
By: **Delegate Minnick**

Introduced and read first time: February 7, 2003

Assigned to: Appropriations

Reassigned: Ways and Means, February 14, 2003

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2003

CHAPTER _____

1 AN ACT concerning

2 **Education - Baltimore County - Public School Employees**

3 FOR the purpose of altering the definition of "public school employee" as it applies to
4 provisions that relate to organizations of employees in Baltimore County;
5 establishing a certain unit of certain employees in Baltimore County;
6 authorizing only a certain number of units in Baltimore County; providing that
7 a certain unit shall be deemed the designated representative for a certain unit of
8 employees; providing that this Act may not be construed to modify, amend, or
9 supercede certain provisions of law; providing that this Act may not be
10 construed to confer certain rights of certification on certain noncertified
11 employees; and generally relating to organizations for public school employees
12 in Baltimore County.

13 BY repealing and reenacting, with amendments,
14 Article - Education
15 Section 6-401, 6-404, and 6-505
16 Annotated Code of Maryland
17 (2001 Replacement Volume and 2002 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article - Education
20 Section 6-501
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2002 Supplement)

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

3 **Article - Education**

4 6-401.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) "Employee organization" means an organization that:

7 (1) Includes certificated employees of a public school employer or
8 individuals of equivalent status in Baltimore City; and

9 (2) Has as one of its main purposes the representation of the employees
10 in their relations with that public school employer.

11 (c) (1) "Home and hospital teacher" means a teacher employed by a public
12 school employer to provide instructional services to a public school student who is
13 unable to function effectively in the classroom setting due to the student's medical,
14 physical, or emotional condition.

15 (2) A home and hospital teacher may teach in:

16 (i) A private home;

17 (ii) A hospital;

18 (iii) A therapeutic center;

19 (iv) A school; or

20 (v) Any other appropriate site.

21 (d) (1) "Public school employee" means a certificated professional individual
22 who is employed by a public school employer or an individual of equivalent status in
23 Baltimore City, except for a county superintendent or an individual designated by the
24 public school employer to act in a negotiating capacity as provided in § 6-408(b) of
25 this subtitle.

26 (2) In Montgomery County, "public school employees" include:

27 (i) Certificated and noncertificated substitute teachers employed
28 by the public school employer for at least 7 days before March 1 of the school fiscal
29 year ending June 30, 1978, and each year after; and

30 (ii) Home and hospital teachers employed by the public school
31 employer for at least 7 days before March 1 of the school fiscal year ending June 30,
32 2000, and each year after.

33 (3) In Baltimore County, "public school employee" includes:

1 (I) [a] A secondary school nurse, an elementary school nurse, and
2 a special school nurse; AND

3 (II) SUPERVISORY NONCERTIFICATED EMPLOYEES AS DEFINED
4 UNDER § 6-501(H) OF THIS TITLE.

5 (4) In Frederick County, "public school employee" includes a social
6 worker employed by a public school employer.

7 (5) In Prince George's County, "public school employee" includes home
8 and hospital teachers and junior reserve officer training (JROTC) instructors.

9 (e) "Public school employer" means a county board of education or the
10 Baltimore City Board of School Commissioners.

11 6-404.

12 (a) Each public school employer shall designate, as provided in this subtitle,
13 which employee organization, if any, shall be the exclusive representative of all public
14 school employees in a specified unit in the county.

15 (b) (1) Except as provided in paragraph (2) of this subsection, the public
16 school employer shall determine the composition of the unit in negotiation with any
17 employee organization that requests negotiation concerning the composition of the
18 unit.

19 (2) In Baltimore County, the public school employer may designate a
20 separate unit comprised of all registered nurses employed by the county in
21 elementary schools or special schools.

22 (c) (1) Except as provided in paragraph (2) of this subsection, there may not
23 be more than two units in a county.

24 (2) In Baltimore County, there may not be more than three units,
25 provided that one unit consists of elementary and special school nurses AND ONE
26 UNIT CONSISTS OF EMPLOYEES WHOSE POSITION REQUIRES AN ADMINISTRATIVE
27 AND SUPERVISORY CERTIFICATE AND SUPERVISORY NONCERTIFICATED
28 EMPLOYEES AS DEFINED UNDER § 6-501(H) OF THIS TITLE.

