

HOUSE BILL 507

F2, L6

7lr1928

By: **Delegate Luedtke**

Introduced and read first time: January 27, 2017

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2017

CHAPTER _____

1 AN ACT concerning

2 **Community Colleges and Local Governments – ~~Use of Public Funds to Influence~~**
3 **~~Collective Bargaining Rights~~ Unfair Labor Practices – Prohibition**

4 FOR the purpose of prohibiting community college trustees and employees and public
5 officials and employees of a county or municipality from ~~knowingly using certain~~
6 ~~funds to influence certain decisions of certain employees relating to collective~~
7 ~~bargaining; establishing the liability of a certain trustee, public official, or employee~~
8 ~~for a violation of this Act~~ engaging in any unfair labor practice; providing for the
9 application of this Act; and generally relating to ~~the use of public funds to influence~~
10 ~~decisions of employees relating to collective bargaining~~ a prohibition against
11 engaging in unfair labor practices.

12 BY adding to

13 Article – Education

14 Section 16–420

15 Annotated Code of Maryland

16 (2014 Replacement Volume and 2016 Supplement)

17 BY adding to

18 Article – Local Government

19 Section 1–1312

20 Annotated Code of Maryland

21 (2013 Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Education**

4 **16-420.**

5 (A) A TRUSTEE OF THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE OR
6 AN EMPLOYEE OF A COMMUNITY COLLEGE ~~MAY NOT KNOWINGLY USE PUBLIC FUNDS~~
7 ~~TO INFLUENCE THE DECISIONS OF COMMUNITY COLLEGE EMPLOYEES, INCLUDING~~
8 ~~FACULTY, TO:~~

9 ~~(1) SUPPORT OR OPPOSE AN EMPLOYEE ORGANIZATION THAT~~
10 ~~REPRESENTS OR SEEKS TO REPRESENT THE EMPLOYEES OF THE COMMUNITY~~
11 ~~COLLEGE; OR~~

12 ~~(2) BECOME A MEMBER OF AN EMPLOYEE ORGANIZATION.~~

13 ~~(B) A TRUSTEE OR AN EMPLOYEE OF A COMMUNITY COLLEGE WHO~~
14 ~~VIOLATES SUBSECTION (A) OF THIS SECTION SHALL BE LIABLE TO THE COMMUNITY~~
15 ~~COLLEGE FOR THE AMOUNT OF PUBLIC FUNDS USED IN VIOLATION OF SUBSECTION~~
16 ~~(A) OF THIS SECTION.~~

17 ~~(C) MAY NOT ENGAGE IN ANY UNFAIR LABOR PRACTICE, INCLUDING:~~

18 ~~(1) INTERFERING WITH, RESTRAINING, OR COERCING COMMUNITY~~
19 ~~COLLEGE EMPLOYEES, INCLUDING FACULTY, REGARDING THE DECISION TO~~
20 ~~SUPPORT OR OPPOSE AN EMPLOYEE ORGANIZATION;~~

21 ~~(2) DOMINATING, INTERFERING WITH, CONTRIBUTING FINANCIAL OR~~
22 ~~OTHER SUPPORT TO, OR ASSISTING IN THE FORMATION, EXISTENCE, OR~~
23 ~~ADMINISTRATION OF ANY LABOR ORGANIZATION;~~

24 ~~(3) GRANTING ADMINISTRATIVE LEAVE TO EMPLOYEES TO ATTEND~~
25 ~~EMPLOYER SPONSORED OR SUPPORTED MEETINGS OR EVENTS RELATING TO AN~~
26 ~~ELECTION OF AN EMPLOYEE ORGANIZATION, UNLESS THE EMPLOYER GRANTS~~
27 ~~EMPLOYEES AT LEAST THE SAME AMOUNT OF ADMINISTRATIVE LEAVE TO ATTEND~~
28 ~~LABOR ORGANIZATION SPONSORED OR SUPPORTED MEETINGS OR EMPLOYEE~~
29 ~~MEETINGS;~~

30 ~~(4) DISCRIMINATING IN HIRING, TENURE, OR ANY TERM OR~~
31 ~~CONDITION OF EMPLOYMENT TO ENCOURAGE OR DISCOURAGE MEMBERSHIP IN AN~~
32 ~~EMPLOYEE ORGANIZATION;~~

1 (5) DISCHARGING OR DISCRIMINATING AGAINST AN EMPLOYEE
2 BECAUSE OF THE SIGNING OR FILING OF AN AFFIDAVIT, A PETITION, OR A
3 COMPLAINT, OR GIVING INFORMATION OR TESTIMONY IN CONNECTION WITH
4 COLLECTIVE BARGAINING MATTERS;

5 (6) FAILING TO PROVIDE ALL EMPLOYEE ORGANIZATIONS INVOLVED
6 IN AN ELECTION THE SAME RIGHTS OF ACCESS AS REQUIRED BY THE STATE HIGHER
7 EDUCATION LABOR RELATIONS BOARD THROUGH REGULATION;

8 (7) ENGAGING IN SURVEILLANCE OF UNION ACTIVITIES;

9 (8) REFUSING TO BARGAIN IN GOOD FAITH; OR

10 (9) ENGAGING IN A LOCKOUT.

