

Chapter 133

(House Bill 260)

AN ACT concerning

State Personnel – Collective Bargaining – Supervisory Employees

FOR the purpose of providing collective bargaining rights to certain supervisory State employees; establishing separate bargaining units for certain supervisory State employees; and generally relating to collective bargaining for supervisory State employees.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 3–102
Annotated Code of Maryland
(2015 Replacement Volume and 2023 Supplement)

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

Article – State Personnel and Pensions

3–102.

(a) Except as provided in this title or as otherwise provided by law, this title applies to:

- (1) all employees of:
 - (i) the principal departments within the Executive Branch of State government;
 - (ii) the Maryland Insurance Administration;
 - (iii) the State Department of Assessments and Taxation;
 - (iv) the State Lottery and Gaming Control Agency;
 - (v) the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College;
 - (vi) the Comptroller;
 - (vii) the Maryland Transportation Authority who are not police officers;

- (viii) the State Retirement Agency;
- (ix) the State Department of Education;
- (x) the Maryland Environmental Service;
- (xi) the Maryland School for the Deaf; and
- (xii) the Office of the Public Defender;

(2) firefighters for the Martin State Airport at the rank of captain or below who are employed by the Military Department; and

(3) all full-time Maryland Transportation Authority police officers at the rank of first sergeant and below.

(b) This title does not apply to:

(1) employees of the Maryland Transit Administration, as that term is defined in § 7–601(a)(2) of the Transportation Article;

(2) an employee who is elected to the position by popular vote;

(3) an employee in a position by election or appointment that is provided for by the Maryland Constitution;

(4) an employee who is:

(i) a special appointment in the State Personnel Management System; or

(ii) 1. directly appointed by the Governor by an appointment that is not provided for by the Maryland Constitution;

2. appointed by or on the staff of the Governor or Lieutenant Governor; or

3. assigned to the Government House or the Governor's Office;

(5) an employee assigned to the Board or with access to records of the Board;

(6) an employee in:

(i) the executive service of the State Personnel Management System; or

(ii) a unit of the Executive Branch with an independent personnel system who is:

1. the chief administrator of the unit or a comparable position that is not excluded under item (3) of this subsection as a constitutional or elected office; or

2. a deputy or assistant administrator of the unit or a comparable position;

(7) (i) a temporary or contractual employee in the State Personnel Management System; or

(ii) a contractual, temporary, or emergency employee in a unit of the Executive Branch with an independent personnel system;

(8) an employee who is entitled to participate in collective bargaining under another law;

(9) an employee of the University System of Maryland, Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College who is:

(i) a chief administrator or in a comparable position;

(ii) a deputy, associate, or assistant administrator or in a comparable position;

(iii) a member of the faculty, including a faculty librarian;

(iv) a student employee, including a teaching assistant or a comparable position, fellow, or post doctoral intern;

(v) a contingent, contractual, temporary, or emergency employee;

(vi) a contingent, contractual, or temporary employee whose position is funded through a research or service grant or contract, or through clinical revenues; or

(vii) an employee whose regular place of employment is outside the State of Maryland;

(10) an employee whose participation in a labor organization would be contrary to the State's ethics laws;

(11) any [supervisory,] managerial[,] or confidential employee of a unit of State government listed in subsection (a)(1)(i) through (iv) and (vi) through ~~(xi)~~ **(XII)** of this section, as defined in regulations adopted by the Secretary;

(12) any supervisory, managerial, or confidential employee of a State institution of higher education listed in subsection (a)(1)(v) of this section, as defined in regulations adopted by the governing board of the institution; or

(13) any employee described in subsection (a)(2) of this section who is a ~~[supervisory,] managerial[,]~~ or confidential employee, as defined in regulations adopted by the Secretary.

(c) Employees, employers, and exclusive representatives subject to this title are subject to the provisions of Title 22 of the State Government Article.

(d) (1) Subject to Title 22, Subtitle 4 of the State Government Article, a bargaining unit shall consist only of employees defined in regulations adopted by the Secretary and not specifically excluded by subsection (b) of this section.

(2) (i) Each system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College shall have separate bargaining units.

(ii) Appropriate bargaining units shall consist of:

1. all eligible nonexempt employees, as described in the federal Fair Labor Standards Act, except eligible sworn police officers;
2. all eligible exempt employees, as described in the federal Fair Labor Standards Act; and
3. all eligible sworn police officers.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, the Secretary or the Secretary's designee shall have the authority to assign classification titles and positions to bargaining units as appropriate.

(ii) The following individuals and entities shall assign classification titles and positions to bargaining units at the following institutions:

1. at a system institution, the President of the system institution; and
2. at Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College, the governing board of the institution.

(4) Notwithstanding any other provision of law:

(i) Maryland Transportation Authority police officers at the rank of first sergeant and below shall have a separate bargaining unit; [and]

(ii) faculty at the Maryland School for the Deaf shall have a separate bargaining unit; AND

(III) SUPERVISORY EMPLOYEES OF UNITS OF STATE GOVERNMENT LISTED IN SUBSECTION (A)(1)(I) THROUGH (IV), AND (VI) THROUGH ~~(VII), OR (XI) OR (2)~~ (XII) OF THIS SECTION WHO ARE NOT CONFIDENTIAL EMPLOYEES SHALL HAVE A SEPARATE BARGAINING UNIT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, April 25, 2024.