

HOUSE BILL 544

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SB 253/01 - EEA

2002 Regular Session  
2lr2410  
CF 2lr1984

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By: **Delegate Minnick**

Introduced and read first time: February 1, 2002

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Baltimore County - Public School Employees**

3 FOR the purpose of altering the definition of "public school employee" as it applies to  
4 provisions that relate to organizations of employees in Baltimore County;  
5 authorizing a public school employer in Baltimore County to designate a certain  
6 unit comprised of certain employees; establishing a certain unit of certain  
7 employees; providing for the retroactive application of this Act; providing that  
8 this Act may not be construed to confer certain rights on certain employees; and  
9 generally relating to organizations for public school employees in Baltimore  
10 County.

11 BY repealing and reenacting, with amendments,  
12 Article - Education  
13 Section 6-401, 6-404, and 6-505  
14 Annotated Code of Maryland  
15 (2001 Replacement Volume)

16 BY repealing and reenacting, without amendments,  
17 Article - Education  
18 Section 6-501  
19 Annotated Code of Maryland  
20 (2001 Replacement Volume)

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

23 **Article - Education**

24 6-401.

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

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

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

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

5 (c) (1) "Home and hospital teacher" means a teacher employed by a public  
6 school employer to provide instructional services to a public school student who is  
7 unable to function effectively in the classroom setting due to the student's medical,  
8 physical, or emotional condition.

9 (2) A home and hospital teacher may teach in:

10 (i) A private home;

11 (ii) A hospital;

12 (iii) A therapeutic center;

13 (iv) A school; or

14 (v) Any other appropriate site.

15 (d) (1) "Public school employee" means a certificated professional individual  
16 who is employed by a public school employer or an individual of equivalent status in  
17 Baltimore City, except for a county superintendent or an individual designated by the  
18 public school employer to act in a negotiating capacity as provided in § 6-408(b) of  
19 this subtitle.

20 (2) In Montgomery County, "public school employees" include:

21 (i) Certificated and noncertificated substitute teachers employed  
22 by the public school employer for at least 7 days before March 1 of the school fiscal  
23 year ending June 30, 1978, and each year after; and

24 (ii) Home and hospital teachers employed by the public school  
25 employer for at least 7 days before March 1 of the school fiscal year ending June 30,  
26 2000, and each year after.

27 (3) In Baltimore County, "public school employee" includes:

28 (I) [a] A secondary school nurse, an elementary school nurse, and  
29 a special school nurse; AND

30 (II) PROFESSIONAL AND ADMINISTRATIVE EMPLOYEES,  
31 INCLUDING CERTIFICATED AND NONCERTIFICATED EMPLOYEES, AND SUPERVISORY  
32 EMPLOYEES AS DEFINED UNDER § 6-501 OF THIS TITLE.

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

1 (e) "Public school employer" means a county board of education or the New  
2 Baltimore City Board of School Commissioners.

3 6-404.

4 (a) Each public school employer shall designate, as provided in this subtitle,  
5 which employee organization, if any, shall be the exclusive representative of all public  
6 school employees in a specified unit in the county.

7 (b) (1) Except as provided in paragraph (2) of this subsection, the public  
8 school employer shall determine the composition of the unit in negotiation with any  
9 employee organization that requests negotiation concerning the composition of the  
10 unit.

11 (2) In Baltimore County, the public school employer may designate a  
12 separate unit comprised of all registered nurses employed by the county in  
13 elementary schools or special schools AND A SEPARATE UNIT COMPRISED OF  
14 PROFESSIONAL AND ADMINISTRATIVE EMPLOYEES, INCLUDING CERTIFICATED AND  
15 NONCERTIFICATED EMPLOYEES, AND SUPERVISORY EMPLOYEES AS DEFINED  
16 UNDER § 6-501 OF THIS TITLE.

17 (c) (1) Except as provided in paragraph (2) of this subsection, there may not  
18 be more than two units in a county.

19 (2) In Baltimore County, there may not be more than three units,  
20 provided that one unit consists of elementary and special school nurses AND ONE  
21 UNIT CONSISTS OF PROFESSIONAL AND ADMINISTRATIVE EMPLOYEES, INCLUDING  
22 CERTIFICATED AND NONCERTIFICATED EMPLOYEES, AND SUPERVISORY  
23 EMPLOYEES AS DEFINED UNDER § 6-501 OF THIS TITLE.

24 (d) All eligible public school employees shall:

25 (1) Be included in one of these units; and

26 (2) Have the rights granted in this subtitle.

27 6-501.

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

29 (b) "Confidential employee" includes an individual whose employment  
30 responsibilities require knowledge of the public school employer's posture in the  
31 collective negotiation process, as determined by the public school employer in  
32 negotiations with an employee organization that requests negotiation on this issue.

33 (c) "Employee organization" means an organization that:

34 (1) Includes noncertificated employees of a public school employer; and

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

1 (d) "Management personnel" includes an individual who is engaged mainly in  
2 executive and managerial functions, as determined by the public school employer in  
3 negotiation with an employee organization that requests negotiation on this issue.

4 (e) "Noncertificated employee", in Montgomery County, means only a  
5 full-time employee.

6 (f) (1) "Public school employee" means a noncertificated individual who is  
7 employed for at least 9 months a year on a full-time basis by a public school employer.

8 (2) "Public school employee" includes a noncertificated employee in  
9 Baltimore City notwithstanding that the noncertificated employee does not work for  
10 at least 9 months a year on a full-time basis.

11 (3) "Public school employee" does not include:

12 (i) Management personnel;

13 (ii) A confidential employee; or

14 (iii) Any individual designated by the public school employer to act  
15 in a negotiating capacity as provided in § 6-510(b) of this subtitle.

16 (g) (1) "Public school employer" means the county board in each county  
17 except:

18 (i) Somerset;

19 (ii) Wicomico; and

20 (iii) Worcester.

21 (2) "Public school employer" includes the New Baltimore City Board of  
22 School Commissioners.

23 (h) "Supervisory employee" includes any individual who responsibly directs  
24 the work of other employees, as determined by the public school employer in  
25 negotiation with an employee organization that requests negotiation on this issue.

26 6-505.

27 (a) (1) Each public school employer may designate, as provided in this  
28 subtitle, which employee organization, if any, shall be the exclusive representative of  
29 all public school employees in a specified unit in the county.

30 (2) In Baltimore City, Garrett County, and Frederick County, the public  
31 school employer shall designate, as provided in this subtitle, which employee  
32 organization, if any, shall be the exclusive representative of all public school  
33 employees in a specified unit in the county.

1 (b) The public school employer shall determine the composition of the unit in  
2 negotiation with any employee organization that requests negotiation concerning the  
3 composition of the unit.

4 (c) (1) [There] EXCEPT AS PROVIDED IN § 6-404(B) AND (C) OF THIS TITLE,  
5 THERE may not be more than three units in a county and a unit may not include both  
6 supervisory and nonsupervisory employees.

7 (2) If a county has more than three recognized units and, as of July 1,  
8 1974, the units have exclusive representation for collective negotiations, these units  
9 may continue as negotiating units.

10 (d) (1) All eligible public school employees shall:

11 (i) Be included in one of these units; and

12 (ii) Have the rights granted in this subtitle.

13 (2) Except for an individual who is designated as management personnel  
14 or a confidential employee under this subtitle, each public school employee is eligible  
15 for membership in one of the negotiating units.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
17 construed retroactively and shall be applied to and interpreted to affect all actions of  
18 the Baltimore County School Board on or after January 1, 1994.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be  
20 construed to confer rights arising from certification on noncertificated employees.

21 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2002.