

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 451 (Delegate K. Kelly, *et al.*)

Ways and Means

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**Education - Noncertificated Public School Employees - Negotiations**

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This bill provides that the issues of discipline and discharge are proper subjects of bargaining when negotiating with noncertificated public school employees.

This bill takes effect July 1, 2000.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** The effect on local school expenditures depends on the items included in the employee collective bargaining agreements. For instance, if it becomes more difficult to discipline or discharge poor performing employees, personnel costs could increase.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Collective bargaining rights are extended to noncertificated public school employees in 15 local school systems. The nine counties on the Eastern Shore are not required to enter into collective bargaining agreements with their noncertificated public school employees. All local school systems must enter into collective bargaining agreements with certificated public school employees. Noncertificated employees include custodians, school bus drivers, maintenance workers, instructional aides, and nonprofessional school employees. Certificated employees include teachers and other professional school employees. The scope of collective bargaining for noncertificated employees includes all matters that relate to salaries, wages, hours, and other working conditions.

**Background:** According to the Maryland State Teachers Association, prior to 1992, 14 local school systems that allowed collective bargaining for noncertificated employees included discipline as proper subjects of bargaining and 13 school systems included discharge issues as proper subjects of bargaining. In 1992, the State Board of Education ruled that a public school employer may not bargain over the remedies or means by which a noncertificated employee may challenge a discipline or discharge decision. The board's decision was made in the context of an appeal by the Charles County Board of Education (*Livers v. Board of Education of Charles County*) in which the State Board addressed the dual issues of whether discipline or discharge of a noncertificated employee were legally negotiable and whether the remedies or means by which the employee organization may challenge the discipline or discharge were legally negotiable. The State board decided that the discharge and discipline of a noncertificated employee are not negotiable because the interests of the school community prevailed.

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### **Additional Information**

**Prior Introductions:** This bill was introduced in the 1999 session as HB 701 and received an unfavorable report by the House Ways and Means Committee.

**Cross File:** None.

**Information Source(s):** Maryland Association of Boards of Education, Howard County Public School System, Maryland State Department of Education, Maryland State Teachers Association, Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2000  
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Analysis by: Hiram L. Burch, Jr.

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510