

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 971
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “State Institutions of Higher Education – Employee Information” and substitute “Use of Employee Information”; in line 4, strike beginning with “certain” through “education” and substitute “the University System of Maryland system institutions, Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College”; in line 5, strike “employee”; in line 6, strike beginning with “the” through “education” and substitute “certain employers”; strike beginning with “prohibiting” in line 7 down through “education;” in line 13 and substitute “authorizing certain employees to give a certain notice to an employer that the employee does not want the employer to provide certain information to an exclusive representative; requiring that certain notices remain in effect until further notice; prohibiting certain exclusive representatives from requesting or receiving certain information under certain circumstances; prohibiting certain exclusive representatives from releasing certain information; providing a certain exception; prohibiting a certain exclusive representative from using certain information for a certain purpose; authorizing a certain exclusive representative to use certain information only for a certain purpose;”; in line 13, after “to” insert “the use of”; in line 14, strike beginning with “provided” through “by” and substitute “and collective bargaining for State employees and employees of”; in line 15, strike beginning with “in” through “bargaining”; and in line 18, after “3-208” insert “(d) and 3-2A-08”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 3 through 19, inclusive; after line 29, insert:

“(4) THE NOTIFICATION OF AN EMPLOYEE TO THE EMPLOYER UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL REMAIN IN EFFECT UNTIL THE EMPLOYEE OTHERWISE NOTIFIES THE EMPLOYER.”

(Over)

On page 3, strike in their entirety lines 1 through 18, inclusive; and after line 18, insert:

“3-2A-08.

(A) ON WRITTEN REQUEST OF AN EXCLUSIVE REPRESENTATIVE, FOR EACH EMPLOYEE IN THE BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE REPRESENTATIVE, THE UNIVERSITY SYSTEM OF MARYLAND SYSTEM INSTITUTIONS, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE EMPLOYEE’S:

(1) NAME;

(2) POSITION CLASSIFICATION;

(3) UNIT;

(4) HOME AND WORK SITE ADDRESSES WHERE THE EMPLOYEE RECEIVES INTEROFFICE OR UNITED STATES MAIL; AND

(5) HOME AND WORK SITE TELEPHONE NUMBERS.

(B) AN EXCLUSIVE REPRESENTATIVE MAY PRESENT A REQUEST FOR EMPLOYEE INFORMATION, AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, TWICE EVERY CALENDAR YEAR.

(C) Names or lists of employees provided to the Board in connection with an election under this title are not subject to disclosure in accordance with Title 10, Subtitle 6 of the State Government Article.

(D) (1) THIRTY DAYS BEFORE PROVIDING AN EMPLOYEE'S NAME, ADDRESSES, TELEPHONE NUMBERS, AND WORK INFORMATION TO AN EXCLUSIVE REPRESENTATIVE, THE EMPLOYER SHALL NOTIFY THE EMPLOYEE OF THE PROVISIONS OF THIS SECTION.

(2) THE EMPLOYEE MAY, WITHIN 15 DAYS OF THE EMPLOYER'S NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, NOTIFY THE EMPLOYER THAT THE EMPLOYEE DOES NOT WANT THE EMPLOYEE'S NAME, ADDRESSES, TELEPHONE NUMBERS, OR WORK INFORMATION TO BE PROVIDED TO AN EXCLUSIVE REPRESENTATIVE.

(3) IF AN EMPLOYEE PROVIDES TIMELY NOTIFICATION TO THE EMPLOYER UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE EMPLOYER MAY NOT PROVIDE THE EMPLOYEE'S NAME, ADDRESSES, TELEPHONE NUMBERS, OR WORK INFORMATION.

(4) THE NOTIFICATION OF AN EMPLOYEE TO THE EMPLOYER UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL REMAIN IN EFFECT UNTIL THE EMPLOYEE OTHERWISE NOTIFIES THE EMPLOYER.

(E) AN INCUMBENT EXCLUSIVE REPRESENTATIVE FOR A BARGAINING UNIT THAT IS THE SUBJECT OF AN ELECTION UNDER § 3-405 OF THIS TITLE MAY NOT REQUEST OR RECEIVE ANY EMPLOYEE INFORMATION AS PROVIDED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION.

(F) AN EMPLOYER MAY CHARGE AN EXCLUSIVE REPRESENTATIVE A FEE NOT TO EXCEED THE ACTUAL COST OF PROVIDING A LIST OF EMPLOYEES' NAMES, ADDRESSES, TELEPHONE NUMBERS, AND WORK INFORMATION TO THE EXCLUSIVE REPRESENTATIVE.

(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN EXCLUSIVE REPRESENTATIVE SHALL CONSIDER THE INFORMATION THAT IT RECEIVES UNDER THIS SECTION AS CONFIDENTIAL AND MAY NOT RELEASE THE INFORMATION TO ANY PERSON.

(2) AN EXCLUSIVE REPRESENTATIVE MAY AUTHORIZE THIRD PARTY CONTRACTORS TO USE THE INFORMATION THAT IT RECEIVES UNDER THIS SECTION, AS DIRECTED BY THE EXCLUSIVE REPRESENTATIVE, TO CARRY OUT THE EXCLUSIVE REPRESENTATIVE'S STATUTORY DUTIES UNDER THIS TITLE.

(H) (1) AN EXCLUSIVE REPRESENTATIVE MAY NOT USE THE INFORMATION THAT IT RECEIVES UNDER THIS SECTION FOR THE PURPOSE OF INCREASING EMPLOYEE MEMBERSHIP IN AN EMPLOYEE ORGANIZATION.

(2) AN EXCLUSIVE REPRESENTATIVE MAY USE THE INFORMATION THAT IT RECEIVES UNDER THIS SECTION ONLY TO CARRY OUT ITS STATUTORY DUTIES UNDER THIS TITLE.”.

AMENDMENT NO. 3

On page 3, in line 20, strike “October” and substitute “July”.