

# SENATE BILL 690

P4

6lr1779

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By: **Senator Bates**

Introduced and read first time: February 5, 2016

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Labor Relations Board and the State Higher Education Labor Relations**  
3 **Board – Election and Certification of Exclusive Representatives**

4 FOR the purpose of requiring that elections for certain exclusive representatives of certain  
5 bargaining units be conducted at certain intervals; requiring the State Labor  
6 Relations Board and the State Higher Education Labor Relations Board to decertify  
7 certain exclusive representatives of certain bargaining units under certain  
8 circumstances; repealing a requirement that the boards conduct certain elections;  
9 requiring the boards to contract with an independent third party specializing in  
10 conducting elections to conduct certain elections; repealing a provision of law that  
11 prohibits the boards from conducting a certain election under certain circumstances;  
12 repealing a requirement that the boards conduct a runoff election under certain  
13 circumstances; altering the process by which an employee organization is certified  
14 as an exclusive representative of a bargaining unit; prohibiting the inclusion of  
15 certain employees in a certain bargaining unit for a certain period of time under  
16 certain circumstances; providing that the results of certain elections be declared null  
17 and void under certain circumstances; and generally relating to the State Labor  
18 Relations Board and the State Higher Education Labor Relations Board and the  
19 election and certification of exclusive representatives.

20 BY repealing and reenacting, with amendments,  
21 Article – State Personnel and Pensions  
22 Section 3–401, 3–405, and 3–406  
23 Annotated Code of Maryland  
24 (2015 Replacement Volume)

25 BY repealing and reenacting, without amendments,  
26 Article – State Personnel and Pensions  
27 Section 3–402  
28 Annotated Code of Maryland  
29 (2015 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
 2 Article – State Personnel and Pensions  
 3 Section 3–407  
 4 Annotated Code of Maryland  
 5 (2015 Replacement Volume)

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

8 **Article – State Personnel and Pensions**

9 3–401.

10 (a) **(1)** [Except as otherwise provided in this subtitle, the Board shall conduct  
 11 an] **AN** election for an exclusive representative of a bargaining unit **SHALL BE**  
 12 **CONDUCTED EVERY 4 YEARS** if:

13 **[(1) (I)]** a valid petition is filed in accordance with § 3–402 of this subtitle;  
 14 and

15 **[(2) (II)]** the bargaining unit involved in the petition is determined to be  
 16 an appropriate bargaining unit under § 3–403 of this subtitle.

17 **(2) IF A VALID PETITION IS NOT FILED WITH THE BOARD UNDER**  
 18 **PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL DECERTIFY THE**  
 19 **EXCLUSIVE REPRESENTATIVE OF THE BARGAINING UNIT.**

20 **[(b)]** The Board may not conduct an election for an exclusive representative of a  
 21 bargaining unit if the Board has conducted an election or certified an exclusive  
 22 representative for that bargaining unit within the preceding 2 years.]

23 **(B) THE BOARD SHALL CONTRACT WITH AN INDEPENDENT THIRD PARTY**  
 24 **THAT SPECIALIZES IN CONDUCTING ELECTIONS TO CONDUCT AN ELECTION UNDER**  
 25 **THIS SUBTITLE.**

26 3–402.

27 (a) A petition for the election of an exclusive representative of a bargaining unit  
 28 may be filed with the Board by:

29 (1) an employee organization seeking certification as an exclusive  
 30 representative; or

31 (2) an employee, a group of employees, or an employee organization  
 32 seeking a new election to determine an exclusive representative.

1 (b) A petition shall:

2 (1) contain the information the Board requires; and

3 (2) be accompanied by a showing of interest supported by 30% of the  
4 employees in the appropriate unit indicating their desire to be exclusively represented by  
5 the petitioner for the purpose of collective bargaining.

6 3-405.

7 (a) (1) Within 5 days of determination that a valid petition has been  
8 submitted, the Board shall notify interested employee organizations of the pending election  
9 petition.

10 (2) Within 10 days of determination that a valid petition has been  
11 submitted under § 3-402 of this subtitle or subsection (c)(2)(iii) of this section, the  
12 Department shall make available to all interested employee organizations reasonable and  
13 equivalent means to communicate by mail and in person with each employee in the  
14 appropriate bargaining unit for the purpose of soliciting the employee's vote in an election  
15 held under this section.

16 (b) An election shall be held in any unit within 90 days after the filing of a valid  
17 petition for election in such unit in accordance with guidelines established by the Board.

18 (c) (1) All elections shall be conducted by secret ballot **THROUGH THE**  
19 **INTERNET OR BY TELEPHONE.**

20 (2) The Board shall place the following choices on the ballot:

21 (i) the name of the exclusive representative, if any;

22 (ii) the name of the employee organization designated in the petition  
23 filed under § 3-402 of this subtitle with respect to an appropriate bargaining unit;

24 (iii) the name of each employee organization designated in a petition  
25 filed with the Board, within 15 days of notice of the pending election petition, that includes  
26 the signatures of at least 10% of the employees in the appropriate bargaining unit; and

27 (iv) a provision for "no exclusive representative".

28 [(d) If none of the choices on a ballot receives a majority of the votes cast in an  
29 election, the Board shall conduct a runoff election between the choices that received the two  
30 highest number of votes in the election.]

31 3-406.

1           (a)   **(1)**   The Board shall certify as exclusive representative the employee  
2 organization receiving the votes in an election from a majority of the employees [voting in  
3 the election] **IN A BARGAINING UNIT.**

4                   **(2)   IF NONE OF THE CHOICES ON A BALLOT RECEIVES A MAJORITY OF**  
5 **THE VOTES OF THE EMPLOYEES IN A BARGAINING UNIT, THE BOARD SHALL**  
6 **DECERTIFY THE EXCLUSIVE REPRESENTATIVE OF THE BARGAINING UNIT.**

7           (b)   After notice and an opportunity for a hearing, the Board may deny or revoke  
8 certification as exclusive representative of an employee organization for willful failure to  
9 comply with:

10                   (1)   this title; or

11                   (2)   the governing documents of the organization.

12           **(C)   IF AN EXCLUSIVE REPRESENTATIVE OF A BARGAINING UNIT IS**  
13 **DECERTIFIED UNDER SUBSECTION (A)(2) OF THIS SECTION OR § 3-401(A)(2) OF**  
14 **THIS SUBTITLE, THE EMPLOYEES OF THE BARGAINING UNIT MAY NOT BE INCLUDED**  
15 **IN A SIMILAR BARGAINING UNIT FOR 12 MONTHS FROM THE DATE OF**  
16 **DECERTIFICATION.**

17 **3-407.**

18           **THE RESULTS OF AN ELECTION CONDUCTED UNDER THIS SUBTITLE SHALL BE**  
19 **DECLARED NULL AND VOID IF THERE IS CLEAR AND CONVINCING EVIDENCE OF**  
20 **FRAUD OR COERCION.**

21           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
22 1, 2016.