

HOUSE BILL 746

F5, F1

7lr2001

By: **Delegate M. Washington**

Introduced and read first time: February 2, 2017

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 11, 2017

CHAPTER _____

1 AN ACT concerning

2 **Public School Labor Relations Board – Administration and Enforcement –**
3 **Revisions**

4 FOR the purpose of requiring the Attorney General to assign an assistant Attorney General
5 to provide legal services to the Public School Labor Relations Board, the Higher
6 Education Labor Relations Board, and the State Labor Relations Board; providing
7 that, in connection with the Public School Labor Relations Board’s administration
8 and enforcement of certain provisions of law, certain references to written
9 communications shall include electronic communications and certain time limits
10 may be extended for good cause; requiring a party subject to an order of the Board to
11 comply with the order without need for judicial enforcement; authorizing a court to
12 grant certain relief and remedies requested by the Board; requiring the chair of the
13 Board to be a certain member of the Board; defining a certain term; and generally
14 relating to the Public School Labor Relations Board.

15 BY repealing and reenacting, without amendments,
16 Article – Education
17 Section 6–401(a) and (b), 6–501(a) through (c), and 6–803(a)
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2016 Supplement)

20 BY adding to
21 Article – Education
22 Section 6–401(b–1) and 6–501(c–1)
23 Annotated Code of Maryland

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.



(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 6–803(c), 6–805, and 6–806
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Education

6–401.

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

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

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

6–501.

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

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

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

(C–1) “DAY” MEANS A CALENDAR DAY UNLESS OTHERWISE INDICATED.

6–803.

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

(1) One member who:

(i) Represents the public;

(ii) Has experience in labor relations;

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

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

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

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

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

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

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

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

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

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

25 6-805.

26 (A) The Board shall share an executive director with the Higher Education Labor
27 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 EDUCATION**
30 **LABOR RELATIONS BOARD, AND THE STATE LABOR RELATIONS BOARD.**

31 6-806.

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

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

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

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

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

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

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

16 2. GRANT ANY OTHER REMEDY THE COURT DEEMS
17 APPROPRIATE.

18 (b) The Board may:

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2017.