

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1259
Ways and Means

(Delegate Ebersole)

Finance

Education - Collective Bargaining for Noncertificated Employees - Supervisory
Employees and Management Personnel

This bill alters the definitions of “management personnel” and “supervisory employee” for noncertificated employees of local school systems by removing provisions of law that allow the status of management personnel and a supervisory employee to be determined by negotiation. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: The bill is not anticipated to materially affect local school system finances.

Small Business Effect: None.

Analysis

Current Law: “Public school employee” means a noncertificated individual who is employed for at least nine months a year on a full-time basis by a public school employer. These requirements do not apply to a noncertificated employee in Baltimore City. It does not include management personnel, confidential employees, or any individual designated by the public school employer to act in a negotiating capacity as specified.

“Management personnel” includes an individual who is engaged mainly in executive and managerial function, as determined by the public school employer in negotiation with an employee organization that requests negotiation on this issue.

“Supervisory employee” includes any individual who responsibly directs the work of other employees as determined by the public school employer in negotiation with an employee organization that requests negotiation on this issue.

“Public school employer” means the local board of education in each county including Baltimore City.

Background: The Public School Labor Relations Board advises that amending the definition of management personnel and supervisor will bring jurisdictional clarity into certain case matters that have been filed or could be filed in the future.

The enrolled version of House Bill 808 of 2018, which is identical to the bill, passed the General Assembly but was vetoed by the Governor. In his [veto letter](#), Governor Hogan stated he opposed the policy of removing local authority to determine who is classified as supervisory, which sends any disputes over classifications to the Public School Labor Relations Board. According to his letter, there are several ramifications associated with removing this authority from the local school systems, including preventing local school systems from reclassifying employees due to changing needs without a lengthy legal challenge.

Local Expenditures: Baltimore City Public Schools (BCPS) estimates that it has approximately 60 employees in the impacted job titles who would be subject to collective bargaining due to the bill. BCPS estimates there will be an initial cost of \$500 per person to transition the employee to the new job titles in the unions and that there would be a 2% increase in salary for those employees due to movement along the salary scale. The Department of Legislative Services advises that salary increases for these employees of either more or less than 2% are also likely absent the bill. Therefore, the bill is not anticipated to materially affect local school system finances.

Additional Information

Prior Introductions: HB 808 of 2018 was passed by the General Assembly but was vetoed by the Governor for policy reasons.

Cross File: None.

Information Source(s): Maryland State Labor Relations Boards; Maryland State Department of Education; Department of Budget and Management; Baltimore City Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2019
mm/rhh Third Reader - March 18, 2019

Analysis by: Caroline L. Boice

Direct Inquiries to:
(410) 946-5510
(301) 970-5510