNTIL ONE NAME REMAINS.

11 3. IF THE SELECTED ARBITRATOR IS UNABLE TO
12 FULFILL THE RESPONSIBILITIES OF THE ARBITRATION, THE SELECTION PROCESS
13 SHALL BE REPEATED USING A NEW LIST OF ARBITRATORS UNTIL AN ARBITRATOR IS
14 SELECTED.

15 4. THE PARTIES SHALL SUBMIT THE DISPUTE AND THE
16 LAST, BEST, AND FINAL OFFERS TO THE ARBITRATOR WITHIN 5 BUSINESS DAYS
17 AFTER THE ARBITRATOR IS SELECTED.

18 (VI) 1. THE ARBITRATOR SHALL HOLD FORMAL HEARINGS AS
19 NECESSARY IN ORDER TO RESOLVE THE IMPASSE.

20 2. DURING THE FIRST 21 DAYS IMMEDIATELY
21 FOLLOWING THE APPOINTMENT OF THE ARBITRATOR AND BEFORE HOLDING ANY
22 FORMAL HEARINGS, THE ARBITRATOR MAY, IF DETERMINED APPROPRIATE BY THE
23 ARBITRATOR, ATTEMPT TO RESOLVE THE IMPASSE BY ACTING AS A NEUTRAL
24 MEDIATOR BETWEEN THE PARTIES.

25 (VII) THE ARBITRATOR SHALL SELECT ONE PARTY'S LAST, BEST,
26 AND FINAL OFFER ON OR BEFORE DECEMBER 15.

27 (VIII) 1. THE SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
28 SUBPARAGRAPH, THE DECISION OF THE ARBITRATOR IS BINDING ON THE PARTIES.

29 2. A DECISION OF AN ARBITRATOR UNDER THIS
30 PARAGRAPH RELATED TO WAGES IS SUBJECT TO THE LIMITATIONS OF THE STATE
31 BUDGET.

32 (IX) THE PARTIES SHALL EQUALLY SHARE THE COSTS OF THE
33 SERVICES OF THE ARBITRATOR.

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

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

5 (ii) for a memorandum of understanding relating to the Maryland
6 Environmental Service, the Board of Directors of the Service;

7 (iii) for a memorandum of understanding relating to a system
8 institution, the Chancellor or the Chancellor's designee; and

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

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

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

18 (e) (1) Except as provided in paragraph (2) of this subsection, negotiations for
19 a memorandum of understanding shall be considered closed sessions under § 3-305 of the
20 General Provisions Article.

21 (2) An exclusive representative may not be considered a public body under
22 § 3-101 of the General Provisions Article.

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

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

33 3-603.

1 (a) A memorandum of understanding agreed to and ratified under § 3–601 of this
2 subtitle may not expire until it is succeeded by a memorandum of understanding that is
3 agreed to and ratified **OR ADOPTED BY ARBITRATION** under this title.

4 (b) Notwithstanding § 3–601(b) of this subtitle, all terms of a memorandum of
5 understanding shall continue in force and effect without change until a successor
6 memorandum of understanding is agreed to and ratified.

7 (c) (1) Based on a verified complaint by an exclusive representative, the
8 exclusive representative may file an action in a circuit court against the State, the
9 Maryland Environmental Service, a system institution, Morgan State University, St.
10 Mary’s College of Maryland, or Baltimore City Community College to enforce the terms of
11 this section.

12 (2) On receipt of an action submitted by the exclusive representative, the
13 court shall issue a status quo order without a finding of irreparable harm to maintain a
14 memorandum of understanding and the terms in effect pending a final order in the action.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.