

HOUSE BILL 145

F5, F1

6lr1253

By: **Delegate Hixson**

Introduced and read first time: January 20, 2016

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

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

19 BY repealing and reenacting, without amendments,
20 Article – Education
21 Section 6–401(a) and (b), 6–501(a) through (c), and 6–803(a)
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2015 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 (2014 Replacement Volume and 2015 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, 6–803(c), 6–805, and 6–806
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2015 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 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 under
12 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 for
17 these purposes by the fiscal authority with the employee organization before the public
18 school employer makes a final determination in accordance with a timetable and procedure
19 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 NEGOTIATED**
22 **AGREEMENT, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION**
23 **MAY USE A PROCEDURE THAT IS DIFFERENT FROM THE PROCEDURE IN SUBSECTION**
24 **(A) OF THIS SECTION IF:**

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

28 **(2) THE ALTERNATIVE PROCEDURE IS CONSISTENT WITH ALL**
29 **RELEVANT STATUTES, INCLUDING STATUTES COVERING THE FISCAL AUTHORITY**
30 **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 under
2 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 collective
5 negotiation process, as determined by the public school employer in negotiations with an
6 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 for
11 these purposes by the fiscal authority with the employee organization before the public
12 school employer makes a final determination in accordance with the timetable and
13 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 NEGOTIATED**
16 **AGREEMENT, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION**
17 **MAY USE A PROCEDURE THAT IS DIFFERENT FROM THE PROCEDURE IN SUBSECTION**
18 **(A) OF THIS SECTION, IF:**

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

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

25 6-803.

26 (a) The Board shall consist of the following five members appointed by the
27 Governor, with the advice and consent of the Senate:

28 (1) One member who:

29 (i) Represents the public;

30 (ii) Has experience in labor relations;

31 (iii) Is not an officer or employee of a board of education or an
32 employee organization representing public school system employees;

1 (iv) Is not an elected official of the State, a county, or an employee
2 organization representing public school employees; and

3 (v) Is known for objective and independent judgment;

4 (2) Two members, including one member chosen from a list of candidates
5 submitted by the organization representing a majority of public school employees in the
6 State for collective bargaining purposes and another member chosen from a list of
7 candidates submitted by a statewide organization representing public school employees in
8 at least one jurisdiction within the State for collective bargaining purposes other than the
9 majority organization under this paragraph, who:

10 (i) Are not employees of the State or a public school employee
11 organization; and

12 (ii) Are known for objective and independent judgment; and

13 (3) Two members chosen from a list of candidates submitted by the
14 Maryland Association of Boards of Education and the State Superintendents Association of
15 Maryland, who:

16 (i) Are not officers or employees of the State or county or State
17 boards of education and are not officers or employees of employee organizations
18 representing employees of public school systems in Maryland; and

19 (ii) Are known for objective and independent judgment.

20 (c) The [Public School Labor Relations Board] **MEMBER LISTED IN**
21 **SUBSECTION (A)(1) OF THIS SECTION** shall [elect a] chair [from among its members]
22 **THE BOARD.**

23 6-805.

24 (A) The Board shall share an executive director with the Higher Education Labor
25 Relations Board and the State Labor Relations Board.

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

29 6-806.

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

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

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

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

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

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

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

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

17 **2. GRANT ANY OTHER REMEDY THE COURT DEEMS**
18 **APPROPRIATE.**

19 (b) The Board may:

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

22 (2) Make recommendations for legislative action regarding the operation of
23 this title.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2016.