

HOUSE BILL 1292

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CF SB 824

By: Delegates Jones, Anderson, Barkley, Braveboy, Clagett, Clippinger, Conaway, Costa, Fraser-Hidalgo, Frush, Glenn, Gutierrez, Guzzone, Haynes, Healey, Howard, Hucker, Kramer, Lee, McHale, Mizeur, Morhaim, Nathan-Pulliam, Niemann, Pena-Melnyk, Proctor, B. Robinson, Rosenberg, Stukes, Swain, V. Turner, Vaughn, A. Washington, M. Washington, Wilson, and Zucker

Introduced and read first time: February 7, 2014

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **District Court of Maryland Employees – Collective Bargaining**

3 FOR the purpose of establishing collective bargaining rights for certain employees of
4 the District Court of Maryland; establishing the State Judicial Employees Labor
5 Relations Board as an independent unit of State government; providing for the
6 composition, chair, staffing, powers, and duties of the Board; providing for the
7 staggering of terms of the members of the Board; requiring the Board to appoint
8 an Executive Director of the Board; specifying the powers and duties of the
9 Executive Director; requiring the Board to recognize one statewide bargaining
10 unit; requiring the Board to adopt certain regulations related to the
11 establishment of a certain bargaining unit and the designation of an exclusive
12 representative; requiring the Board to conduct certain investigations;
13 authorizing the Board to hold certain hearings under certain circumstances;
14 authorizing certain persons to petition a certain court for a certain purpose;
15 applying certain provisions of law to certain employees, the District Court of
16 Maryland, the Chief Judge of the District Court, the Administrative Office of
17 the Courts, and the exclusive representative for certain employees; providing for
18 the duties of a certain exclusive representative; requiring the District Court of
19 Maryland and an employee organization to negotiate in a certain manner under
20 certain circumstances; requiring the Board to conduct a certain hearing or
21 authorize a certain arbitrator to conduct a hearing for a certain purpose under
22 certain circumstances; requiring collective bargaining to include certain
23 matters; authorizing collective bargaining to include negotiations relating to
24 service fees; providing that negotiations shall conclude with a memorandum of
25 understanding that covers certain matters; providing that a memorandum of
26 understanding is not valid under certain circumstances; providing for the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ratification of a memorandum of understanding; defining a certain term;
 2 specifying the terms of the initial members of the Board; and generally relating
 3 to collective bargaining for employees of the District Court of Maryland.

4 BY adding to
 5 Article – Courts and Judicial Proceedings
 6 Section 2–609
 7 Annotated Code of Maryland
 8 (2013 Replacement Volume and 2013 Supplement)

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

11 **Article – Courts and Judicial Proceedings**

12 **2–609.**

13 (A) IN THIS SECTION, “COLLECTIVE BARGAINING” HAS THE MEANING
 14 STATED IN § 3–101 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

15 (B) SECRETARIAL, ADMINISTRATIVE CONSTABULARY, AND
 16 MAINTENANCE AND HOUSEKEEPING EMPLOYEES OF THE DISTRICT COURT
 17 SHALL HAVE THE RIGHT TO:

18 (1) SELF ORGANIZATION;

19 (2) BARGAIN COLLECTIVELY THROUGH AN EMPLOYEE
 20 ORGANIZATION THAT IS AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES’
 21 OWN CHOOSING; AND

22 (3) ENGAGE IN, OR REFRAIN FROM ENGAGING IN, OTHER
 23 CONCERTED ACTIVITIES FOR THE PURPOSE OF COLLECTIVE BARGAINING OR
 24 OTHER MUTUAL AID OR PROTECTION.

25 (C) (1) THERE IS A STATE JUDICIAL EMPLOYEES LABOR RELATIONS
 26 BOARD ESTABLISHED AS AN INDEPENDENT UNIT OF STATE GOVERNMENT.

