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21 22

20 BY repealing

(2001 Replacement Volume)

Article - Education

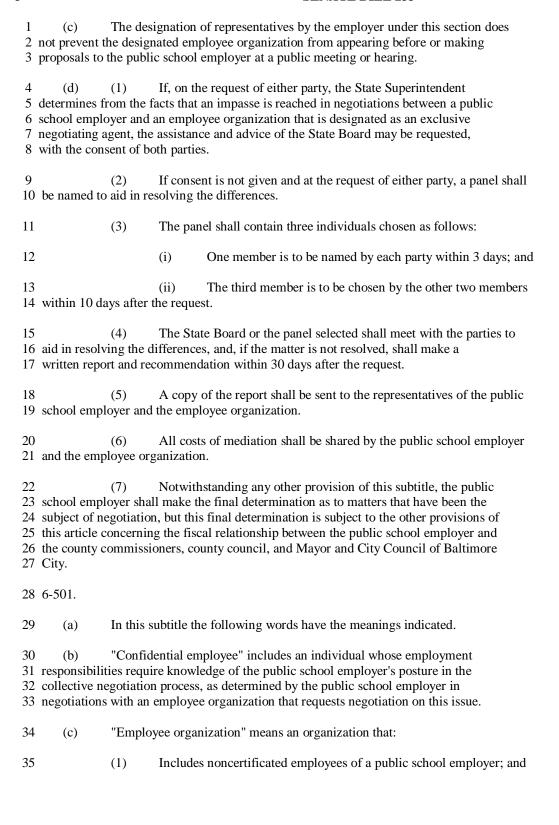
Section 6-502

2002 Regular Session 2lr0153 CF 2lr0154

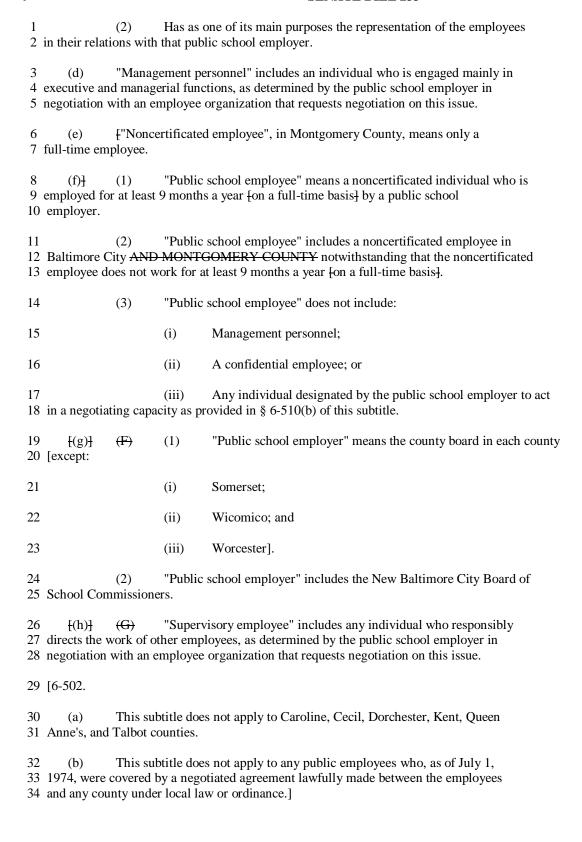
By: The President (Administration) and Senators Blount, Astle, Collins, Conway, Currie, Della, Dorman, Exum, Forehand, Frosh, Green, Hollinger, Hughes, Jimeno, Kelley, Lawlah, McFadden, Middleton, Mitchell, Pinsky, Ruben, Sfikas, Stone, Teitelbaum, and Van Hollen Introduced and read first time: January 18, 2002 Assigned to: Finance Committee Report: Favorable with amendments Senate action: Adopted Read second time: March 21, 2002 CHAPTER____ 1 AN ACT concerning 2 **Education - Negotiations Between Public School Employers and Employee** 3 **Organizations** 4 FOR the purpose of altering the matters which may be negotiated by a public school employer or its designated representatives and certain employee organizations; 5 prohibiting a public school employer from negotiating certain matters; repealing 6 7 a limitation on who may be a noncertificated employee in Montgomery County; altering the definition of "public school employee"; providing that certain 8 matters may not be raised in a certain action to resolve an impasse; altering the 9 definition of "public school employer" to eliminate certain exceptions; repealing 10 certain exceptions to the application of certain provisions of law relating to 11 12 noncertificated employees; and generally relating to the representation of public 13 school employees and negotiations between public school employers and 14 employee organizations. 15 BY repealing and reenacting, with amendments, Article - Education 16 17 Section 6-408, 6-501, and 6-510 Annotated Code of Maryland 18

