

HOUSE BILL 475

F5

3lr0013

By: **Chair, Ways and Means Committee (By Request – Departmental – Public School Labor Relations Board)**

Introduced and read first time: January 30, 2013

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public School Labor Relations – Renegotiation Procedures and Board**
3 **Administration**

4 FOR the purpose of authorizing a public school employer and an employee
5 organization to use a certain alternative procedure regarding the renegotiation
6 of certain allocated funds under certain circumstances; requiring the Attorney
7 General to assign an assistant Attorney General to provide legal services to the
8 Public School Labor Relations Board, the Higher Education Labor Relations
9 Board, and the State Labor Relations Board; providing that, in connection with
10 the Public School Labor Relations Board’s administration and enforcement of
11 certain subtitles, certain references to written communications shall include
12 electronic communications, certain time limits may be extended for good cause,
13 and certain venues for judicial proceedings involving Board action shall be in a
14 certain county; requiring a party subject to an order of the Board to comply with
15 the order without need for judicial enforcement; authorizing a court to grant
16 certain relief and remedies requested by the Board; defining a certain term; and
17 generally relating to public school labor relations and the Public School Labor
18 Relations Board.

19 BY repealing and reenacting, without amendments,
20 Article – Education
21 Section 6–401(a) and (b) and 6–501(a) through (c)
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2012 Supplement)

24 BY adding to
25 Article – Education
26 Section 6–401(b–1) and 6–501(c–1)
27 Annotated Code of Maryland
28 (2008 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 6–408.1, 6–511, 6–805, and 6–806
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2012 Supplement)

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

8 **Article – Education**

9 6–401.

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

11 (b) “Board” means the Public School Labor Relations Board established
12 under Subtitle 8 of this title.

13 **(B–1) “DAY” MEANS A CALENDAR DAY, UNLESS OTHERWISE INDICATED.**

14 6–408.1.

15 **(A)** If a fiscal authority does not approve enough funds to implement the
16 negotiated agreement, the public school employer shall renegotiate the funds allocated
17 for these purposes by the fiscal authority with the employee organization before the
18 public school employer makes a final determination in accordance with a timetable
19 and procedure established by the Board.

20 **(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, IF A FISCAL**
21 **AUTHORITY DOES NOT APPROVE ENOUGH FUNDS TO IMPLEMENT THE**
22 **NEGOTIATED AGREEMENT, THE PUBLIC SCHOOL EMPLOYER AND THE**
23 **EMPLOYEE ORGANIZATION MAY USE A PROCEDURE THAT IS DIFFERENT FROM**
24 **THE PROCEDURE IN SUBSECTION (A) OF THIS SECTION, IF:**

25 **(1) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE**
26 **ORGANIZATION NEGOTIATE AND ADOPT AN AGREEMENT TO USE AN**
27 **ALTERNATIVE PROCEDURE; AND**

28 **(2) THE ALTERNATIVE PROCEDURE IS CONSISTENT WITH ALL**
29 **RELEVANT STATUTES, INCLUDING STATUTES COVERING THE FISCAL**
30 **AUTHORITY AND THE PUBLIC SCHOOL EMPLOYER.**

31 6–501.

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

1 (b) "Board" means the Public School Labor Relations Board established
2 under Subtitle 8 of this title.

3 (c) "Confidential employee" includes an individual whose employment
4 responsibilities require knowledge of the public school employer's posture in the
5 collective negotiation process, as determined by the public school employer in
6 negotiations with an employee organization that requests negotiation on this issue.

7 **(C-1) "DAY" MEANS A CALENDAR DAY, UNLESS OTHERWISE INDICATED.**

8 6-511.

9 **(A)** If the fiscal authority does not approve enough funds to implement the
10 negotiated agreement, the public school employer shall renegotiate the funds allocated
11 for these purposes by the fiscal authority with the employee organization before the
12 public school employer makes a final determination in accordance with the timetable
13 and procedure established by the Board.

14 **(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, IF A FISCAL**
15 **AUTHORITY DOES NOT APPROVE ENOUGH FUNDS TO IMPLEMENT THE**
16 **NEGOTIATED AGREEMENT, THE PUBLIC SCHOOL EMPLOYER AND THE**
17 **EMPLOYEE ORGANIZATION MAY USE A PROCEDURE THAT IS DIFFERENT FROM**
18 **THE PROCEDURE IN SUBSECTION (A) OF THIS SECTION, IF:**

19 **(1) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE**
20 **ORGANIZATION NEGOTIATE AND ADOPT AN AGREEMENT TO USE AN**
21 **ALTERNATIVE PROCEDURE; AND**

22 **(2) THE ALTERNATIVE PROCEDURE IS CONSISTENT WITH ALL**
23 **RELEVANT STATUTES, INCLUDING STATUTES COVERING THE FISCAL**
24 **AUTHORITY AND THE PUBLIC SCHOOL EMPLOYER.**

25 6-805.

26 **(A)** The Board shall share an executive director with the Higher Education
27 Labor Relations Board and the State Labor Relations Board.

28 **(B) THE ATTORNEY GENERAL SHALL ASSIGN AN ASSISTANT ATTORNEY**
29 **GENERAL TO PROVIDE LEGAL SERVICES TO THE BOARD, THE HIGHER**
30 **EDUCATION LABOR RELATIONS BOARD, AND THE STATE LABOR RELATIONS**
31 **BOARD.**

32 6-806.

1 (a) **(1)** The Board shall administer and enforce the provisions of Subtitles
2 4 and 5 of this title.

3 **(2) IN CONNECTION WITH THE ADMINISTRATION AND**
4 **ENFORCEMENT OF SUBTITLES 4 AND 5 OF THIS TITLE:**

5 **(I) REFERENCES TO WRITTEN COMMUNICATIONS, SUCH AS**
6 **LETTERS AND NOTICES, SHALL INCLUDE ELECTRONIC COMMUNICATIONS,**
7 **UNLESS OTHERWISE INDICATED BY THE BOARD;**

8 **(II) THE BOARD MAY EXTEND THE TIME LIMITS SET FORTH**
9 **IN SUBTITLES 4 AND 5 OF THIS TITLE FOR GOOD CAUSE SHOWN; AND**

10 **(III) THE VENUE FOR A JUDICIAL PROCEEDING INVOLVING**
11 **AN ORDER OR OTHER ACTION OF THE BOARD IS THE COUNTY WHERE THE**
12 **PRINCIPAL OFFICE OF THE BOARD IS LOCATED.**

13 **(3) (I) UNLESS A COURT HAS ISSUED A STAY, A PARTY SUBJECT**
14 **TO AN ORDER OF THE BOARD SHALL COMPLY WITH THE ORDER WITHOUT THE**
15 **NEED FOR JUDICIAL ENFORCEMENT.**

16 **(II) AT THE REQUEST OF THE BOARD, A COURT MAY:**

17 **1. GRANT INJUNCTIVE RELIEF TO ENFORCE**
18 **COMPLIANCE WITH AN ORDER OF THE BOARD; AND**

19 **2. GRANT ANY OTHER REMEDY THE COURT DEEMS**
20 **APPROPRIATE.**

21 (b) The Board may:

22 (1) Adopt regulations, guidelines, and policies to carry out the rights
23 and responsibilities of the Board under this title; and

24 (2) Make recommendations for legislative action regarding the
25 operation of this title.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2013.