

HOUSE BILL 239

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HB 795/16 – APP

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CF 7lr1997

By: Delegates P. Young, Barkley, B. Barnes, Chang, Cullison, Davis, Ebersole, Frick, Glenn, Haynes, Healey, Hettleman, Jackson, Jones, Korman, Lafferty, Lam, Lierman, Luedtke, McCray, Moon, Pena–Melnik, Platt, Reznik, Sanchez, Sophocleus, Tarlau, Turner, Valderrama, Valentino–Smith, Waldstreicher, and A. Washington

Introduced and read first time: January 23, 2017

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Environmental Service – Collective Bargaining**

3 FOR the purpose of requiring the Maryland Environmental Service, consistent with certain
4 provisions of law, to recognize and deal with certain employee organizations,
5 collectively bargain, and enter into certain types of agreements applicable to certain
6 State employees; providing for an exception to an exemption from certain provisions
7 of State personnel law; and generally relating to certain requirements for the
8 Maryland Environmental Service in connection with collective bargaining for its
9 employees.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 3–103.1 and 3–103.2
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2016 Supplement)

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

17 **Article – Natural Resources**

18 3–103.1.

19 (a) The staff of the Service shall consist of such employees as the Service may
20 determine are necessary to carry out the duties of the Service.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) (1) The Service shall adopt regulations to govern the employees of the Service.

(2) The Service shall establish a personnel system that:

(i) Is based on merit and compensates employees based on performance;

(ii) Includes fair and equitable procedures for the redress of grievances and for the hiring, promotion, and laying off of employees; and

(iii) Allows State employees who are employed by the Service prior to July 1, 1993 and members of the State retirement or pension systems to continue membership in the Employees' Retirement System of the State of Maryland or the Employees' Pension System of the State of Maryland.

(3) (i) The Service shall be liable for and shall pay to the State Retirement Agency the employer's share of employee retirement or pension costs for Service employees who participate in the State retirement or pension systems, as provided in Title 21, Subtitle 3 of the State Personnel and Pensions Article.

(ii) The Service shall be liable for and shall pay the employer's share of health insurance costs for Service employees.

(4) In carrying out the requirements of this subsection, the Service may:

(i) Create or abolish any position other than one specifically provided for in this subtitle;

(ii) Determine employee qualifications, appointment and removal procedures, terms of employment including compensation, benefits, holiday schedules, and leave policies, and any other matter concerning employees; and

(iii) Subject to the provisions of subsection (c) of this section, take such actions that are necessary for the transition to a new personnel system.

(c) (1) All State employees who are employed by the Service prior to July 1, 1993 shall be provided the opportunity to transfer to the Service's new personnel system without loss of pay. All nonstate employees of the Service employed prior to July 1, 1993 shall be members of the new personnel system.

(2) All persons hired by the Service on or after July 1, 1993 shall be members of the new personnel system.

(3) State employees who transfer to the Service's new personnel system shall, unless fairly compensated for the leave by the Service, retain vacation leave, sick leave, and personal and compensatory leave earned prior to the date of transfer until the

time that the leave would normally expire under the regulations adopted under the State Personnel and Pensions Article.

(4) The Director and the Secretary of Personnel will use their combined resources to facilitate, prior to January 1, 1995, the placement, reassignment, or transfer of Service State employees who elect not to transfer to the new personnel system.

(5) Classified State employees who elect not to transfer to the new personnel system shall retain all rights and privileges of the State Personnel Management System until January 1, 1995.

(6) State employees who are not classified in the State Personnel Management System who elect not to transfer to the new personnel system shall retain such rights and privileges as existed on July 1, 1993, until January 1, 1995.

(7) The Service shall permit continuation of the rights of employee organizations in existence on July 1, 1993, to represent employees and to collect union dues through a checkoff system.

(8) [If] AS State employees in general are authorized [by law] UNDER TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE to enter into [binding arbitration or] binding collective bargaining agreements WITH UNITS OF STATE GOVERNMENT establishing wages, hours, pension rights, or working conditions for State employees, the Service [may] SHALL, CONSISTENT WITH THE PROVISIONS OF TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, RECOGNIZE AND DEAL WITH AN EMPLOYEE ORGANIZATION ONCE ELECTED AS AN EXCLUSIVE REPRESENTATIVE, COLLECTIVELY BARGAIN, AND enter into the same type of agreements for employees of the Service.

3-103.2.

[The] EXCEPT AS PROVIDED IN § 3-103.1(C)(8) OF THIS SUBTITLE, THE Service is exempt from the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.