

1.439 COLLECTIVE BARGAINING

Collective Bargaining, under the law, allows the elected union and the University to meet and engage in Collective Bargaining. Collective Bargaining is a process for establishing employees' wages, hours, and other terms and conditions of employment which begins with negotiations between the elected union on one side and the employer on the other side. The results of these negotiations are set forth in an agreement, called a Memorandum of Understanding (MOU). The MOU is signed by the University President and the Union. Before the MOU can become effective, it must be approved by the Board of Regents and a majority vote of the employees in the bargaining unit. Any MOU which would change existing law or involves the expenditure of money must be approved by the General Assembly. All MOU's must have a term of at least one year, but no more than, three years.

I. Rights of University Employees

- A. Except as provided in Paragraph B, below, university employees may form and join employee organizations and assist in and participate in the activities of employee organizations of their own choice for the purpose of representation on matters of employee relations.
- B. Management employees, may join, assist in, or participate in the activities of an employee organization, or an affiliate of an employee organization, that represents or seeks to represent employees under the direction of the management employees when engaging in activities of a social, charitable, or fraternal nature.
- C. University employees may elect not to join employee organizations or participate in their activities. An employee may not be interfered with, intimidated, restrained, coerced, or discriminated against because of the employee's exercise of these rights.

II. Administration

A. Certification of Bargaining Units

Certification of employee organizations as bargaining units is the sole responsibility of the State Higher Education Labor Relations Board (SHELRB). The process by which employees may form bargaining units and seek certification by the University as the exclusive representative of the employees for purposes of Collective Bargaining is described in the State Higher Education Labor Relations Board procedures for elections. The Department of Public Safety exercises no role or authority in this process.

- B. At the date of publication of this directive, the following Employee organizations have been certified as exclusive Representatives for the purposes of Collective Bargaining, and are the only organizations representing the Department of Public Safety employees with which the University will bargain:

1. Fraternal Order of Police Lodge #23, Inc; and
2. American Federation of State, County, and Municipal Employees' Local 1072.

- C. The University of Maryland bargaining team consists of Members of the Personnel department, and other employees as determined by the Director of Personnel and the Department head of the unit involved in collective bargaining.

III. Procedures

A. Good Faith Bargaining

The University and the Department of Public Safety participate in negotiations based on the principle of "good faith" bargaining as contemplated by the Taft-Hartley Act. [This means that oral agreements made during negotiations are reflected in written contractual language and carried out in future management-labor relations.

B. Ground Rules

The ground rules for the bargaining teams are decided in advance of the process for negotiation of wages, hours, and terms and conditions of employment. The University and the department agree to abide by these ground rules during the collective bargaining process.

IV. Contract Management

- A. The University and the Department agree to abide, in both letter and spirit, by the negotiated labor agreement that has been signed by University officials, labor representatives, and ratified by the bargaining unit.
- B. The Bargaining Units will forward copies of all ratified labor agreements to the Office of the Chief, Department of Public Safety. Selected supervisors and managers will make copies of the signed contracts available to all bargaining unit employees.
- C. The department will review and amend affected written directives as necessary to ensure compliance with the agreements.

IV. Exclusion from Collective Bargaining

The following employees are excluded from Collective Bargaining: faculty, student employees (including graduate students), contract employees, employees whose regular place of employment is outside of the State of Maryland; and supervisory, managerial, and confidential employees.