P4 4lr1107 CF SB 192

By: Delegate Chang

Introduced and read first time: January 12, 2024

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning 2 State Personnel - Collective Bargaining - Supervisory Employees 3 FOR the purpose of providing collective bargaining rights to certain supervisory State 4 employees; establishing separate bargaining units for certain supervisory State 5 employees; and generally relating to collective bargaining for supervisory State 6 employees. 7 BY repealing and reenacting, with amendments, 8 Article – State Personnel and Pensions 9 Section 3–102 10 Annotated Code of Maryland 11 (2015 Replacement Volume and 2023 Supplement) 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND. 13 That the Laws of Maryland read as follows: 14 **Article – State Personnel and Pensions** 15 3-102.16 Except as provided in this title or as otherwise provided by law, this title (a) 17 applies to: 18 (1) all employees of: 19 (i) the principal departments within the Executive Branch of State 20 government: 21 (ii) the Maryland Insurance Administration; 22 the State Department of Assessments and Taxation; (iii)



1		(iv)	the State Lottery and Gaming Control Agency;				
2 3	(v) the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College;						
4		(vi)	the Comptroller;				
5 6	officers;	(vii)	the Maryland Transportation Authority who are not police				
7		(viii)	the State Retirement Agency;				
8		(ix)	the State Department of Education;				
9		(x)	the Maryland Environmental Service;				
10		(xi)	the Maryland School for the Deaf; and				
11		(xii)	the Office of the Public Defender;				
12 13	(2) firefighters for the Martin State Airport at the rank of captain or below who are employed by the Military Department; and						
14 15	(3) all full—time Maryland Transportation Authority police officers at the rank of first sergeant and below.						
16	(b) This title does not apply to:						
17 18	(1) employees of the Maryland Transit Administration, as that term is defined in § 7–601(a)(2) of the Transportation Article;						
19	(2)	(2) an employee who is elected to the position by popular vote;					
20 21	(3) an employee in a position by election or appointment that is provided for by the Maryland Constitution;						
22	(4)	an en	nployee who is:				
23 24	System; or	(i)	a special appointment in the State Personnel Management				
25 26	that is not provide	(ii) d for b	1. directly appointed by the Governor by an appointment y the Maryland Constitution;				
27 28	Governor; or		2. appointed by or on the staff of the Governor or Lieutenant				

$\frac{1}{2}$	Office;		3.	assigned to the Government House or the Governor's
3 4	(5) Board;	an er	nploy	ee assigned to the Board or with access to records of the
5	(6)	an en	nploye	ee in:
6 7	System; or	(i)	the	executive service of the State Personnel Management
8 9	system who is:	(ii)	a un	ait of the Executive Branch with an independent personnel
10 11 12	position that is not office; or	exclu	1. ded u	the chief administrator of the unit or a comparable nder item (3) of this subsection as a constitutional or elected
13 14	comparable position	n;	2.	a deputy or assistant administrator of the unit or a
15 16	(7) Management Syste	(i) em; or	a te	mporary or contractual employee in the State Personnel
17 18	Executive Branch	(ii) with a		ntractual, temporary, or emergency employee in a unit of the ependent personnel system;
19 20	(8) under another law;		nploy	ree who is entitled to participate in collective bargaining
21 22	(9) University, St. Mar			ee of the University System of Maryland, Morgan State of Maryland, or Baltimore City Community College who is:
23		(i)	a ch	ief administrator or in a comparable position;
24 25	comparable position	(ii) n;	a d	eputy, associate, or assistant administrator or in a
26		(iii)	a me	ember of the faculty, including a faculty librarian;
27 28	comparable position	(iv) n, fello		tudent employee, including a teaching assistant or a post doctoral intern;
29		(v)	a coi	ntingent, contractual, temporary, or emergency employee;

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- 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 State of Maryland; 4 5 (10)an employee whose participation in a labor organization would be 6 contrary to the State's ethics laws; 7 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 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 Employees, employers, and exclusive representatives subject to this title are 17 subject to the provisions of Title 22 of the State Government Article. 18 (d) Subject to Title 22, Subtitle 4 of the State Government Article, a (1) bargaining unit shall consist only of employees defined in regulations adopted by the 19 20 Secretary and not specifically excluded by subsection (b) of this section. 21Each system institution, Morgan State University, St. Mary's 22College of Maryland, and Baltimore City Community College shall have separate 23bargaining units. 24 (ii) Appropriate bargaining units shall consist of: 251. all eligible nonexempt employees, as described in the 26 federal Fair Labor Standards Act, except eligible sworn police officers; 27 2. all eligible exempt employees, as described in the federal 28 Fair Labor Standards Act; and
- 30 (3) (i) Except as provided in subparagraph (ii) of this paragraph, the 31 Secretary or the Secretary's designee shall have the authority to assign classification titles 32 and positions to bargaining units as appropriate.

all eligible sworn police officers.

3.

1 The following individuals and entities shall assign classification (ii) 2 titles and positions to bargaining units at the following institutions: 3 1. at a system institution, the President of the system institution; and 4 2. at Morgan State University, St. Mary's College of 5 6 Maryland, or Baltimore City Community College, the governing board of the institution. 7 **(4)** Notwithstanding any other provision of law: Maryland Transportation Authority police officers at the rank of 8 (i) 9 first sergeant and below shall have a separate bargaining unit; [and] 10 faculty at the Maryland School for the Deaf shall have a separate (ii) 11 bargaining unit; AND 12 (III) SUPERVISORY **STATE EMPLOYEES** OF **UNITS** OF GOVERNMENT LISTED IN SUBSECTION (A)(1)(I) THROUGH (IV), (VI) THROUGH (VIII), 13 OR (XI) OR (2) OF THIS SECTION WHO ARE NOT CONFIDENTIAL EMPLOYEES SHALL 14 HAVE A SEPARATE BARGAINING UNIT. 15

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

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October 1, 2024.