

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2007

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of requiring ~~certain State institutions of higher education~~ the
5 University System of Maryland system institutions, Morgan State University,
6 St. Mary's College of Maryland, and Baltimore City Community College to
7 provide certain ~~employee~~ information to certain exclusive representatives under
8 certain circumstances; requiring ~~the State institutions of higher education~~
9 certain employers to give certain notice to certain employees at a certain time;
10 ~~prohibiting the State institutions from providing certain employee information~~
11 ~~to an exclusive representative under certain circumstances; authorizing the~~
12 ~~State institutions of higher education to charge a certain fee; establishing~~
13 ~~certain limitations on the number of requests for employee information that~~
14 ~~may be made and the uses of employee information by exclusive representatives~~
15 ~~of employees of the State institutions of higher education; authorizing certain~~
16 employees to give a certain notice to an employer that the employee does not
17 want the employer to provide certain information to an exclusive
18 representative; requiring that certain notices remain in effect until further
19 notice; prohibiting certain exclusive representatives from requesting or
20 receiving certain information under certain circumstances; prohibiting certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 exclusive representatives from releasing certain information; providing a
 2 certain exception; prohibiting a certain exclusive representative from using
 3 certain information for a certain purpose; authorizing a certain exclusive
 4 representative to use certain information only for a certain purpose; and
 5 generally relating to the use of employee information ~~provided to exclusive~~
 6 ~~representatives by~~ and collective bargaining for State employees and employees
 7 of State institutions of higher education ~~in connection with collective~~
 8 bargaining.

9 BY repealing and reenacting, with amendments,
 10 Article – State Personnel and Pensions
 11 Section 3–208(d) and 3–2A–08
 12 Annotated Code of Maryland
 13 (2004 Replacement Volume and 2006 Supplement)

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

16 **Article – State Personnel and Pensions**

17 3–208.

18 ~~(a) On written request of an exclusive representative, for each employee in~~
 19 ~~the bargaining unit represented by the exclusive representative, the Department, A~~
 20 ~~SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF~~
 21 ~~MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE, shall provide the~~
 22 ~~exclusive representative with the employee's:~~

23 ~~(1) name;~~

24 ~~(2) position classification;~~

25 ~~(3) unit;~~

26 ~~(4) home and work site addresses where the employee receives~~
 27 ~~interoffice or United States mail; and~~

28 ~~(5) home and work site telephone numbers.~~

29 ~~(b) An exclusive representative may present a request for employee~~
 30 ~~information, as provided under subsection (a) of this section, twice every calendar~~
 31 ~~year.~~

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

4 (d) (1) Thirty days before providing an employee's name, addresses,
5 telephone numbers, and work information to an exclusive representative, the employer
6 shall notify the employee of the provisions of this section.

7 (2) The employee may, within 15 days of the employer's notice under
8 paragraph (1) of this subsection, notify the employer that the employee does not want
9 the employee's name, addresses, telephone numbers, or work information to be
10 provided to an exclusive representative.

11 (3) If an employee provides timely notification to the employer under
12 paragraph (2) of this subsection, the employer may not provide the employee's name,
13 addresses, telephone numbers, or work information.

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

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

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

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

26 ~~(2) An exclusive representative may authorize third party contractors~~
27 ~~to use the information that it receives under this section, as directed by the exclusive~~
28 ~~representative, to carry out the exclusive representative's statutory duties under this~~
29 ~~title.~~

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

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

3 3-2A-08.

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

10 **(1) NAME;**

11 **(2) POSITION CLASSIFICATION;**

12 **(3) UNIT;**

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

15 **(5) HOME AND WORK SITE TELEPHONE NUMBERS.**

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

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

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

26 **(2) THE EMPLOYEE MAY, WITHIN 15 DAYS OF THE EMPLOYER'S**
27 **NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, NOTIFY THE EMPLOYER**
28 **THAT THE EMPLOYEE DOES NOT WANT THE EMPLOYEE'S NAME, ADDRESSES,**

1 TELEPHONE NUMBERS, OR WORK INFORMATION TO BE PROVIDED TO AN
2 EXCLUSIVE REPRESENTATIVE.

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

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

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.