
By: **Montgomery County Delegation**
Introduced and read first time: February 11, 2000
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Education - Home and Hospital Teacher**
3 **Representation**
4 **MC 3-00**

5 FOR the purpose of including Montgomery County home and hospital teachers in the
6 definition of "public school employees" for the purpose of provisions of law
7 related to organizations of certificated employees; requiring the exclusive
8 negotiating agent for public school employees in Montgomery County to
9 represent home and hospital teachers in certain matters; exempting certain
10 county home or hospital teachers from the requirement to pay a certain
11 representation fee; repealing an obsolete provision that overrides the exclusion
12 of county substitute teachers from a certain contract; defining a certain term;
13 and generally relating to representation for home and hospital employees in
14 Montgomery County.

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section 6-401 and 6-408(b)(2)
18 Annotated Code of Maryland
19 (1999 Replacement Volume)

20 BY repealing and reenacting, without amendments,
21 Article - Education
22 Section 6-407(c)(1) and (3), and 6-408(b)(1)
23 Annotated Code of Maryland
24 (1999 Replacement Volume)

25 BY adding to
26 Article - Education
27 Section 6-407(c)(6)
28 Annotated Code of Maryland
29 (1999 Replacement Volume)

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

3 **Article - Education**

4 6-401.

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

6 (b) "Employee organization" means an organization that:

7 (1) Includes certificated employees of a public school employer or
8 individuals of equivalent status in Baltimore City; and

9 (2) Has as one of its main purposes the representation of the employees
10 in their relations with that public school employer.

11 (C) (1) "HOME AND HOSPITAL TEACHER" MEANS A TEACHER EMPLOYED BY
12 A PUBLIC SCHOOL EMPLOYER TO PROVIDE INSTRUCTIONAL SERVICES TO A PUBLIC
13 SCHOOL STUDENT WHO IS UNABLE TO FUNCTION EFFECTIVELY IN THE CLASSROOM
14 SETTING DUE TO THE STUDENT'S MEDICAL, PHYSICAL, OR EMOTIONAL CONDITION.

15 (2) A HOME AND HOSPITAL TEACHER MAY TEACH IN:

16 (I) A PRIVATE HOME;

17 (II) A HOSPITAL;

18 (III) A THERAPEUTIC CENTER;

19 (IV) A SCHOOL; OR

20 (V) ANY OTHER APPROPRIATE SITE.

21 [(c)] (D) (1) "Public school employee" means a certificated professional
22 individual who is employed by a public school employer or an individual of equivalent
23 status in Baltimore City, except for a county superintendent or an individual
24 designated by the public school employer to act in a negotiating capacity as provided
25 in § 6-408(b) of this subtitle.

26 (2) In Montgomery County, "public school employees" include
27 [certificated]:

28 (I) CERTIFICATED and noncertificated substitute teachers
29 employed by the public school employer for at least 7 days before March 1 of the
30 school fiscal year ending June 30, 1978, and each year after; AND

31 (II) HOME AND HOSPITAL TEACHERS EMPLOYED BY THE PUBLIC
32 SCHOOL EMPLOYER FOR AT LEAST 7 DAYS BEFORE MARCH 1 OF THE SCHOOL FISCAL
33 YEAR ENDING JUNE 30, 2000, AND EACH YEAR AFTER.

1 (3) In Baltimore County, "public school employee" includes a secondary
2 school nurse, an elementary school nurse, and a special school nurse.

3 (4) In Frederick County, "public school employee" includes a social
4 worker employed by a public school employer.

5 [(d)] (E) "Public school employer" means a county board of education or the
6 New Baltimore City Board of School Commissioners.

7 6-407.

8 (c) (1) In Montgomery County, Prince George's County, Baltimore County,
9 and Baltimore City, the public school employer may negotiate with the employee
10 organization designated as the exclusive representative for the public school
11 employees in a unit, a reasonable service or representation fee, to be charged
12 nonmembers for representing them in negotiations, contract administration,
13 including grievances, and other activities as are required under subsection (b) of this
14 section.

15 (3) An employee who is a substitute teacher and who works on a
16 short-term day-to-day basis is not required to pay a service or representation fee.

17 (6) IN MONTGOMERY COUNTY, AN EMPLOYEE WHO IS A HOME OR
18 HOSPITAL TEACHER AND WHO WORKS ON A SHORT-TERM DAY-TO-DAY BASIS IS NOT
19 REQUIRED TO PAY A SERVICE OR REPRESENTATION FEE.

20 6-408.

21 (b) (1) On request a public school employer or at least two of its designated
22 representatives shall meet and negotiate with at least two representatives of the
23 employee organization that is designated as the exclusive negotiating agent for the
24 public school employees in a unit of the county on all matters that relate to salaries,
25 wages, hours, and other working conditions.

26 (2) In Montgomery County, [notwithstanding any agreement in effect on
27 June 1, 1978 which excludes substitute teachers, and without affecting any other part
28 of such an agreement,] the exclusive negotiating agent for the public school
29 employees in a unit and the public school employer shall meet and negotiate under
30 this section the salaries, wages, hours, and other working conditions of all persons
31 actually employed as substitute teachers OR HOME AND HOSPITAL TEACHERS.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2000.