

SENATE BILL 677

P4, P3

3lr1670
CF 3lr1997

By: **Senator Pugh**

Introduced and read first time: February 1, 2013

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Collective Bargaining – State Labor Relations Board and State Higher**
3 **Education Labor Relations Board – Enforcement Authority**

4 FOR the purpose of requiring the State Labor Relations Board and the State Higher
5 Education Labor Relations Board to decide certain controversies and disputes;
6 providing that certain decisions of the boards shall be the exclusive and final
7 administrative decisions; authorizing the boards to order a respondent to make
8 certain payments to a complainant under certain circumstances; authorizing
9 the boards to bring a certain action to enforce a certain order under certain
10 provisions of law and in a certain court; repealing certain provisions of law
11 relating to the boards' authority to petition a circuit court to order a person to
12 comply with a certain order; and generally relating to collective bargaining and
13 the enforcement authority of the State Labor Relations Board and the State
14 Higher Education Labor Relations Board.

15 BY repealing and reenacting, with amendments,
16 Article – State Personnel and Pensions
17 Section 3–207 and 3–2A–07
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2012 Supplement)

20 BY repealing
21 Article – State Personnel and Pensions
22 Section 3–209 and 3–2A–09
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2012 Supplement)

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

27 **Article – State Personnel and Pensions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-207.

2 (a) The Board shall investigate:

3 (1) a possible violation of this title or any regulation adopted under it;
4 and

5 (2) any other relevant matter.

6 (b) The Board may hold a hearing in accordance with Title 10, Subtitle 2 of
7 the State Government Article whenever necessary for a fair determination of any issue
8 or complaint arising under this title or a regulation adopted under it.

9 (c) **THE BOARD SHALL DECIDE ALL CONTROVERSIES AND DISPUTES**
10 **THAT CONCERN THE INTERPRETATION, APPLICATION, OR ALLEGED VIOLATION**
11 **OF THIS TITLE OR ANY RULE OR REGULATION ADOPTED UNDER THIS TITLE.**

12 (d) **ON EXPRESS FINDINGS OF FACT AND CONCLUSIONS OF LAW, IF THE**
13 **BOARD FINDS THAT A VIOLATION OF THIS TITLE OR A REGULATION ADOPTED**
14 **UNDER THIS TITLE HAS OCCURRED, THE BOARD MAY ORDER A RESPONDENT,**
15 **INCLUDING THE STATE, TO PAY A COMPLAINANT:**

16 (1) **BACK PAY;**

17 (2) **FOREGONE WAGES OR EARNINGS;**

18 (3) **THE VALUE OF LOST EMPLOYMENT BENEFITS; AND**

19 (4) **INTEREST FROM THE DATE OF THE VIOLATION TO THE DATE**
20 **OF PAYMENT.**

21 (e) **THE DECISION OF THE BOARD ON ALL MATTERS DECIDED UNDER**
22 **THIS SECTION SHALL BE THE EXCLUSIVE AND FINAL ADMINISTRATIVE**
23 **DECISION.**

24 (f) **AN ACTION TO ENFORCE AN ORDER ISSUED BY THE BOARD MAY BE**
25 **BROUGHT BY THE BOARD:**

26 (1) **UNDER § 10-222.1 OF THE STATE GOVERNMENT ARTICLE;**
27 **AND**

28 (2) **IN THE COURT OF THE COUNTY IN WHICH THE BOARD**
29 **MAINTAINS ITS PRINCIPAL OFFICE.**

1 [3-209.

2 (a) If a person fails to comply with an order issued by the Board, a member of
3 the Board may petition the circuit court to order the person to comply with the Board's
4 order.

5 (b) The Board shall not be required to post bond in an action under
6 subsection (a) of this section.]

7 3-2A-07.

8 (a) The Board may investigate:

9 (1) a possible violation of this title or any regulation adopted under it;
10 and

11 (2) any other relevant matter.

12 (b) The Board may hold a hearing in accordance with Title 10, Subtitle 2 of
13 the State Government Article whenever necessary for a fair determination of any issue
14 or complaint arising under this title or a regulation adopted under it.

15 **(C) THE BOARD SHALL DECIDE ALL CONTROVERSIES AND DISPUTES**
16 **THAT CONCERN THE INTERPRETATION, APPLICATION, OR ALLEGED VIOLATION**
17 **OF THIS TITLE OR ANY RULE OR REGULATION ADOPTED UNDER THIS TITLE.**

18 **(D) ON EXPRESS FINDINGS OF FACT AND CONCLUSIONS OF LAW, IF THE**
19 **BOARD FINDS THAT A VIOLATION OF THIS TITLE OR A REGULATION ADOPTED**
20 **UNDER THIS TITLE HAS OCCURRED, THE BOARD MAY ORDER A RESPONDENT,**
21 **INCLUDING THE STATE, TO PAY A COMPLAINANT:**

22 **(1) BACK PAY;**

23 **(2) FOREGONE WAGES OR EARNINGS;**

24 **(3) THE VALUE OF LOST EMPLOYMENT BENEFITS; AND**

25 **(4) INTEREST FROM THE DATE OF THE VIOLATION TO THE DATE**
26 **OF PAYMENT.**

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7 [3-2A-09.

8 (a) If a person fails to comply with an order issued by the Board, a member of
9 the Board may petition the circuit court to order the person to comply with the Board's
10 order.

11 (b) The Board shall not be required to post bond in an action under
12 subsection (a) of this section.]

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2013.