

HOUSE BILL 1370

L1, L3
HB 736/16 – APP

7lr0446

By: **Delegates P. Young, Carr, Glenn, Jackson, Korman, McCray, Moon, Morales, Platt, Sanchez, and Tarlau**

Introduced and read first time: February 10, 2017

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Employment Rights for Local Government Employees**
3 **– Establishment**

4 FOR the purpose of requiring certain counties and municipal corporations to enact a local
5 law, on or before a certain date, to authorize collective bargaining between the county
6 or municipal corporation and a certain employee organization; authorizing certain
7 counties and municipal corporations to enact a local law to authorize collective
8 bargaining between the county or municipal corporation and a certain employee
9 organization; requiring that a local law enacted under a certain provision of this Act
10 include certain provisions; requiring, under certain circumstances, that a
11 memorandum of understanding between a charter county and an exclusive
12 representative binds the charter county for a certain period of time subject to certain
13 charter provisions; defining certain terms; providing for the construction of this Act;
14 providing for the application of this Act; and generally relating to employment rights
15 for local government employees.

16 BY adding to
17 Article – Labor and Employment
18 Section 4–701 through 4–704 to be under the new subtitle “Subtitle 7. Employment
19 Rights for Local Government Employees”
20 Annotated Code of Maryland
21 (2016 Replacement Volume)

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

24 **Article – Labor and Employment**

25 **SUBTITLE 7. EMPLOYMENT RIGHTS FOR LOCAL GOVERNMENT EMPLOYEES.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **4-701.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "EMPLOYEE" DOES NOT INCLUDE:

5 (1) AN APPOINTED OFFICIAL;

6 (2) AN ELECTED OFFICIAL; OR

7 (3) A SUPERVISORY, MANAGERIAL, OR CONFIDENTIAL EMPLOYEE.

8 (C) "EMPLOYER" MEANS A COUNTY OR A MUNICIPAL CORPORATION.

9 (D) "EXCLUSIVE REPRESENTATIVE" MEANS AN EMPLOYEE ORGANIZATION
10 THAT HAS BEEN CERTIFIED THROUGH AN ELECTION OR FOR WHICH THERE IS AN
11 INDICATION OF THE MAJORITY SUPPORT OF ELIGIBLE EMPLOYEES TO REPRESENT
12 AND BARGAIN FOR THOSE EMPLOYEES OVER ANY TERMS AND CONDITIONS OF
13 EMPLOYMENT.

14 **4-702.**

15 THIS SUBTITLE MAY NOT BE CONSTRUED TO REQUIRE ANY SPECIFIC METHOD,
16 MEANS, OR SCOPE OF BARGAINING BETWEEN AN EMPLOYER AND AN EXCLUSIVE
17 REPRESENTATIVE.

18 **4-703.**

19 (A) (1) ON OR BEFORE DECEMBER 31, 2018, EACH EMPLOYER THAT
20 EMPLOYS 20 EMPLOYEES OR MORE SHALL ENACT A LOCAL LAW TO AUTHORIZE
21 COLLECTIVE BARGAINING BETWEEN THE EMPLOYER AND ANY EMPLOYEE
22 ORGANIZATION THAT THE EMPLOYER HAS RECOGNIZED AS AN EXCLUSIVE
23 REPRESENTATIVE OF ITS EMPLOYEES.

24 (2) AN EMPLOYER THAT EMPLOYS FEWER THAN 20 EMPLOYEES MAY
25 ENACT A LOCAL LAW TO AUTHORIZE COLLECTIVE BARGAINING BETWEEN THE
26 EMPLOYER AND ANY EMPLOYEE ORGANIZATION THAT THE EMPLOYER HAS
27 RECOGNIZED AS AN EXCLUSIVE REPRESENTATIVE OF ITS EMPLOYEES.

28 (B) A LOCAL LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION
29 SHALL ADDRESS:

1 (1) THE RIGHTS OF EMPLOYEES REGARDING COLLECTIVE
2 BARGAINING;

3 (2) THE RIGHTS OF THE EMPLOYER REGARDING COLLECTIVE
4 BARGAINING; AND

5 (3) THE PROCESSES TO BE USED:

6 (I) FOR AN EMPLOYEE ORGANIZATION TO BECOME AN
7 EXCLUSIVE REPRESENTATIVE;

8 (II) TO DECERTIFY AN EXCLUSIVE REPRESENTATIVE;

9 (III) TO RESOLVE AN IMPASSE IN NEGOTIATIONS; AND

10 (IV) IN RESOLVING DISPUTES INVOLVING THE INTERPRETATION
11 OR APPLICATION OF THE TERMS OF A MEMORANDUM OF UNDERSTANDING.

12 **4-704.**

13 (A) THIS SECTION APPLIES ONLY TO A CHARTER COUNTY.

14 (B) SUBJECT TO PROVISIONS CONCERNING BUDGETARY AND FISCAL
15 PROCEDURES CONTAINED IN THE EMPLOYER'S CHARTER IF RATIFIED OR APPROVED
16 BY A LEGISLATIVE ENACTMENT OF THE EMPLOYER AND IF SIGNED BY THE CHIEF
17 EXECUTIVE OFFICER OF THE EMPLOYER, A MEMORANDUM OF UNDERSTANDING
18 BETWEEN THE EMPLOYER AND AN EXCLUSIVE REPRESENTATIVE SHALL BIND THE
19 EMPLOYER FOR THE PERIOD OF TIME THAT IS PROVIDED FOR IN THE AGREEMENT.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
21 apply only prospectively and may not be applied or interpreted to have any effect on or
22 application to any collective bargaining laws enacted or collective bargaining agreements
23 entered into before the effective date of this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2017.