

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 811  
Ways and Means

(Delegate Luedtke, *et al.*)

Finance

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Education - Collective Bargaining - Exclusive Representative's Access to New  
Employee Processing

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This bill requires public school employers to provide an exclusive representative with access to “new employee processing,” which is when new employees are advised of specified employment-related matters. The details of this access must be negotiated as specified. Within 30 days of a new employee’s hire and as specified in the bill, a public school employer must provide the exclusive representative with specified employee information about each *new* public school employee, including name, position classification, and personal cell phone number. Further, this information must be provided about *each* employee in the bargaining unit every 120 days. **The bill takes effect July 1, 2018.**

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Fiscal Summary

**State Effect:** General fund expenditures may increase minimally beginning in FY 2019 due to a potential increase in petitions for an impasse or other requests related to the new topics of negotiation allowed under the bill. Revenues are not affected.

**Local Effect:** Local school systems expenditures may increase minimally to collectively bargain the additional topics. Local school systems can provide access to new employee processing and provide the exclusive representative with specified information using existing resources.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** These requirements apply to certificated and noncertificated employees of local school systems.

### *New Employee Processing*

“New employee processing” is defined as the process for a newly hired public school employee, whether in person, online, or through other means, in which new employees are advised of their employment status, rights, benefits, duties, responsibilities, and other employment-related matters.

In general, the public school employer must provide the exclusive representative at least 10 days’ notice in advance of a new employee processing.

### *Negotiating Access to New Employee Processing*

The bill describes the process for negotiating access to new employee processing, and when either party may request the Public School Labor Relations Board to declare an impasse. In an impasse proceeding, the mediator or the Public School Labor Relations Board must consider specified matters.

A request to negotiate regarding access to new employee processing made between July 1, 2018, and the expiration date of an existing collective bargaining agreement between the parties, must reopen the existing collective bargaining agreement only for regarding access the new employee processing. Either party may elect to negotiate a separate agreement in lieu of reopening the existing collective bargaining agreement. However, the bill does not prohibit a public school employer and an exclusive representative from negotiating access to new employee processing that varies from the requirements of this bill. Nothing in the bill abrogates existing collective bargaining agreements.

### *Employee Information*

Specifically, each public school employer must provide the exclusive representative with the employee’s name, position classification, home and work site address where the employee receives interoffice or U.S. mail, home and work site telephone numbers, personal cell phone number, and work email address. In addition, the public school employer may negotiate with the exclusive representative to provide the information more frequently than 120 days. Finally, the public school employer must provide the exclusive representative with the information described regardless of whether the newly hired employee was previously employed by the public school employer.

**Current Law/Background:** Public school employers are not required to provide an exclusive representative with access to “new employee processing.” Public school employers are also not required to provide specified employee information to an exclusive representative. Collective bargaining must include all matters relating to wages, hours, and other working conditions, including procedures regarding employee transfers and assignments.

Several collective bargaining agreements in the State currently include the sharing of some employee information with the exclusive representative (eight school systems) and/or access to new employee processing sessions (at least one system).

As of October 2017, local school systems employed approximately 118,400 certificated and noncertificated staff.

**State Expenditures:** The Public School Labor Relations Board advises that it anticipates up to five more case deliberation meetings over the course of a fiscal year to potentially deliberate on the impasse matters allowed by the bill. For each meeting, board member stipends and parking totals approximate \$560. Thus, general fund expenditures could increase by \$2,800 annually beginning in fiscal 2019, depending on the number, if any, of additional board meetings required as a result of the bill.

**Local Expenditures:** Local school systems expenditures may increase minimally to collectively bargain the specified topics because adding the topics that may be negotiated may increase the negotiation time.

Further, the bill requires public school employers to provide exclusive representative’s access to new employee processing and specified employee information. It is anticipated this can be done with existing resources, although providing the information may take time away from employees performing other job responsibilities.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 819 (Senator Madaleno, *et al.*) - Finance.

**Information Source(s):** Charles and Montgomery counties; Maryland State Department of Education; Public School Labor Relations Board; Maryland State Education Association; Department of Budget and Management; Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2018  
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