27 (2) THE BOARD CONSISTS OF THE FOLLOWING THREE MEMBERS:

28 (I) ONE MEMBER REPRESENTING THE PUBLIC, APPOINTED
 29 BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, WHO:

30 1. IS NOT AN OFFICER OR EMPLOYEE OF THE STATE
 31 OR A STATE EMPLOYEE ORGANIZATION; AND

1 **2. IS NOT AN ELECTED OFFICIAL OF THE STATE OR A**
2 **STATE EMPLOYEE ORGANIZATION;**

3 **(II) ONE MEMBER OF THE STATE JUDICIARY, APPOINTED**
4 **BY THE CHIEF JUDGE OF THE COURT OF APPEALS; AND**

5 **(III) ONE MEMBER OF THE NATIONAL ACADEMY OF**
6 **ARBITRATORS, OR WHO IS RECOMMENDED BY THE AMERICAN ARBITRATION**
7 **ASSOCIATION, WITH KNOWLEDGE OF AND EXPERIENCE IN PERSONNEL AND**
8 **COLLECTIVE BARGAINING MATTERS, APPOINTED BY THE GOVERNOR.**

9 **(3) THE THREE BOARD MEMBERS SHALL BE:**

10 **(I) KNOWN FOR OBJECTIVE AND INDEPENDENT**
11 **JUDGMENT;**

12 **(II) RESIDENTS OF THE STATE; AND**

13 **(III) REGISTERED TO VOTE IN THE STATE.**

14 **(4) BEFORE TAKING OFFICE, EACH MEMBER SHALL TAKE THE**
15 **OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.**

16 **(5) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A**
17 **CHAIR.**

18 **(6) (I) THE TERM OF A MEMBER IS 5 YEARS.**

19 **(II) THE TERMS OF MEMBERS ARE STAGGERED AS**
20 **REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1,**
21 **2014.**

22 **(III) A VACANCY SHALL BE FILLED FOR AN UNEXPIRED TERM**
23 **IN THE SAME MANNER AS AN ORIGINAL APPOINTMENT.**

24 **(IV) AT THE END OF A TERM, A MEMBER CONTINUES TO**
25 **SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

26 **(V) A MEMBER WHO IS APPOINTED AFTER A TERM HAS**
27 **BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**
28 **APPOINTED AND QUALIFIES.**

1 **(7) THE GOVERNOR OR CHIEF JUDGE OF THE COURT OF**
2 **APPEALS MAY REMOVE A MEMBER OF THE BOARD ONLY FOR INCOMPETENCE,**
3 **MISCONDUCT, OR WILLFUL NEGLECT OF DUTY.**

4 **(8) (I) A MAJORITY OF THE VOTING MEMBERS SHALL**
5 **CONSTITUTE A QUORUM FOR:**

6 **1. THE TRANSACTION OF BUSINESS; OR**

7 **2. THE EXERCISE OF ANY POWER OR THE**
8 **PERFORMANCE OF ANY DUTY AUTHORIZED OR IMPOSED BY LAW.**

9 **(II) NO FORMAL ACTION MAY BE TAKEN BY THE BOARD**
10 **WITHOUT THE APPROVAL OF A MAJORITY OF THE VOTING MEMBERS OF THE**
11 **BOARD.**

12 **(9) THE BOARD SHALL SET THE TIMES AND PLACES OF ITS**
13 **MEETINGS, CONSISTENT WITH TITLE 10, SUBTITLES 1 AND 5 OF THE STATE**
14 **GOVERNMENT ARTICLE.**

15 **(10) A MEMBER OF THE BOARD IS ENTITLED TO:**

16 **(I) THE COMPENSATION PROVIDED IN THE STATE BUDGET;**
17 **AND**

18 **(II) REIMBURSEMENT FOR EXPENSES UNDER THE**
19 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**
20 **BUDGET.**

21 **(11) (I) THE STATE JUDICIAL EMPLOYEES LABOR RELATIONS**
22 **BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR OF THE BOARD.**