1 2	Annotated Code of Maryland (2001 Replacement Volume)						
3 4	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:						
5	Article - Education						
6	6-408.						
7	(a) (1) In this section, "negotiate" includes the duty to:						
8	(i) Confer in good faith, at all reasonable times; and						
9 10	(ii) Reduce to writing the matters agreed on as a result of the negotiations.						
11 12	(2) The agreements may provide for binding arbitration of the grievances arising under the agreement that the parties have agreed to be subject to arbitration.						
15 16	(b) (1) On request a public school employer or at least two of its designated representatives shall meet and negotiate with at least two representatives of the employee organization that is designated as the exclusive negotiating agent for the public school employees in a unit of the county on all matters that relate to salaries, wages, hours, and other working conditions.						
20 21 22 23	(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A PUBLIC SCHOOL EMPLOYER OR AT LEAST TWO OF ITS DESIGNATED REPRESENTATIVES MAY NEGOTIATE WITH AT LEAST TWO REPRESENTATIVES OF THE EMPLOYEE ORGANIZATION THAT IS DESIGNATED AS THE EXCLUSIVE NEGOTIATING AGENT FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT OF THE COUNTY ON OTHER MATTERS THAT ARE MUTUALLY AGREED TO BY THE EMPLOYER AND THE EMPLOYEE ORGANIZATION.						
	(3) A PUBLIC SCHOOL EMPLOYER MAY NOT NEGOTIATE <u>THE SCHOOL</u> <u>CALENDAR, THE MAXIMUM NUMBER OF STUDENTS ASSIGNED TO A CLASS, OR ANY MATTER THAT IS PRECLUDED BY APPLICABLE <u>STATUTORY</u> LAW.</u>						
30 31	(4) A MATTER THAT IS NOT SUBJECT TO NEGOTIATION UNDER PARAGRAPH (2) OF THIS SUBSECTION BECAUSE IT HAS NOT BEEN MUTUALLY AGREED TO BY THE EMPLOYER AND THE EMPLOYEE ORGANIZATION MAY NOT BE RAISED IN ANY ACTION TAKEN TO RESOLVE AN IMPASSE UNDER SUBSECTION (D) OF THIS SECTION.						
35 36	[(2)] (4) (5) In Montgomery County, the exclusive negotiating agent for the public school employees in a unit and the public school employer shall meet and negotiate under this section the salaries, wages, hours, and other working conditions of all persons actually employed as substitute teachers or home and hospital teachers.						

SENATE BILL 233



SENATE BILL 233



				SEIWITE DIEL 233
	1 6-510.			
2	2 (a)	(1)	In this se	ection, "negotiate" includes the duty to:
3	3		(i)	Confer in good faith, at all reasonable times; and
	1 5 negotiations.		(ii)	Reduce to writing the matters agreed on as a result of the
	5 7 arising under	(2) the agre		eements may provide for binding arbitration of the grievances at the parties have agreed to be subject to arbitration.
1 1 1	0 employee or 1 public schoo	ganization l employ s, and oth	neet and a on that is wees in a u	est, a public school employer or at least two of its designated negotiate with at least two representatives of the designated as the exclusive negotiating agent for the unit of the county on all matters that relate to salaries, ng conditions, INCLUDING DISCIPLINE AND DISCHARGE
1 1 1 1 1 2	6 REPRESEN 7 THE EMPLO 8 NEGOTIAT 9 COUNTY O	TATIVE OYEE O TING AG ON OTHI EE, THA	EMPLOY S MAY RGANIZ ENT FO ER MAT T ARE M	T AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A ER OR AT LEAST TWO OF ITS DESIGNATED NEGOTIATE WITH AT LEAST TWO REPRESENTATIVES OF LATION THAT IS DESIGNATED AS THE EXCLUSIVE R THE PUBLIC SCHOOL EMPLOYEES IN A UNIT OF THE FERS, INCLUDING DUE PROCESS FOR DISCIPLINE AND IUTUALLY AGREED TO BY THE EMPLOYER AND THE DN.
2			MAXIMU	LIC SCHOOL EMPLOYER MAY NOT NEGOTIATE THE SCHOOL OF STUDENTS ASSIGNED TO A CLASS, OR ANY IDED BY APPLICABLE STATUTORY LAW.
2 2 2	7 AGREED T	O BY TI ANY A	F THIS S HE EMPI	TER THAT IS NOT SUBJECT TO NEGOTIATION UNDER SUBSECTION BECAUSE IT HAS NOT BEEN MUTUALLY LOYER AND THE EMPLOYEE ORGANIZATION MAY NOT BE CAKEN TO RESOLVE AN IMPASSE UNDER SUBSECTION (D) OF
3		an emplo	yee orgai	of representatives by the employer under this section does nization from appearing before or making proposals to a public meeting or hearing.
3 3	5 school emplo	oyer and agent, the	facts that an emplo assistan	e request of either party, the State Superintendent an impasse is reached in negotiations between a public byee organization that is designated as an exclusive ce and advice of the State Board may be requested, es.

38 (2) If consent is not given and at the request of either party, a panel shall 39 be named to aid in resolving the differences.

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1	(3)	The pan	el shall contain three individuals chosen as follows:
2		(i)	One member is to be named by each party within 3 days; and
3 4	within 10 days after the	(ii) ne reques	The third member is to be chosen by the other two members t.
	aid in resolving the di	fferences	te Board or the panel selected shall meet with the parties to and, if the matter is not resolved, shall make a action within 30 days after the request.
8 9	(5) school employer and		of the report shall be sent to representatives of the public oyee organization.
10 11	* *		s of the impasse proceedings, including mediation, shall be chool employer and the employee organization.
	school employer shall	l make th	standing any other provision of this subtitle, the public are final determination as to matters which have been this final determination is subject to the other.

14 the subject of negotiation, but this final determination is subject to the other 15 provisions of this article concerning the fiscal relationship between the public school 16 employer and the county commissioners and county council.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 18 October 1, 2002.