



House Bill 852

Courts – Action for Violation of Collective Bargaining Agreement or Breach of Duty of Fair Representation – Limitations Period

MACo Position: **OPPOSE**

To: Appropriations Committee

Date: February 21, 2017

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** HB 852. While the bill seeks to set a definitive time for when certain actions may be brought related to collective bargaining agreements, MACo believes the bill could expose governments to additional litigation.

HB 852 alters the time limit in which a complainant must bring an action for injunctive relief or damages for a violation of a collective bargaining agreement or a breach of duty of fair representation of an employee of the State or a political subdivision. The action must be commenced within six months after the later of: (1) the date on which the claim accrued; or (2) the date on which the complainant knew or should reasonably have known of the breach.

The default rule under current Maryland law is that a civil action must be filed within three years from the date on which it accrues.¹ However, other statutory provisions can override this default rule by specifying a different statute of limitations for specific offenses. A recent Maryland Court of Special Appeals case upheld a circuit court's dismissal of an employee class claim, citing a one-year statute of limitations in Baltimore City's charter.²

The bill's six-month requirement could help reduce cases brought against local governments based on the date on which the claim accrued. However, MACo is concerned that setting the same threshold to the date on which the complainant knew or should reasonably have known of the breach could create a more open-ended standard that could ultimately increase litigation over the current law.

MACo recognizes that HB 852 is intended to create a definitive statute of limitations for collective bargaining agreement and breach of the duty of fair representation of governmental employee claims. Unfortunately, MACo is concerned that the practical effect of the bill would be to increase the time limit within which such claims can be brought. Accordingly, MACo requests the Committee give an **UNFAVORABLE** report on HB 852.

¹ § 5-101 of the Courts and Judicial Proceeding Article

² *Lewis v. Baltimore Convention Center*, 231 Md. App. 144 (2016)