

HOUSE BILL 1280

L5

9lr1280

By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2019

CHAPTER _____

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Collective Bargaining – Technical**
3 **Unit**

4 **MC/PG 114–19**

5 FOR the purpose of establishing a separate technical collective bargaining unit within the
6 Washington Suburban Sanitary Commission; altering a provision of law that had
7 established a certain joint office/technical collective bargaining unit to establish a
8 separate office collective bargaining unit; providing for the application of this Act;
9 and generally relating to collective bargaining involving the Washington Suburban
10 Sanitary Commission.

11 BY repealing and reenacting, with amendments,
12 Article – Public Utilities
13 Section 18–201
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2018 Supplement)

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

18 **Article – Public Utilities**

19 18–201.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (1) (i) In this subsection the following words have the meanings
2 indicated.

3 (ii) “Confidential employee” means an employee who assists or acts
4 in a confidential capacity with respect to an individual who formulates, determines, or
5 implements management policies in the field of labor–management relations.

6 (iii) “Probationary employee” means a Commission merit system
7 employee during the employee’s initial probationary period after hiring.

8 (2) The rights granted to Commission merit system employees under this
9 subtitle do not apply to:

10 (i) attorneys in the Office of the General Counsel;

11 (ii) confidential employees;

12 (iii) probationary employees;

13 (iv) employees in the Office of the General Manager;

14 (v) employees in the Internal Audit Office;

15 (vi) employees in the Office of the Secretary; or

16 (vii) supervisors, as defined in § 2(11) of the National Labor Relations
17 Act, 29 U.S.C. § 152(11).

18 (b) (1) Commission employees are divided into **[four] FIVE** bargaining units
19 consisting of:

20 (i) an **[office/technical] OFFICE** unit that includes:

21 1. office classification titles in which employees are
22 responsible for internal and external communications, recording and retrieving
23 information, and paperwork required in an office;

24 2. **[technical classification titles in which employees have a**
25 **combination of basic scientific or technical knowledge and manual skill that is usually**
26 **acquired through specialized postsecondary school education or through equivalent**
27 **on–the–job training;**

28 **3.]** paraprofessional classification titles in which employees
29 perform, in a supportive role, some of the duties of a professional or a technician but that
30 usually require less formal training or experience than those duties performed by those
31 with professional or technical status; and

1 [4.] 3. all other nonprofessional job titles currently
2 unrepresented by any other union;

3 (ii) a professional unit that includes professional classification titles
4 in which employees have special or theoretical knowledge that is usually acquired through
5 college training or other training that provides comparable knowledge or work experience;

6 (iii) a service, labor, and trade unit that includes:

7 1. classification titles in which employees:

8 A. perform service and maintenance;

9 B. may operate specialized machinery or heavy equipment;
10 and

11 C. have duties that contribute to the comfort and convenience
12 of the public or to the upkeep and care of Commission buildings, facilities, or grounds;

13 2. classification titles in which employees are required to
14 have a special manual skill and thorough knowledge of processes that are required through
15 on-the-job training, experience, apprenticeship, or other formal training programs; and

16 3. classification titles included in the service, labor, and
17 trade bargaining unit as constituted on January 1, 2003; [and]

18 (iv) a law enforcement unit that includes Commission police officers;
19 AND

20 (V) A TECHNICAL UNIT THAT INCLUDES TECHNICAL
21 CLASSIFICATION TITLES IN WHICH EMPLOYEES HAVE A COMBINATION OF BASIC
22 SCIENTIFIC OR TECHNICAL KNOWLEDGE AND MANUAL SKILL THAT IS USUALLY
23 ACQUIRED THROUGH SPECIALIZED POSTSECONDARY SCHOOL EDUCATION OR
24 THROUGH EQUIVALENT ON-THE-JOB TRAINING.

25 (2) If a single employee organization is certified to represent more than one
26 bargaining unit, the Commission shall negotiate a single contract with that organization
27 covering all employees the organization represents.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not rescind,
29 supersede, change, or modify the right of an employee organization, certified on or before
30 the effective date of this Act under Title 18, Subtitle 2 of the Public Utilities Article, as the
31 exclusive representative of a bargaining unit, to represent the employees of an existing
32 bargaining unit.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed
2 to prohibit the certification of an exclusive representative for a new bargaining unit under
3 Title 18, Subtitle 2 of the Public Utilities Article.

4 SECTION ~~2.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.