
By: **Montgomery County Delegation**

Introduced and read first time: February 9, 2006

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 14, 2006

CHAPTER _____

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)

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

3 **Article - Housing and Community Development**

4 16-306.

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

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

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

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

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

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

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

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

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

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

29 (e) The ballot shall contain:

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

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

34 (3) an option for no representation.

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

5 (2) THE BALLOT SHALL CONTAIN:

6 (I) THE NAME OF THE CURRENT CERTIFIED EMPLOYEE
7 ORGANIZATION;

8 (II) THE NAME OF THE PETITIONING EMPLOYEE ORGANIZATION;
9 AND

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

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

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

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

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

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