23 **(II) THE EXECUTIVE DIRECTOR:**

24 **1. IS RESPONSIBLE TO AND SERVES AT THE**
25 **PLEASURE OF THE BOARD;**

26 **2. SHALL ISSUE ALL NOTICES OF MEETINGS AND**
27 **HEARINGS;**

28 **3. SHALL PREPARE AND PUBLISH THE MEETING**
29 **AGENDA; AND**

1 4. **IS ENTITLED TO THE SALARY PROVIDED IN THE**
2 **STATE BUDGET.**

3 **(III) THE EXECUTIVE DIRECTOR SHALL PERFORM THE**
4 **DUTIES THAT THE BOARD ASSIGNS, INCLUDING:**

5 1. **OPERATING THE OFFICE OF THE BOARD; AND**

6 2. **KEEPING THE OFFICIAL RECORDS OF THE**
7 **BOARD.**

8 **(IV) THE EXECUTIVE DIRECTOR MAY HIRE ANY STAFF**
9 **NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.**

10 **(V) 1. WITH APPROVAL OF THE BOARD, THE EXECUTIVE**
11 **DIRECTOR MAY EMPLOY PROFESSIONAL CONSULTANTS.**

12 2. **EACH PROFESSIONAL CONSULTANT SERVES AT**
13 **THE PLEASURE OF THE EXECUTIVE DIRECTOR.**

14 **(12) THE BOARD:**

15 **(I) IS RESPONSIBLE FOR ADMINISTERING AND ENFORCING**
16 **PROVISIONS OF THIS SECTION; AND**

17 **(II) SHALL RECOGNIZE ONE STATEWIDE BARGAINING UNIT**
18 **COMPRISING ALL SECRETARIAL, ADMINISTRATIVE CONSTABULARY, AND**
19 **MAINTENANCE AND HOUSEKEEPING EMPLOYEES OF THE DISTRICT COURT.**

20 **(13) IN ADDITION TO ANY OTHER POWERS OR DUTIES PROVIDED**
21 **FOR ELSEWHERE IN THIS SECTION, THE BOARD, CONSISTENT WITH TITLE 10 OF**
22 **THE STATE GOVERNMENT ARTICLE, SHALL ADOPT REGULATIONS THAT:**

23 **(I) ESTABLISH GUIDELINES FOR ESTABLISHING THE**
24 **BARGAINING UNIT THAT TAKE INTO CONSIDERATION:**

25 1. **THE ADMINISTRATIVE STRUCTURES OF THE**
26 **DISTRICT COURT AS AN EMPLOYER;**

27 2. **THE EXISTING FUNCTIONS OF THE**
28 **ADMINISTRATIVE OFFICE OF THE DISTRICT COURT;**

1 3. **THE RECOMMENDATIONS OF THE EXECUTIVE**
2 **DIRECTOR;**

3 4. **THE DESIRES OF THE EMPLOYEES INVOLVED;**

4 5. **THE COMMUNITIES OF INTEREST OF THE**
5 **EMPLOYEES INVOLVED; AND**

6 6. **THE WAGES, HOURS, AND OTHER WORKING**
7 **CONDITIONS OF THE EMPLOYEES INVOLVED; AND**

8 (ii) **ESTABLISH PROCEDURES THAT ARE CONSISTENT WITH**
9 **§§ 3-401, 3-402, 3-404, AND 3-406 OF THE STATE PERSONNEL AND PENSIONS**
10 **ARTICLE FOR THE DETERMINATION OF QUESTIONS RELATING TO**
11 **REPRESENTATION, INCLUDING:**

12 1. **THE PROPER MANNER OF PETITIONING BY**
13 **EMPLOYEE ORGANIZATIONS;**

14 2. **THE ANNOUNCEMENT, CONDUCT, AND**
15 **SUPERVISION OF A SECRET BALLOT ELECTION FOR THE DETERMINATION OR**
16 **DECERTIFICATION OF AN EXCLUSIVE REPRESENTATIVE; AND**

17 3. **CERTIFICATION OF AN EXCLUSIVE**
18 **REPRESENTATIVE.**

19 (14) **THE BOARD SHALL:**

20 (i) **INVESTIGATE AND TAKE APPROPRIATE ACTION IN**
21 **RESPONSE TO COMPLAINTS OF UNFAIR LABOR PRACTICES AND LOCKOUTS;**

