

Chapter 804

(Senate Bill 556)

AN ACT concerning

**Collective Bargaining – ~~Teachers at the~~ Maryland School for the Deaf –
Application and Separate Bargaining Unit**

FOR the purpose of applying certain provisions of law that relate to collective bargaining for State employees to certain employees of the Maryland School for the Deaf; establishing a separate bargaining unit for certain ~~teachers~~ faculty at the Maryland School for the Deaf; altering a certain definition; defining a certain term; making conforming changes; and generally relating to collective bargaining for employees of the Maryland School for the Deaf.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 3–101, ~~3–102, 3–205(a),~~ and 3–403(f)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 3–403(a) through (c)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

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

Article – State Personnel and Pensions

3–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Board” means:

(1) with regard to any matter relating to employees of any of the units of State government described in § 3–102(a)(1)(i) through (iv) and (vi) through ~~(x)~~ **(XI)** of this subtitle and employees described in § 3–102(a)(2) of this subtitle, the State Labor Relations Board; and

(2) with regard to any matter relating to employees of any State institution of higher education described in § 3–102(a)(1)(v) of this subtitle, the State Higher Education Labor Relations Board.

(c) “Collective bargaining” means:

(1) good faith negotiations by authorized representatives of employees and their employer with the intention of:

(i) 1. reaching an agreement about wages, hours, and other terms and conditions of employment; and

2. incorporating the terms of the agreement in a written memorandum of understanding or other written understanding; or

(ii) clarifying terms and conditions of employment;

(2) administration of terms and conditions of employment; or

(3) the voluntary adjustment of a dispute or disagreement between authorized representatives of employees and their employer that arises under a memorandum of understanding or other written understanding.

(d) “Employee organization” means a labor or other organization in which State employees participate and that has as one of its primary purposes representing employees.

(e) “Exclusive representative” means an employee organization that has been certified by the Board as an exclusive representative under Subtitle 4 of this title.

(f) **(1) “FACULTY AT THE MARYLAND SCHOOL FOR THE DEAF” MEANS EMPLOYEES WHO HAVE BEEN GRANTED THE FOLLOWING STATUS BY THE BOARD OF TRUSTEES OF THE MARYLAND SCHOOL FOR THE DEAF:**

(I) AFTER-SCHOOL PROGRAM COUNSELORS;

(II) AMERICAN SIGN LANGUAGE SPECIALISTS;

(III) ATHLETIC TRAINERS;

(IV) BEHAVIOR SPECIALISTS;

(V) CLERICAL AIDES;

(VI) DORM COUNSELORS;

(VII) EMPLOYMENT SPECIALISTS;

(VIII) INSTRUCTIONAL TECHNOLOGY RESOURCE SPECIALISTS;

- (IX) LIBRARIANS;**
- (X) LITERACY AND READING SPECIALISTS;**
- (XI) OCCUPATIONAL THERAPISTS;**
- (XII) ORIENTATION AND MOBILITY SPECIALISTS;**
- (XIII) PHYSICAL THERAPISTS;**
- (XIV) SCHOOL COUNSELORS;**
- (XV) SCHOOL IEP COORDINATORS;**
- (XVI) SCHOOL NURSES;**
- (XVII) SCHOOL SOCIAL WORKERS;**
- (XVIII) SPEECH–LANGUAGE PATHOLOGISTS;**
- (XIX) STUDENT SUPPORT SPECIALISTS;**
- (XX) TEACHERS;**
- (XXI) TEACHER AIDES;**
- (XXII) TRANSITION COORDINATORS; AND**
- (XXIII) WORK–TO–LEARN SPECIALISTS.**

(2) “FACULTY AT THE MARYLAND SCHOOL FOR THE DEAF” DOES NOT INCLUDE OFFICERS OR SUPERVISORY EMPLOYEES AT THE MARYLAND SCHOOL FOR THE DEAF.

(G) “President” means:

- (1) with regard to a constituent institution, as defined in § 12–101 of the Education Article, the president of the constituent institution;
- (2) with regard to a center or institute, as those terms are defined in § 12–101 of the Education Article, the president of the center or institute;
- (3) with regard to the University System of Maryland Office, the Chancellor of the University System of Maryland; and

(4) with regard to Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College, the president of the institution.

~~(g)~~ **(H)** “System institution” means:

(1) a constituent institution, as defined in § 12-101 of the Education Article;

(2) a center or institute, as those terms are defined in § 12-101 of the Education Article; and

(3) the University System of Maryland Office.

~~**(H) (1) “TEACHERS” MEANS EMPLOYEES WHO HAVE BEEN DESIGNATED WITH TEACHER STATUS BY THE BOARD OF TRUSTEES OF THE MARYLAND SCHOOL FOR THE DEAF.**~~

~~**(2) “TEACHERS” DOES NOT INCLUDE OFFICERS OR SUPERVISORY EMPLOYEES AT THE MARYLAND SCHOOL FOR THE DEAF.**~~

3-102.

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

(1) all employees of:

government;

(i) the principal departments within the Executive Branch of State

(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; [and]

(X) THE MARYLAND SCHOOL FOR THE DEAF; AND

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

(2) all full-time Maryland Transportation Authority police officers at the rank of first sergeant and below.

(b) This title does not apply to:

(1) employees of the Maryland Transit Administration, as that term is defined in § 7-601(a)(2) of the Transportation Article;

(2) an employee who is elected to the position by popular vote;

(3) an employee in a position by election or appointment that is provided for by the Maryland Constitution;

(4) an employee who is:

(i) a special appointment in the State Personnel Management System; or

(ii) 1. directly appointed by the Governor by an appointment that is not provided for by the Maryland Constitution;

2. appointed by or on the staff of the Governor or Lieutenant Governor; or

3. assigned to the Government House or the Governor's Office;

(5) an employee assigned to the Board or with access to records of the Board;

(6) an employee in:

(i) the executive service of the State Personnel Management System; or

(ii) a unit of the Executive Branch with an independent personnel system who is:

1. the chief administrator of the unit or a comparable position that is not excluded under item (3) of this subsection as a constitutional or elected office; or

2. a deputy or assistant administrator of the unit or a comparable position;

(7) (i) a temporary or contractual employee in the State Personnel Management System; or

(ii) a contractual, temporary, or emergency employee in a unit of the Executive Branch with an independent personnel system;

(8) an employee who is entitled to participate in collective bargaining under another law;

(9) an employee of the University System of Maryland, Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College who is:

(i) a chief administrator or in a comparable position;

(ii) a deputy, associate, or assistant administrator or in a comparable position;

(iii) a member of the faculty, including a faculty librarian;

(iv) a student employee, including a teaching assistant or a comparable position, fellow, or post doctoral intern;

(v) a contingent, contractual, temporary, or emergency employee;

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

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

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

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

(12) any supervisory, managerial, or confidential employee of a State institution of higher education listed in subsection (a)(1)(v) of this section, as defined in

regulations adopted by the governing board of the institution; or

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

3-205.

(a) The Board is responsible for administering and enforcing provisions of this title relating to employees described in § 3-102(a)(1)(i) through (iv) and (vi) through [(x)] (XI) and (2) of this title.

3-403.

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

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

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

(i) conduct a hearing; and

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

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

(1) dismiss the petition; or

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

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

(f) Notwithstanding any other provision of law[,]:

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

(2) ~~TEACHERS~~ **FACULTY AT THE MARYLAND SCHOOL FOR THE DEAF** SHALL HAVE A SEPARATE BARGAINING UNIT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.