
By: **Montgomery County Delegation**

Introduced and read first time: February 9, 2006

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Housing Opportunities Commission - Collective**
3 **Bargaining**
4 **MC 610-06**

5 FOR the purpose of providing that if a certain petition that demonstrates that certain
6 employees in a bargaining unit support representation by an exclusive
7 representative for collective bargaining and a certain petition that demonstrates
8 that certain employees in a bargaining unit no longer support the current
9 exclusive representative are filed at the same time, one election shall be held to
10 determine which employee organization, if any, shall be the exclusive
11 representative; providing for the contents of the ballot; providing that if a
12 petitioning employee organization is certified, the employee organization shall
13 be treated as a successor in interest and party to any collective bargaining
14 agreement to which the previous employee organization was a party; and
15 generally relating to collective bargaining and the Montgomery County Housing
16 Opportunities Commission.

17 BY repealing and reenacting, with amendments,
18 Article - Housing and Community Development
19 Section 16-306
20 Annotated Code of Maryland
21 (2005 Volume)
22 (As enacted by Chapter ____ (H.B. ____/S.B. ____)(6lr0634) of the Acts of the
23 General Assembly of 2006)

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

26 **Article - Housing and Community Development**

27 16-306.

28 (a) The labor relations administrator shall hold an election for an exclusive
29 representative after:

1 (1) an employee organization shows by petition that at least 30% of the
2 eligible employees in a bargaining unit support representation by an exclusive
3 representative for collective bargaining; or

4 (2) an employee or an employee organization shows by petition that at
5 least 30% of the eligible employees in a bargaining unit no longer support the current
6 exclusive representative.

7 (b) (1) Elections may not be held:

8 (i) within 1 year after the date of an election under this subtitle; or

9 (ii) except as provided in paragraph (2) of this subsection, during
10 the term of a collective bargaining agreement.

11 (2) During the term of a collective bargaining agreement, a petition for
12 an election may be filed only in November of the fiscal year in which the agreement
13 expires.

14 (c) (1) At least 30 days before an election under subsection (a) of this
15 section, the labor relations administrator shall get from the Montgomery Commission
16 and provide to the employee organization a list of the name, home address, and
17 telephone number of each employee in the bargaining unit.

18 (2) Providing a list under this subsection by the Montgomery
19 Commission, the labor relations administrator, or any Montgomery Commission
20 officials, employees, or other agents does not violate § 10-617(e) of the State
21 Government Article or any State or local law.

22 (d) An election shall be held by secret ballot.

23 (e) The ballot shall contain:

24 (1) the name of each employee organization that submits a valid petition
25 for an election;

26 (2) the name of any other employee organization supported by a petition
27 signed by at least 10% of the eligible employees in the bargaining unit; and

28 (3) an option for no representation.

29 (F) (1) IF A PETITION DESCRIBED IN SUBSECTION (A)(1) IS SUBMITTED AT
30 THE SAME TIME THAT A PETITION DESCRIBED IN SUBSECTION (A)(2) IS SUBMITTED,
31 ONE ELECTION SHALL BE HELD TO DETERMINE WHICH EMPLOYEE ORGANIZATION,
32 IF ANY, SHALL BE THE EXCLUSIVE REPRESENTATIVE.

33 (2) THE BALLOT SHALL CONTAIN:

34 (I) THE NAME OF THE CURRENT CERTIFIED EMPLOYEE
35 ORGANIZATION;

1 (II) THE NAME OF THE PETITIONING EMPLOYEE ORGANIZATION;
2 AND

3 (III) A PROVISION FOR "NO REPRESENTATION".

4 [(f)] (G) If none of the choices on the ballot receives a majority of the votes, the
5 labor relations administrator shall hold a runoff election between the two choices
6 receiving the most votes.

7 [(g)] (H) (I) After the election, the labor relations administrator shall certify
8 the employee organization with the most votes as the exclusive representative.

9 (II) IF THE PETITIONING EMPLOYEE ORGANIZATION IS CERTIFIED
10 AS A RESULT OF AN ELECTION CARRIED OUT UNDER SUBSECTION (F) OF THIS
11 SECTION, THAT EMPLOYEE ORGANIZATION SHALL BE TREATED AS A SUCCESSOR IN
12 INTEREST AND PARTY TO ANY COLLECTIVE BARGAINING AGREEMENT TO WHICH
13 THE PREVIOUS EMPLOYEE ORGANIZATION WAS A PARTY.

14 [(h)] (I) The Montgomery Commission and the employee organization shall
15 share the costs of the election procedures equally.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2006.