

# HOUSE BILL 864

P4

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CF SB 654

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By: **Delegates A. Miller, B. Barnes, Haynes, Jones, Korman, Krimm, McIntosh, Reznik, Sophocleus, Tarlau, and P. Young**

Introduced and read first time: February 2, 2018

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Collective Bargaining – Memorandum of Understanding – Continuation**

3 FOR the purpose of prohibiting a certain memorandum of understanding from expiring  
4 under certain circumstances; requiring that the terms of a certain memorandum of  
5 understanding continue in force and effect until a certain memorandum of  
6 understanding is agreed to and ratified; authorizing an exclusive representative to  
7 file a certain action in a circuit court under certain circumstances; requiring the  
8 court to issue a certain order to maintain a certain memorandum of understanding;  
9 requiring a certain proceeding to take precedence on a court docket for certain  
10 purposes; and generally relating to collective bargaining for State employees.

11 BY repealing and reenacting, without amendments,  
12 Article – State Personnel and Pensions  
13 Section 3–601(a)(1) and (b)  
14 Annotated Code of Maryland  
15 (2015 Replacement Volume and 2017 Supplement)

16 BY adding to  
17 Article – State Personnel and Pensions  
18 Section 3–603  
19 Annotated Code of Maryland  
20 (2015 Replacement Volume and 2017 Supplement)

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

23 **Article – State Personnel and Pensions**

24 3–601.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) A memorandum of understanding shall contain all matters of  
2 agreement reached in the collective bargaining process.

3 (b) No memorandum of understanding is valid if it extends for less than 1 year or  
4 for more than 3 years.

5 **3-603.**

6 (A) A MEMORANDUM OF UNDERSTANDING AGREED TO AND RATIFIED  
7 UNDER § 3-601 OF THIS SUBTITLE MAY NOT EXPIRE UNTIL IT IS SUCCEEDED BY A  
8 MEMORANDUM OF UNDERSTANDING THAT IS AGREED TO AND RATIFIED UNDER THIS  
9 TITLE.

10 (B) NOTWITHSTANDING § 3-601(B) OF THIS SUBTITLE, ALL TERMS OF A  
11 MEMORANDUM OF UNDERSTANDING SHALL CONTINUE IN FORCE AND EFFECT  
12 WITHOUT CHANGE UNTIL A SUCCESSOR MEMORANDUM OF UNDERSTANDING IS  
13 AGREED TO AND RATIFIED.

14 (C) (1) BASED ON A VERIFIED COMPLAINT BY AN EXCLUSIVE  
15 REPRESENTATIVE, THE EXCLUSIVE REPRESENTATIVE MAY FILE AN ACTION IN A  
16 CIRCUIT COURT AGAINST THE STATE, A SYSTEM INSTITUTION, MORGAN STATE  
17 UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, OR BALTIMORE CITY  
18 COMMUNITY COLLEGE TO ENFORCE THE TERMS OF THIS SECTION.

19 (2) ON RECEIPT OF AN ACTION SUBMITTED BY THE EXCLUSIVE  
20 REPRESENTATIVE, THE COURT SHALL ISSUE A STATUS QUO ORDER WITHOUT A  
21 FINDING OF IRREPARABLE HARM TO MAINTAIN A MEMORANDUM OF  
22 UNDERSTANDING AND THE TERMS IN EFFECT PENDING A FINAL ORDER IN THE  
23 ACTION.

24 (3) A PROCEEDING UNDER THIS SUBSECTION, INCLUDING APPEALS,  
25 SHALL TAKE PRECEDENCE ON THE COURT DOCKET AND BE EXPEDITED IN EVERY  
26 WAY POSSIBLE DUE TO THE IMPORTANCE OF THE ACTION TO THE PUBLIC INTEREST.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2018.