

HOUSE BILL 971

P4

71r1912

By: **Delegates Jones, Barkley, G. Clagett, DeBoy, Gutierrez, Guzzone, Haynes, and Heller**

Introduced and read first time: February 9, 2007

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – State Institutions of Higher**
3 **Education – Employee Information**

4 FOR the purpose of requiring certain State institutions of higher education to provide
5 certain employee information to certain exclusive representatives under certain
6 circumstances; requiring the State institutions of higher education to give
7 certain notice to certain employees at a certain time; prohibiting the State
8 institutions from providing certain employee information to an exclusive
9 representative under certain circumstances; authorizing the State institutions
10 of higher education to charge a certain fee; establishing certain limitations on
11 the number of requests for employee information that may be made and the
12 uses of employee information by exclusive representatives of employees of the
13 State institutions of higher education; and generally relating to employee
14 information provided to exclusive representatives by State institutions of higher
15 education in connection with collective bargaining.

16 BY repealing and reenacting, with amendments,
17 Article – State Personnel and Pensions
18 Section 3–208
19 Annotated Code of Maryland
20 (2004 Replacement Volume and 2006 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – State Personnel and Pensions

3–208.

(a) On written request of an exclusive representative, for each employee in the bargaining unit represented by the exclusive representative, the Department, **A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, OR 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.

1 (e) An incumbent exclusive representative for a bargaining unit that is the
2 subject of an election under § 3–405 of this title may not request or receive any
3 employee information as provided under subsections (a) and (b) of this section.

4 (f) An employer may charge an exclusive representative a fee not to exceed
5 the actual cost of providing a list of employees' names, addresses, telephone numbers,
6 and work information to the exclusive representative.

7 (g) (1) Except as provided in paragraph (2) of this subsection, an exclusive
8 representative shall consider the information that it receives under this section as
9 confidential and may not release the information to any person.

10 (2) An exclusive representative may authorize third party contractors
11 to use the information that it receives under this section, as directed by the exclusive
12 representative, to carry out the exclusive representative's statutory duties under this
13 title.

14 (h) (1) An exclusive representative may not use the information that it
15 receives under this section for the purpose of increasing employee membership in an
16 employee organization.

17 (2) An exclusive representative may use the information that it
18 receives under this section only to carry out its statutory duties under this title.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2007.