
By: **Delegate C. Davis**
Introduced and read first time: February 21, 2000
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools - Collective Bargaining - Organizations of Noncertificated**
3 **Employees**

4 FOR the purpose of allowing collective bargaining by a public school employer with
5 noncertificated employees over educational policy and the administration of
6 public schools; providing that a public school employer may not prohibit
7 collective bargaining with noncertificated employees over certain matters;
8 providing for the selection, composition, and use of an arbitration panel in
9 collective bargaining with noncertificated employees; requiring the arbitration
10 panel to meet with the parties and submit a report within a certain period;
11 authorizing the arbitration panel to conduct a trial or hearing; requiring the
12 report of the arbitration panel to decide each issue before the panel; providing
13 that the report of the panel and its contents is final and binding and may not be
14 appealed; requiring the public school employer to carry out the report and its
15 recommendations within a certain period; requiring the costs of mediation to be
16 shared by the parties; repealing a provision of law requiring the public school
17 employer to make the final determination on matters subject to negotiation; and
18 generally relating to collective bargaining and arbitration between a public
19 school employer and noncertificated employees.

20 BY repealing and reenacting, with amendments,
21 Article - Education
22 Section 6-510
23 Annotated Code of Maryland
24 (1999 Replacement Volume)

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

27 **Article - Education**

28 6-510.

29 (a) (1) In this section, "negotiate" includes the duty to:

1 (i) Confer in good faith, at all reasonable times; and

2 (ii) Reduce to writing the matters agreed on as a result of the
3 negotiations.

4 (2) The agreements may provide for binding arbitration of the grievances
5 arising under the agreement that the parties have agreed to be subject to arbitration.

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

11 (2) (I) COLLECTIVE BARGAINING ON A SUBJECT MATTER SHALL BE
12 ILLEGAL ONLY IF IT IS EXPRESSLY PROHIBITED BY STATUTE UNDER THIS SUBTITLE.

13 (II) A PUBLIC SCHOOL EMPLOYER MAY PERMIT COLLECTIVE
14 BARGAINING ON SUBJECT MATTERS THAT PREDOMINANTLY CONCERN
15 EDUCATIONAL POLICY OR THE ADMINISTRATION OF THE PUBLIC SCHOOLS.

16 (III) COLLECTIVE BARGAINING UNDER THIS PARAGRAPH SHALL BE
17 CONSIDERED PERMISSIVE.

18 (IV) THE STATE BOARD MAY NOT PROHIBIT COLLECTIVE
19 BARGAINING ON SUBJECT MATTERS THAT ARE PERMISSIVE OR MANDATORY
20 SUBJECTS FOR BARGAINING.

21 (c) The designation of representatives by the employer under this section does
22 not prevent an employee organization from appearing before or making proposals to
23 the public school employer at a public meeting or hearing.

24 (d) (1) If, on the request of either party, the State Superintendent
25 determines from the facts that an impasse is reached in negotiations between a public
26 school employer and an employee organization that is designated as an exclusive
27 negotiating agent, the assistance and advice of the State Board may be requested,
28 with the consent of both parties.

29 (2) If consent TO THE INTERVENTION OF THE STATE BOARD is not [given
30 and] GIVEN, at the request of either party, [a] AN ARBITRATION panel shall be
31 named to aid in resolving the differences.

32 (3) The ARBITRATION panel shall contain three individuals chosen as
33 follows:

34 (i) One member is to be named by each party within 3 days; and

35 (ii) 1. The third member is to be chosen by the other two
36 members within 10 days after the request; OR

1 [(7) Notwithstanding any other provision of this subtitle, the public
2 school employer shall make the final determination as to matters which have been
3 the subject of negotiation, but this final determination is subject to the other
4 provisions of this article concerning the fiscal relationship between the public school
5 employer and the county commissioners and county council.]

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2000.