

SENATE BILL 677

P4

8lr2809
CF 8lr3429

By: **Senators Madaleno, Benson, Feldman, Guzzone, Klausmeier, Manno, Mathias, Oaks, Rosapepe, and Zucker**

Introduced and read first time: February 1, 2018

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – Exclusive Representative Access to**
3 **New Employee Orientation**

4 FOR the purpose of requiring the Department of Budget and Management, University
5 System of Maryland system institutions, Morgan State University, St. Mary's
6 College of Maryland, and Baltimore City Community College to provide certain
7 information on certain employees to certain exclusive representatives within a
8 certain time period; altering a certain list of items that the Department, a system
9 institution, Morgan State University, St. Mary's College of Maryland, and Baltimore
10 City Community College are required to provide to certain exclusive representatives;
11 altering a certain limitation on the number of times a year an exclusive
12 representative may request certain information; requiring the Department, a system
13 institution, Morgan State University, St. Mary's College of Maryland, and Baltimore
14 City Community College to provide certain information in a certain format;
15 authorizing the Department, a system institution, Morgan State University, St.
16 Mary's College of Maryland, and Baltimore City Community College and certain
17 exclusive representatives to negotiate to provide certain information in a certain
18 manner; repealing certain employee notification requirements and notification
19 process requirements; repealing certain prohibitions against providing certain
20 employee information under certain circumstances; repealing a certain prohibition
21 against incumbent exclusive representatives requesting or receiving certain
22 employee information; repealing an authorization for a certain employer to charge a
23 certain fee for certain purposes; altering certain provisions regarding the use of
24 certain information for certain purposes by certain exclusive representatives and
25 certain third party contractors; establishing a certain right for certain exclusive
26 representatives; requiring the State, a system institution, Morgan State University,
27 St. Mary's College of Maryland, and Baltimore City Community College to permit
28 certain exclusive representatives to attend and participate in certain new employee
29 orientations; requiring that an exclusive representative be permitted a certain
30 amount of time to address certain employees during a new employee orientation;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 authorizing the State, a system institution, Morgan State University, St. Mary's
 2 College of Maryland, and Baltimore City Community College and an exclusive
 3 representative to negotiate a certain period of time in accordance with certain
 4 provisions of law; requiring the State, a system institution, Morgan State University,
 5 St. Mary's College of Maryland, and Baltimore City Community College to provide
 6 certain notice to the exclusive representative in advance of a new employee
 7 orientation; providing a certain exception to a certain notice requirement under
 8 certain circumstances; and generally relating to collective bargaining for State
 9 employees and access by an exclusive representative to a new employee orientation.

10 BY repealing and reenacting, with amendments,
 11 Article – State Personnel and Pensions
 12 Section 3–208, 3–2A–08, and 3–502(a)
 13 Annotated Code of Maryland
 14 (2015 Replacement Volume and 2017 Supplement)

15 BY adding to
 16 Article – State Personnel and Pensions
 17 Section 3–307
 18 Annotated Code of Maryland
 19 (2015 Replacement Volume and 2017 Supplement)

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

22 **Article – State Personnel and Pensions**

23 3–208.

24 (a) On written request of an exclusive representative, **AND WITHIN 30 DAYS OF**
 25 **A NEW EMPLOYEE'S DATE OF HIRE**, for each employee in the bargaining unit represented
 26 by the exclusive representative, the Department shall provide the exclusive representative
 27 with the employee's:

28 (1) name;

29 (2) position classification;

30 (3) unit;

31 (4) home and work site addresses where the employee receives interoffice
 32 or United States mail; [and]

33 (5) home and work site telephone numbers;

34 **(6) WORK AND PERSONAL E-MAIL ADDRESSES; AND**

1 **(7) POSITION IDENTIFICATION NUMBER.**

2 (b) An exclusive representative may present a request for employee information,
3 as provided under subsection (a) of this section, **[twice every calendar year] AT LEAST**
4 **ONCE EVERY 120 DAYS.**

5 **(C) THE DEPARTMENT SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE**
6 **WITH THE REQUESTED INFORMATION IN A SEARCHABLE AND ANALYZABLE**
7 **ELECTRONIC FORMAT.**

8 **(D) THE DEPARTMENT MAY NEGOTIATE WITH THE EXCLUSIVE**
9 **REPRESENTATIVE TO PROVIDE:**

10 **(1) THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS**
11 **SECTION MORE FREQUENTLY THAN ONCE EVERY 120 DAYS; AND**

12 **(2) MORE DETAILED INFORMATION THAN PROVIDED IN SUBSECTION**
13 **(A) OF THIS SECTION.**

14 **[(c)] (E)** Names or lists of employees provided to the Board in connection with
15 an election under this title are not subject to disclosure in accordance with Title 4 of the
16 General Provisions Article.

