
By: **Prince George's County Delegation and Montgomery County
Delegation**

Introduced and read first time: February 9, 2006

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland-National Capital Park and Planning Commission - Collective**
3 **Bargaining**
4 **PG/MC 122-06**

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 Maryland-National Capital
16 Park and Planning Commission.

17 BY repealing and reenacting, with amendments,
18 Article 28 - Maryland-National Capital Park and Planning Commission
19 Section 2-112.1(g)
20 Annotated Code of Maryland
21 (2003 Replacement Volume and 2005 Supplement)

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

24 **Article 28 - Maryland-National Capital Park and Planning Commission**

25 2-112.1.

26 (g) (1) The Labor Relations Administrator shall conduct an election for an
27 exclusive representative after:

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

4 (ii) An employee or an employee organization demonstrates, by
 5 petition, that at least 30 percent of the eligible employees in a bargaining unit no
 6 longer support the current exclusive representative.

7 (2) (i) At least 30 days prior to an election under paragraph (1) of this
 8 subsection, the Labor Relations Administrator shall obtain from the Commission and
 9 provide to the employee organization a list of the names, addresses, and telephone
 10 numbers of every employee in the bargaining unit.

11 (ii) The provision of a list under this paragraph by the Commission,
 12 the Labor Relations Administrator, or any Commission officials, employees, or other
 13 agents does not constitute a violation of § 10-617(e) of the State Government Article
 14 or any State or local law, statute, regulation, or ordinance.

15 (3) Elections shall be conducted by secret ballot.

16 (4) The ballot shall contain:

17 (i) The name of each employee organization that submits a valid
 18 petition requiring an election;

19 (ii) The name of any other employee organization supported by a
 20 petition signed by at least 10 percent of the eligible employees in the bargaining unit;
 21 and

22 (iii) An option for no representation.

23 (5) (I) IF A PETITION DESCRIBED IN PARAGRAPH (1)(I) OF THIS
 24 SUBSECTION IS SUBMITTED AT THE SAME TIME THAT A PETITION DESCRIBED IN
 25 PARAGRAPH (1)(II) OF THIS SUBSECTION IS SUBMITTED, ONE ELECTION SHALL BE
 26 HELD TO DETERMINE WHICH EMPLOYEE ORGANIZATION, IF ANY, SHALL BE THE
 27 EXCLUSIVE REPRESENTATIVE.

28 (II) THE BALLOT SHALL CONTAIN:

29 1. THE NAME OF THE CURRENT CERTIFIED EMPLOYEE
 30 ORGANIZATION;

31 2. THE NAME OF THE PETITIONING EMPLOYEE
 32 ORGANIZATION; AND

33 3. A PROVISION FOR "NO REPRESENTATION".

34 [(5)] (6) (i) If none of the choices on the ballot receives a majority of
 35 the votes cast, the Labor Relations Administrator shall hold a runoff election.

1 (ii) In the runoff election, the ballot shall contain the two choices
2 that received the highest number of votes in the initial election.

3 [(6)] (7) After the election, the Labor Relations Administrator shall
4 certify the appropriate employee organization as the exclusive representative.

5 (8) IF THE PETITIONING EMPLOYEE ORGANIZATION IS CERTIFIED AS
6 THE RESULT OF AN ELECTION CARRIED OUT UNDER PARAGRAPH (5) OF THIS
7 SUBSECTION, THAT EMPLOYEE ORGANIZATION SHALL BE TREATED AS A SUCCESSOR
8 IN INTEREST AND PARTY TO ANY COLLECTIVE BARGAINING AGREEMENT TO WHICH
9 THE PREVIOUS EMPLOYEE ORGANIZATION WAS A PARTY.

10 [(7)] (9) The Commission and the employee organization shall share
11 equally the costs of the election procedures.

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