
By: **Delegate Minnick**
Introduced and read first time: February 7, 2003
Assigned to: Appropriations

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 establishing a certain unit of certain employees in Baltimore County;
6 authorizing only a certain number of units in Baltimore County; providing that
7 a certain unit shall be deemed the designated representative for a certain unit of
8 employees; providing that this Act may not be construed to confer certain rights
9 of certification on certain noncertified employees; and generally relating to
10 organizations for public school employees in Baltimore 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 and 2002 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - Education
18 Section 6-501
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2002 Supplement)

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) SUPERVISORY NONCERTIFICATED EMPLOYEES AS DEFINED
31 UNDER § 6-501(H) OF THIS TITLE.

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

1 (5) In Prince George's County, "public school employee" includes home
2 and hospital teachers and junior reserve officer training (JROTC) instructors.

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

5 6-404.

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

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

13 (2) In Baltimore County, the public school employer may designate a
14 separate unit comprised of all registered nurses employed by the county in
15 elementary schools or special schools.

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

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

23 (d) All eligible public school employees shall:

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

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

26 6-501.

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

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

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

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

34 (2) Has as one of its main purposes the representation of the employees
35 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 (2) "Public school employer" includes the Baltimore City Board of School
18 Commissioners.

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

22 6-505.

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

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

30 (b) The public school employer shall determine the composition of the unit in
31 negotiation with any employee organization that requests negotiation concerning the
32 composition of the unit.

33 (c) (1) There may not be more than three units in a county and a unit may
34 not include both supervisory and nonsupervisory employees.

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

4 (3) IN BALTIMORE COUNTY, THERE SHALL ONLY BE THREE
5 NONSUPERVISORY UNITS IN ADDITION TO THE SUPERVISORY UNIT DEFINED UNDER
6 § 6-404(C)(2) OF THIS TITLE.

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

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

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

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

13 SECTION 2. BE IT FURTHER ENACTED, That the organization for
14 administrative and supervisory positions currently recognized under § 6-404 of the
15 Education Article shall be deemed the designated representative for the unit created
16 in § 6-404(c)(3) of the Education Article and shall be subject to the provisions of
17 Subtitle 6 of the Education Article.

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

20 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2003.