17 **[(d) (1)** Thirty days before providing an employee's name, addresses, telephone
18 numbers, and work information to an exclusive representative, the employer shall notify
19 the employee of the provisions of this section.

20 **(2)** The employee may, within 15 days of the employer's notice under
21 paragraph (1) of this subsection, notify the employer that the employee does not want the
22 employee's name, addresses, telephone numbers, or work information to be provided to an
23 exclusive representative.

24 **(3)** If an employee provides timely notification to the employer under
25 paragraph (2) of this subsection, the employer may not provide the employee's name,
26 addresses, telephone numbers, or work information.

27 **(4)** The notification of an employee to the employer under paragraph (2) of
28 this subsection shall remain in effect until the employee otherwise notifies the employer.

29 (e) An incumbent exclusive representative for a bargaining unit that is the
30 subject of an election under § 3-405 of this title may not request or receive any employee
31 information as provided under subsections (a) and (b) of this section.

32 (f) An employer may charge an exclusive representative a fee not to exceed the

1 actual cost of providing a list of employees' names, addresses, telephone numbers, and work
2 information to the exclusive representative.

3 (g) (F) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of
4 this subsection, an exclusive representative shall consider the information that it receives
5 under this section as confidential and may not release the information to any person.

6 (2) An exclusive representative may authorize third party contractors to
7 use the information that it receives under this section, as directed by the exclusive
8 representative, to carry out the exclusive representative's statutory duties under this title.

9 [(h) (1)] (3) An exclusive representative **OR AN AUTHORIZED THIRD PARTY**
10 **CONTRACTOR** may [not] use the information that it receives under this section for the
11 purpose of **MAINTAINING OR** increasing employee membership in an employee
12 organization.

13 [(2) An exclusive representative may use the information that it receives
14 under this section only to carry out its statutory duties under this title.]

15 3-2A-08.

16 (a) On written request of an exclusive representative, **AND WITHIN 30 DAYS OF**
17 **A NEW EMPLOYEE'S DATE OF HIRE**, for each employee in the bargaining unit represented
18 by the exclusive representative, the University System of Maryland system institutions,
19 Morgan State University, St. Mary's College of Maryland, and Baltimore City Community
20 College shall provide the exclusive representative with the employee's:

21 (1) name;

22 (2) position classification;

23 (3) unit;

24 (4) home and work site addresses where the employee receives interoffice
25 or United States mail; [and]

26 (5) home and work site telephone numbers; **AND**

27 **(6) WORK AND PERSONAL E-MAIL ADDRESSES.**

28 (b) An exclusive representative may present a request for employee information,
29 as provided under subsection (a) of this section, [twice every calendar year] **AT LEAST**
30 **ONCE EVERY 120 DAYS.**

31 **(C) THE EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE**
32 **WITH THE REQUESTED INFORMATION IN A SEARCHABLE AND ANALYZABLE**

1 **ELECTRONIC FORMAT.**

2 **(D) THE EMPLOYER MAY NEGOTIATE WITH THE EXCLUSIVE**
3 **REPRESENTATIVE TO PROVIDE:**

4 **(1) THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS**
5 **SECTION MORE FREQUENTLY THAN ONCE EVERY 120 DAYS; AND**

6 **(2) MORE DETAILED INFORMATION THAN PROVIDED IN SUBSECTION**
7 **(A) OF THIS SECTION.**

8 **[(c)] (E)** Names or lists of employees provided to the Board in connection with
9 an election under this title are not subject to disclosure in accordance with Title 4 of the
10 General Provisions Article.

11 **[(d) (1)]** Thirty days before providing an employee's name, addresses, telephone
12 numbers, and work information to an exclusive representative, the employer shall notify
13 the employee of the provisions of this section.