29 (d) All eligible public school employees shall:

30 (1) Be included in one of these units; and

31 (2) Have the rights granted in this subtitle.

32 6-501.

33 (a) In this subtitle the following words have the meanings indicated.

34 (b) "Confidential employee" includes an individual whose employment
35 responsibilities require knowledge of the public school employer's posture in the

1 collective negotiation process, as determined by the public school employer in
2 negotiations with an employee organization that requests negotiation on this issue.

3 (c) "Employee organization" means an organization that:

4 (1) Includes noncertificated employees of a public school employer; and

5 (2) Has as one of its main purposes the representation of the employees
6 in their relations with that public school employer.

7 (d) "Management personnel" includes an individual who is engaged mainly in
8 executive and managerial functions, as determined by the public school employer in
9 negotiation with an employee organization that requests negotiation on this issue.

10 (e) "Noncertificated employee", in Montgomery County, means only a
11 full-time employee.

12 (f) (1) "Public school employee" means a noncertificated individual who is
13 employed for at least 9 months a year on a full-time basis by a public school employer.

14 (2) "Public school employee" includes a noncertificated employee in
15 Baltimore City notwithstanding that the noncertificated employee does not work for
16 at least 9 months a year on a full-time basis.

17 (3) "Public school employee" does not include:

18 (i) Management personnel;

19 (ii) A confidential employee; or

20 (iii) Any individual designated by the public school employer to act
21 in a negotiating capacity as provided in § 6-510(b) of this subtitle.

22 (g) (1) "Public school employer" means the county board in each county.

23 (2) "Public school employer" includes the Baltimore City Board of School
24 Commissioners.

25 (h) "Supervisory employee" includes any individual who responsibly directs
26 the work of other employees, as determined by the public school employer in
27 negotiation with an employee organization that requests negotiation on this issue.

28 6-505.

29 (a) (1) Each public school employer may designate, as provided in this
30 subtitle, which employee organization, if any, shall be the exclusive representative of
31 all public school employees in a specified unit in the county.

32 (2) In Baltimore City, Garrett County, and Frederick County, the public
33 school employer shall designate, as provided in this subtitle, which employee

1 organization, if any, shall be the exclusive representative of all public school
2 employees in a specified unit in the county.

3 (b) The public school employer shall determine the composition of the unit in
4 negotiation with any employee organization that requests negotiation concerning the
5 composition of the unit.

6 (c) (1) There may not be more than three units in a county and a unit may
7 not include both supervisory and nonsupervisory employees.

8 (2) If a county has more than three recognized units and, as of July 1,
9 1974, the units have exclusive representation for collective negotiations, these units
10 may continue as negotiating units.

11 (3) IN BALTIMORE COUNTY, THERE SHALL ONLY BE THREE
12 NONSUPERVISORY UNITS IN ADDITION TO THE SUPERVISORY UNIT DEFINED UNDER
13 § 6-404(C)(2) OF THIS TITLE.

14 (d) (1) All eligible public school employees shall:

15 (i) Be included in one of these units; and

16 (ii) Have the rights granted in this subtitle.

17 (2) Except for an individual who is designated as management personnel
18 or a confidential employee under this subtitle, each public school employee is eligible
19 for membership in one of the negotiating units.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the organization for
21 administrative and supervisory positions currently recognized under § 6-404 of the
22 Education Article shall be deemed the designated representative for the unit created
23 in ~~§ 6-404(c)(3)~~ § 6-404(c)(2) of the Education Article ~~and shall be subject to the~~
24 ~~provisions of Subtitle 6 of the Education Article, as enacted by Section 1 of this Act.~~

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be
26 construed to modify, amend, or supercede the provisions of the Education Article
27 relating to changes in representation for the unit.

28 SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act may not be
29 construed to confer rights arising from certification on noncertificated employees.

30 SECTION 4. 5. AND BE IT FURTHER ENACTED, That this Act shall take
31 effect October 1, 2003.

