

The Committee was influenced by the fact that no board has been formed for at least 20 years. In practice, the Chief Mediator, who is the head of the State Mediation and Conciliation Service, arbitrates disputes. Furthermore the Federal Mediation and Conciliation Service, an independent federal agency, may make its services for mediation and voluntary arbitration available if a dispute threatens interstate commerce. See 29 U.S.C. §§ 172 and 173.

The National Labor Relations Act precludes modification or termination of a collective bargaining contract unless a party serves written notice on the other party 60 days before expiration of the contract, offers to meet to negotiate a new or modified contract, and, if an agreement is not reached within 30 days after notice, notifies the Federal Mediation and Conciliation Service and the appropriate State unit (in Maryland, the State Mediation and Conciliation Service). The contract continues in "full force and effect", and the parties may not engage in a lockout or strike, until the later of 60 days after the 60-day notice or the expiration of the contract. See 29 U.S.C. § 158(d).

Accordingly, the provisions of former Art. 89, §§ 5 and 7 and the second through fourth sentences of § 4, which provided for formation of a board, without gubernatorial approval, designated the president of the board, set out powers of the president, and provided for a clerk, are deleted as superseded by former Art. 89, § 11.

Former Art. 89, §§ 8 and 10 are revised in this subtitle — see §§ 4-107 and 4-108 — although the former sections arguably are intertwined with former §§ 4 through 7. Their revision reflects that former §§ 8 and 10 applied to the Mediation Service as much as to a board and were not inconsistent with boards formed with gubernatorial approval.

SUBTITLE 2. CHOICE OF BARGAINING REPRESENTATIVE.

PART I. DEFINITIONS; GENERAL PROVISIONS.

4-201. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection is new language used as the standard introductory language to a definition section.

(B) CONSENT ELECTION.

"CONSENT ELECTION" MEANS AN ELECTION THAT IS CONDUCTED UNDER A CONSENT ELECTION AGREEMENT AND IN ACCORDANCE WITH PART II OF THIS SUBTITLE TO DETERMINE A BARGAINING REPRESENTATIVE.

REVISOR'S NOTE: This subsection is new language added to allow concise and consistent reference to a consent election under Part II of this subtitle.

(C) COMMISSIONER.