14 **(2)** The employee may, within 15 days of the employer's notice under
15 paragraph (1) of this subsection, notify the employer that the employee does not want the
16 employee's name, addresses, telephone numbers, or work information to be provided to an
17 exclusive representative.

18 **(3)** If an employee provides timely notification to the employer under
19 paragraph (2) of this subsection, the employer may not provide the employee's name,
20 addresses, telephone numbers, or work information.

21 **(4)** The notification of an employee to the employer under paragraph (2) of
22 this subsection shall remain in effect until the employee otherwise notifies the employer.

23 **(e)** An incumbent exclusive representative for a bargaining unit that is the
24 subject of an election under § 3-405 of this title may not request or receive any employee
25 information as provided under subsections (a) and (b) of this section.

26 **(f)** An employer may charge an exclusive representative a fee not to exceed the
27 actual cost of providing a list of employees' names, addresses, telephone numbers, and work
28 information to the exclusive representative.

29 **[(g)] (F) (1)** Except as provided in **[paragraph] PARAGRAPHS (2) AND (3)** of
30 this subsection, an exclusive representative shall consider the information that it receives
31 under this section as confidential and may not release the information to any person.

32 **(2)** An exclusive representative may authorize third party contractors to
33 use the information that it receives under this section, as directed by the exclusive
34 representative, to carry out the exclusive representative's statutory duties under this title.

1 [(h) (1)] (3) An exclusive representative **OR AN AUTHORIZED THIRD PARTY**
2 **CONTRACTOR** may [not] use the information that it receives under this section for the
3 purpose of **MAINTAINING OR** increasing employee membership in an employee
4 organization.

5 [(2) An exclusive representative may use the information that it receives
6 under this section only to carry out its statutory duties under this title.]

7 **3-307.**

8 (A) **EACH EXCLUSIVE REPRESENTATIVE HAS THE RIGHT TO COMMUNICATE**
9 **WITH THE EMPLOYEES THAT IT REPRESENTS.**

10 (B) (1) **THE STATE, A SYSTEM INSTITUTION, MORGAN STATE**
11 **UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY**
12 **COMMUNITY COLLEGE SHALL PERMIT AN EXCLUSIVE REPRESENTATIVE TO ATTEND**
13 **AND PARTICIPATE IN A NEW EMPLOYEE ORIENTATION THAT INCLUDES AN**
14 **EMPLOYEE WHO IS IN A BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE**
15 **REPRESENTATIVE.**

16 (2) **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
17 **THE EXCLUSIVE REPRESENTATIVE SHALL BE PERMITTED AT LEAST 25 MINUTES TO**
18 **ADDRESS A NEW EMPLOYEE DURING A NEW EMPLOYEE ORIENTATION.**

19 (3) **THE STATE, A SYSTEM INSTITUTION, MORGAN STATE**
20 **UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY**
21 **COMMUNITY COLLEGE AND AN EXCLUSIVE REPRESENTATIVE MAY NEGOTIATE A**
22 **PERIOD OF TIME THAT IS MORE THAN 25 MINUTES IN ACCORDANCE WITH § 3-501 OF**
23 **THIS TITLE.**

24 (C) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
25 **THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY'S**
26 **COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE SHALL**
27 **PROVIDE THE EXCLUSIVE REPRESENTATIVE AT LEAST 10 DAYS' NOTICE IN ADVANCE**
28 **OF A NEW EMPLOYEE ORIENTATION.**

29 (2) **THE STATE, A SYSTEM INSTITUTION, MORGAN STATE**
30 **UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY**
31 **COMMUNITY COLLEGE MAY PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH LESS**
32 **THAN 10 DAYS' NOTICE IF THERE IS AN URGENT NEED CRITICAL TO THE EMPLOYER'S**
33 **NEW EMPLOYEE ORIENTATION THAT WAS NOT REASONABLY FORESEEABLE.**

34 **3-502.**

1 (a) Collective bargaining shall include all matters relating to:

2 (1) wages, hours, and other terms and conditions of employment; AND

3 (2) THE TIME AND MANNER OF ACCESS TO A NEW EMPLOYEE
4 ORIENTATION AS REQUIRED UNDER § 3-307 OF THIS TITLE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2018.