

3-403.

(a) (1) **[The] EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE Board shall determine the appropriateness of each bargaining unit.**

(2) If there is no dispute about the appropriateness of the establishment of the bargaining unit, the Board shall issue an order defining an appropriate bargaining unit.

(3) If there is a dispute about the appropriateness of the establishment of the bargaining unit, the Board shall:

(i) conduct a hearing; and

(ii) issue an order defining an appropriate bargaining unit.

(b) If the appropriate bargaining unit as determined by the Board differs from the bargaining unit described in the petition, the Board may:

(1) dismiss the petition; or

(2) direct an election in the appropriate bargaining unit if the signatures included in the petition include those of at least 30% of the employees in the appropriate bargaining unit.

(c) A bargaining unit shall consist only of employees defined in regulations adopted by the Secretary and not specifically excluded by § 3-102(b) of this title.

(d) (1) ~~THE EACH SYSTEM INSTITUTION UNIVERSITY SYSTEM OF MARYLAND, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE EACH SHALL HAVE SEPARATE BARGAINING UNITS.~~

(2) (1) THE PRESIDENTS OF THE SYSTEM INSTITUTIONS MAY AGREE TO COOPERATE FOR THE PURPOSE OF COLLECTIVE BARGAINING:

1. BEFORE THE ELECTION OF EXCLUSIVE REPRESENTATIVES; OR

2. AFTER THE CERTIFICATION OF EXCLUSIVE REPRESENTATIVES UNDER § 3-406(A) OF THIS TITLE.

(2) (3) APPROPRIATE BARGAINING UNITS SHALL CONSIST OF:

(I) ALL ELIGIBLE LABOR AND TRADES EMPLOYEES; NONEXEMPT EMPLOYEES, AS DESCRIBED IN THE FEDERAL FAIR LABOR STANDARDS ACT, EXCEPT ELIGIBLE SWORN POLICE OFFICERS;

(II) ALL ELIGIBLE EXEMPT EMPLOYEES, AS DESCRIBED IN THE FEDERAL FAIR LABOR STANDARDS ACT; AND

(H) ALL ELIGIBLE ADMINISTRATIVE, TECHNICAL, AND CLERICAL EMPLOYEES EXCEPT PROFESSIONAL EMPLOYEES, AS DEFINED BY THE BOARD;