

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE**Revised**

House Bill 1181

(Delegate Hixson, *et al.*)

Ways and Means

Finance

**Fairness in Negotiations Act and the Public School Labor Relations Board -
Sunset Repeal and Reporting Requirements**

This bill repeals the termination of the Fairness in Negotiations Act (Chapter 325 of 2010), which established the Public School Labor Relations Board (PSLRB) to administer and enforce labor relations laws for local boards of education and their employees. The Fairness in Negotiations Act is scheduled to terminate June 30, 2015. The bill also requires PSLRB to report to specified committees of the General Assembly on the number and disposition of its cases, in addition to other related information, by August 1, 2018. PSLRB must also report to specified legislative committees by December 1, 2014, on its compliance with administrative procedure provisions and open meeting provisions in State law.

Fiscal Summary

State Effect: Revenues and expenditures of PSLRB continue beyond the scheduled termination date of June 30, 2015. The FY 2015 State budget includes \$266,200 for the board, which is projected to remain fairly constant in future years. PSLRB can provide the mandated reports with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: PSLRB consists of five members appointed by the Governor with the advice and consent of the Senate, including two chosen from a list provided by employee organizations and two chosen from a list provided by the Maryland Association of Boards of Education and the Public School Superintendents' Association of Maryland. Members serve staggered, five-year terms and are entitled to compensation in accordance with the State budget and standard State reimbursements. A board member must take an oath of office and may be removed by the Governor only for incompetence or misconduct.

PSLRB shares an executive director with the State Labor Relations Board and the Higher Education Labor Relations Board; the executive director is jointly appointed by and serves at the pleasure of all three labor relations boards. The executive director may hire staff necessary to carry out the responsibilities of PSLRB. With the approval of PSLRB, the executive director may employ professional consultants who serve at the pleasure of the executive director.

PSLRB must administer and enforce the labor relations provisions relating to public schools and may adopt regulations, guidelines, and policies to carry out its rights and recommend legislative action regarding its operation. In deciding labor relations matters, the board may conduct hearings, subpoena witnesses, administer oaths, take the testimony or deposition of a person under oath, and conduct investigations. PSLRB must decide controversies and disputes. If a person fails to comply with an order issued by the board, the board may petition a circuit court to order the person to comply with the board's order. Each hearing and determination by PSLRB is subject to review under the Administrative Procedure Act. PSLRB, rather than the State Board of Education, is responsible for supervising employee representation elections.

Background: Prior to the establishment of PSLRB, the State Board of Education decided all controversies and disputes regarding public elementary and secondary education, including disputes between local boards of education and the local employee organizations representing school system personnel.

As noted above, PSLRB shares an executive director and staff with the State Labor Relations Board and the Higher Education Labor Relations Board. The fiscal 2015 State budget includes three regular positions and \$468,830 for the combined boards, of which \$266,161 is for PSLRB.

Additional Information

Prior Introductions: None.

Cross File: SB 1066 (Senator Raskin, *et al.*) - Finance.

Information Source(s): Carroll and Harford counties, Maryland State Department of Education, Public School Labor Relations Board, Department of Legislative Services

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