

HOUSE BILL 335

P4

(8lr1419)

ENROLLED BILL

— Appropriations/Finance —

Introduced by **Delegates Haynes, B. Barnes, Chang, Gutierrez, Hettleman, Jackson, Jones, Korman, Lam, Lierman, Reznik, Sophocleus, and Valentino-Smith**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – Grievance Procedures** ~~– Exclusive Representatives~~

3 FOR the purpose of expanding the application of certain provisions of law governing
4 grievance procedures for certain *State* employees ~~in the State Personnel~~
5 ~~Management System to include certain exclusive representatives; authorizing~~
6 ~~certain exclusive representatives to present certain grievances free from coercion,~~
7 ~~discrimination, interference, reprisal, or restraint; requiring a grievant to complete~~
8 ~~certain forms in a certain manner for a certain purpose; applying a certain definition~~
9 ~~of “grievance” to a certain requirement that the Department of Transportation adopt~~
10 ~~certain regulations relating to employee grievance procedures; altering a certain~~
11 ~~definition; defining a certain term; making a conforming change; and generally~~
12 ~~relating to grievance procedures and exclusive representatives of State employees.~~

13 BY repealing and reenacting, with amendments,

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.

Italics indicate opposite chamber/conference committee amendments.



1 Article – State Personnel and Pensions
 2 Section 12–101, 12–102, and ~~12–103(a)~~ 12–108
 3 Annotated Code of Maryland
 4 (2015 Replacement Volume and 2017 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Transportation
 7 Section 2–103.4(d)(2)
 8 Annotated Code of Maryland
 9 (2015 Replacement Volume and 2017 Supplement)

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

12 **Article – State Personnel and Pensions**

13 12–101.

14 (a) In this title the following words have the meanings indicated.

15 (b) “Employer” means one or more of the following:

- 16 (1) an employee’s appointing authority;
 17 (2) an employee’s principal unit; or
 18 (3) the Department of Budget and Management.

19 (c) **“EXCLUSIVE REPRESENTATIVE” HAS THE MEANING STATED IN § 3–101**
 20 **OF THIS ARTICLE.**

21 ~~[(c)]~~ (D) (1) “Grievance” means a dispute between:

22 ~~(i)~~ an employee and the employee’s employer about the
 23 interpretation of and application to the employee of:

24 ~~[(i)]~~ ~~1.~~ a personnel policy or regulation adopted by the Secretary;
 25 ~~or~~

26 ~~[(ii)]~~ ~~2.~~ any other policy or regulation over which management has
 27 control; OR

28 ~~(H) AN EXCLUSIVE REPRESENTATIVE AND AN EMPLOYER:~~

29 ~~1. ABOUT THE INTERPRETATION AND APPLICATION OF:~~

~~A. A PERSONNEL POLICY OR REGULATION ADOPTED BY THE SECRETARY; OR~~

~~B. ANY OTHER POLICY OR REGULATION OVER WHICH MANAGEMENT HAS CONTROL; OR~~

~~2. (III) OVER ANY TERM OR CONDITION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE AND THE EXCLUSIVE REPRESENTATIVE.~~

(2) "Grievance" does not include a dispute about:

- (i) a pay grade or range for a class;
- (ii) the amount or the effective date of a statewide pay increase;
- (iii) the establishment of a class;
- (iv) the assignment of a class to a service category;
- (v) the establishment of classification standards;
- (vi) a mid-year performance appraisal; or
- (vii) an oral reprimand or counseling.

12-102.

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

~~(1) all employees in the State Personnel Management System within the Executive Branch; AND~~

~~(2) EACH EXCLUSIVE REPRESENTATIVE OF EMPLOYEES IN THE STATE PERSONNEL MANAGEMENT SYSTEM AND INDEPENDENT PERSONNEL SYSTEMS, EXCEPT FOR THE DEPARTMENT OF TRANSPORTATION, INCLUDING THE DEPARTMENT OF TRANSPORTATION.~~

(b) This title does not apply to:

(1) an employee who is appointed by the Governor whose appointment requires the Governor's approval;

(2) an employee in the executive service of the State Personnel Management System;

1 (3) a temporary employee;

2 (4) an attorney in the Office of the Attorney General or the Office of the
3 Public Defender;

4 (5) a State Police officer;

5 (6) [an employee who is subject to a collective bargaining agreement that
6 contains another grievance procedure;

7 (7) an employee, including a member of a faculty, who is subject to a
8 contract or regulation governing teacher tenure;

9 [(8)] (7) a member of the faculty, an officer, or an administrative
10 employee of Baltimore City Community College;

11 [(9)] (8) a student employee;

12 [(10)] (9) an individual who, as an inmate or patient in an institution, is
13 employed by the State; or

14 [(11)] (10) an administrative law judge in the Office of Administrative
15 Hearings.

16 ~~12-103.~~

17 ~~(a) An employee with a grievance or the grievant's representative, OR AN~~
18 ~~EXCLUSIVE REPRESENTATIVE WITH A GRIEVANCE, may present the grievance free from~~
19 ~~coercion, discrimination, interference, reprisal, or restraint.~~

20 ~~12-108.~~

21 (A) The Secretary shall:

22 (1) provide for forms for initiating and processing grievances; and

23 (2) make the forms available on the Department's Web site.

24 (B) THE GRIEVANT SHALL COMPLETE THE FORMS PROVIDED IN
25 ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION IN SUFFICIENT DETAIL THAT
26 WILL ALLOW FOR THE EXPEDITIOUS RESOLUTION OF THE GRIEVANCE.

27 Article - Transportation

28 2-103.4.

1 (d) (2) The regulations shall address procedures for leave, appointment,
2 hiring, promotion, layoff, removal, termination, redress of grievances, AS DEFINED IN §
3 ~~12-101~~ 12-101(D) OF THE STATE PERSONNEL AND PENSIONS ARTICLE, and
4 reinstatement of employees and shall be presented to the Joint Committee on
5 Administrative, Executive, and Legislative Review under Title 10, Subtitle 1 of the State
6 Government Article.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.