22 (ii) **INVESTIGATE ANY ALLEGED VIOLATION OF THIS**
23 **SECTION OR ANY REGULATION ADOPTED UNDER THIS SECTION; AND**

24 (iii) **INVESTIGATE ANY OTHER RELEVANT MATTER.**

25 (15) **THE BOARD MAY HOLD A HEARING IN ACCORDANCE WITH**
26 **TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE WHENEVER**
27 **NECESSARY FOR A FAIR DETERMINATION OF ANY ISSUE OR COMPLAINT ARISING**
28 **UNDER THIS SECTION OR ANY REGULATION ADOPTED UNDER THIS SECTION.**

29 (16) **IF A PERSON FAILS TO COMPLY WITH AN ORDER ISSUED BY**
30 **THE BOARD, A PERSON AGGRIEVED, A MEMBER OF THE BOARD, OR THE BOARD**

1 IN ITS OWN NAME, MAY PETITION THE CIRCUIT COURT FOR ANNE ARUNDEL
2 COUNTY TO ORDER THE PERSON TO COMPLY WITH THE BOARD'S ORDER.

3 (17) THE BOARD MAY NOT BE REQUIRED TO POST BOND IN AN
4 ACTION UNDER PARAGRAPH (16) OF THIS SUBSECTION.

5 (D) ALL EMPLOYEES COVERED BY THIS SECTION ARE SUBJECT TO THE
6 PROVISIONS OF §§ 3-301, 3-303, AND 3-305(B) OF THE STATE PERSONNEL AND
7 PENSIONS ARTICLE.

8 (E) THE DISTRICT COURT, THE CHIEF JUDGE OF THE DISTRICT
9 COURT, AND THE ADMINISTRATIVE OFFICE OF THE COURTS ARE SUBJECT TO
10 THE PROVISIONS OF §§ 3-302, 3-304, AND 3-305(A) OF THE STATE PERSONNEL
11 AND PENSIONS ARTICLE.

12 (F) (1) UNFAIR LABOR PRACTICES PROHIBITED UNDER § 3-306(A)
13 OF THE STATE PERSONNEL AND PENSIONS ARTICLE SHALL APPLY TO THE
14 DISTRICT COURT, THE CHIEF JUDGE OF THE DISTRICT COURT, AND THE
15 ADMINISTRATIVE OFFICE OF THE COURTS.

16 (2) UNFAIR LABOR PRACTICES PROHIBITED UNDER § 3-306(B)
17 OF THE STATE PERSONNEL AND PENSIONS ARTICLE SHALL APPLY TO THE
18 EXCLUSIVE REPRESENTATIVE FOR COVERED EMPLOYEES OF THE DISTRICT
19 COURT.

20 (G) AN EMPLOYEE ORGANIZATION CERTIFIED AS THE EXCLUSIVE
21 REPRESENTATIVE SHALL:

22 (1) SERVE AS THE SOLE AND EXCLUSIVE BARGAINING AGENT FOR
23 ALL EMPLOYEES IN THE BARGAINING UNIT;

24 (2) REPRESENT FAIRLY AND WITHOUT DISCRIMINATION ALL
25 EMPLOYEES IN THE BARGAINING UNIT, WHETHER OR NOT THE EMPLOYEES ARE
26 MEMBERS OF THE EMPLOYEE ORGANIZATION OR ARE PAYING DUES OR OTHER
27 CONTRIBUTIONS TO IT OR PARTICIPATING IN ITS AFFAIRS; AND

28 (3) PROMPTLY FILE WITH THE BOARD ALL CHANGES AND
29 AMENDMENTS TO THE ORGANIZATION'S GOVERNING DOCUMENTS.

30 (H) (1) THE OBLIGATION OF THE PARTIES TO ENGAGE IN
31 COLLECTIVE BARGAINING SHALL BEGIN ON CERTIFICATION OF AN EXCLUSIVE
32 REPRESENTATIVE AND INCLUDE NEGOTIATION OVER THE TERMS OF A
33 MEMORANDUM OF UNDERSTANDING.