11 (B) THIS SECTION DOES NOT APPLY TO AN ACTIVITY PERFORMED OR TO AN
12 EXPENSE INCURRED IN CONNECTION WITH:

13 (1) ADDRESSING A GRIEVANCE OR NEGOTIATING OR ADMINISTERING
14 A COLLECTIVE BARGAINING AGREEMENT;

15 (2) ALLOWING AN EMPLOYEE ORGANIZATION OR A REPRESENTATIVE
16 OF AN EMPLOYEE ORGANIZATION ACCESS TO A COMMUNITY COLLEGE’S FACILITIES
17 OR PROPERTIES;

18 (3) PERFORMING AN ACTIVITY REQUIRED BY FEDERAL OR STATE
19 LAW OR A COLLECTIVE BARGAINING AGREEMENT; OR

20 (4) NEGOTIATING, ENTERING INTO, OR CARRYING OUT A VOLUNTARY
21 RECOGNITION AGREEMENT WITH AN EMPLOYEE ORGANIZATION.

22 Article – Local Government

23 1-1312.

24 (A) A PUBLIC OFFICIAL OR AN EMPLOYEE OF A COUNTY OR MUNICIPALITY
25 MAY NOT KNOWINGLY USE PUBLIC FUNDS TO INFLUENCE THE DECISIONS OF
26 COUNTY OR MUNICIPALITY EMPLOYEES TO:

27 (1) SUPPORT OR OPPOSE AN EMPLOYEE ORGANIZATION THAT
28 REPRESENTS OR SEEKS TO REPRESENT THE EMPLOYEES OF THE COUNTY OR
29 MUNICIPALITY; OR

30 (2) BECOME A MEMBER OF AN EMPLOYEE ORGANIZATION.

~~(B) A PUBLIC OFFICIAL OR AN EMPLOYEE OF A COUNTY OR MUNICIPALITY WHO VIOLATES SUBSECTION (A) OF THIS SECTION SHALL BE LIABLE TO THE COUNTY OR MUNICIPALITY FOR THE AMOUNT OF PUBLIC FUNDS USED IN VIOLATION OF SUBSECTION (A) OF THIS SECTION.~~

~~(C)~~ MAY NOT ENGAGE IN ANY UNFAIR LABOR PRACTICE, INCLUDING:

(1) INTERFERING WITH, RESTRAINING, OR COERCING A PUBLIC OFFICIAL OR COUNTY OR MUNICIPALITY EMPLOYEES REGARDING THE DECISION TO SUPPORT OR OPPOSE AN EMPLOYEE ORGANIZATION;

(2) DOMINATING, INTERFERING WITH, CONTRIBUTING FINANCIAL OR OTHER SUPPORT TO, OR ASSISTING IN THE FORMATION, EXISTENCE, OR ADMINISTRATION OF ANY LABOR ORGANIZATION;

(3) GRANTING ADMINISTRATIVE LEAVE TO EMPLOYEES TO ATTEND EMPLOYER SPONSORED OR SUPPORTED MEETINGS OR EVENTS RELATING TO AN ELECTION OF AN EMPLOYEE ORGANIZATION, UNLESS THE EMPLOYER GRANTS EMPLOYEES AT LEAST THE SAME AMOUNT OF ADMINISTRATIVE LEAVE TO ATTEND LABOR ORGANIZATION SPONSORED OR SUPPORTED MEETINGS OR EMPLOYEE MEETINGS;

(4) DISCRIMINATING IN HIRING, TENURE, OR ANY TERM OR CONDITION OF EMPLOYMENT TO ENCOURAGE OR DISCOURAGE MEMBERSHIP IN AN EMPLOYEE ORGANIZATION;

(5) DISCHARGING OR DISCRIMINATING AGAINST AN EMPLOYEE BECAUSE OF THE SIGNING OR FILING OF AN AFFIDAVIT, A PETITION, OR A COMPLAINT, OR GIVING INFORMATION OR TESTIMONY IN CONNECTION WITH COLLECTIVE BARGAINING MATTERS;

(6) FAILING TO PROVIDE ALL EMPLOYEE ORGANIZATIONS INVOLVED IN AN ELECTION THE SAME RIGHTS OF ACCESS AS REQUIRED BY THE STATE LABOR RELATIONS BOARD THROUGH REGULATION;

(7) ENGAGING IN SURVEILLANCE OF UNION ACTIVITIES;

(8) REFUSING TO BARGAIN IN GOOD FAITH; OR

(9) ENGAGING IN A LOCKOUT.

(B) THIS SECTION DOES NOT APPLY TO AN ACTIVITY PERFORMED OR TO AN EXPENSE INCURRED IN CONNECTION WITH:

1 **(1) ADDRESSING A GRIEVANCE OR NEGOTIATING OR ADMINISTERING**
2 **A COLLECTIVE BARGAINING AGREEMENT;**

3 **(2) ALLOWING AN EMPLOYEE ORGANIZATION OR A REPRESENTATIVE**
4 **OF AN EMPLOYEE ORGANIZATION ACCESS TO A COUNTY'S OR MUNICIPALITY'S**
5 **FACILITIES OR PROPERTIES;**

6 **(3) PERFORMING AN ACTIVITY REQUIRED BY FEDERAL OR STATE LAW**
7 **OR A COLLECTIVE BARGAINING AGREEMENT; OR**

8 **(4) NEGOTIATING, ENTERING INTO, OR CARRYING OUT A VOLUNTARY**
9 **RECOGNITION AGREEMENT WITH AN EMPLOYEE ORGANIZATION.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.