1 **(2) (I) IF THE PARTIES DO NOT CONCLUDE NEGOTIATIONS FOR**
2 **THE NEXT FISCAL YEAR BEFORE OCTOBER 25, ON DEMAND OF THE CHIEF**
3 **JUDGE OF THE DISTRICT COURT OR THE EXCLUSIVE REPRESENTATIVE, THE**
4 **BOARD SHALL:**

5 **1. CONDUCT A HEARING; OR**

6 **2. AUTHORIZE AN ARBITRATOR ADMITTED TO THE**
7 **NATIONAL ACADEMY OF ARBITRATORS TO CONDUCT A HEARING.**

8 **(II) THE PURPOSE OF A HEARING CONDUCTED UNDER**
9 **SUBPARAGRAPH (I) OF THIS PARAGRAPH IS FACT-FINDING TO RESOLVE THE**
10 **MAJOR ISSUES IN DISPUTE AND ISSUE A WRITTEN STATEMENT OF FINDINGS AND**
11 **RECOMMENDATIONS AS TO APPROPRIATE TERMS AND CONDITIONS OF**
12 **EMPLOYMENT.**

13 **(I) (1) COLLECTIVE BARGAINING SHALL INCLUDE ALL MATTERS**
14 **RELATING TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF**
15 **EMPLOYMENT.**

16 **(2) COLLECTIVE BARGAINING MAY INCLUDE NEGOTIATIONS**
17 **RELATING TO THE RIGHT OF AN EMPLOYEE ORGANIZATION TO RECEIVE**
18 **SERVICE FEES FROM NONMEMBERS CONSISTENT WITH § 3-502(B) OF THE**
19 **STATE PERSONNEL AND PENSIONS ARTICLE.**

20 **(3) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION,**
21 **THE DISTRICT COURT AND THE EXCLUSIVE REPRESENTATIVE:**

22 **(I) MAY NOT BE REQUIRED TO NEGOTIATE OVER ANY**
23 **MATTER THAT IS INCONSISTENT WITH APPLICABLE LAW; AND**

24 **(II) MAY NEGOTIATE AND REACH AGREEMENT WITH**
25 **REGARD TO A MATTER THAT IS INCONSISTENT WITH APPLICABLE LAW ONLY IF**
26 **IT IS UNDERSTOOD THAT THE AGREEMENT WITH RESPECT TO THE MATTER**
27 **CANNOT BECOME EFFECTIVE UNLESS THE APPLICABLE LAW IS AMENDED BY**
28 **THE GENERAL ASSEMBLY.**

29 **(J) (1) NEGOTIATIONS SHALL CONCLUDE WITH A MEMORANDUM OF**
30 **UNDERSTANDING THAT COVERS ALL MATTERS OF AGREEMENT REACHED IN THE**
31 **COLLECTIVE BARGAINING PROCESS.**

1 **(2) A MEMORANDUM OF UNDERSTANDING IS NOT VALID IF IT**
2 **EXTENDS FOR LESS THAN 1 YEAR OR FOR MORE THAN 3 YEARS.**

3 **(3) (I) A MEMORANDUM OF UNDERSTANDING MAY NOT TAKE**
4 **EFFECT UNLESS IT IS RATIFIED BY:**

5 **1. A SECRET BALLOT VOTE OF A MAJORITY OF THE**
6 **EMPLOYEES VOTING IN THE BARGAINING UNIT; AND**

7 **2. THE SIGNATURE OF THE CHIEF JUDGE OF THE**
8 **COURT OF APPEALS.**

9 **(II) ON RATIFICATION OF THE MEMORANDUM OF**
10 **UNDERSTANDING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE**
11 **MEMORANDUM OF UNDERSTANDING SHALL:**

12 **1. BE SIGNED BY THE CHIEF JUDGE OF THE**
13 **DISTRICT COURT AND THE PRINCIPLE EXECUTIVE OFFICER OF THE EXCLUSIVE**
14 **REPRESENTATIVE; AND**

15 **2. TAKE EFFECT AS OF THE EFFECTIVE DATE**
16 **AGREED TO BY THE PARTIES AS STATED IN THE MEMORANDUM OF**
17 **UNDERSTANDING.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
19 members of the State Judicial Employees Labor Relations Board shall expire as
20 follows:

21 (1) one member in 2016;

22 (2) one member in 2017; and

23 (3) one member in 2018.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 2014.