

# SENATE BILL 572

P4

71r2308

---

By: **Senator Della**

Introduced and read first time: February 2, 2007

Assigned to: Finance

---

## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – Use of Employee Information**

3 FOR the purpose of requiring that certain information be delivered to certain exclusive  
4 representatives in electronic form; providing that a certain fee may not exceed a  
5 certain amount; requiring the University System of Maryland system  
6 institutions, Morgan State University, St. Mary's College of Maryland, and  
7 Baltimore City Community College to provide certain information to certain  
8 exclusive representatives under certain circumstances; requiring certain  
9 employers to give certain notice to certain employees at a certain time;  
10 prohibiting certain exclusive representatives from requesting or receiving  
11 certain information under certain circumstances; prohibiting certain exclusive  
12 representatives from releasing certain information; providing a certain  
13 exception; prohibiting a certain exclusive representative from using certain  
14 information for a certain purpose; authorizing a certain exclusive representative  
15 to use certain information only for a certain purpose; and generally relating to  
16 the use of employee information and collective bargaining for State employees  
17 and employees of State institutions of higher education.

18 BY repealing and reenacting, with amendments,  
19 Article – State Personnel and Pensions  
20 Section 3–208(a) and (f) and 3–2A–08  
21 Annotated Code of Maryland  
22 (2004 Replacement Volume and 2006 Supplement)

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Personnel and Pensions**

2 3–208.

3 (a) (1) On written request of an exclusive representative, for each  
4 employee in the bargaining unit represented by the exclusive representative, the  
5 Department shall provide the exclusive representative with the employee's:

6 [(1)] (I) name;

7 [(2)] (II) position classification;

8 [(3)] (III) unit;

9 [(4)] (IV) home and work site addresses where the employee receives  
10 interoffice or United States mail; and

11 [(5)] (V) home and work site telephone numbers.

12 **(2) THE INFORMATION REQUESTED BY AN EXCLUSIVE**  
13 **REPRESENTATIVE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE**  
14 **DELIVERED TO THE EXCLUSIVE REPRESENTATIVE IN ELECTRONIC FORM.**

15 (f) (1) An employer may charge an exclusive representative a fee [not to  
16 exceed the actual cost of providing] **FOR ABSTRACTING THE INFORMATION**  
17 **REQUESTED UNDER SUBSECTION (A) OF THIS SECTION FROM THE EMPLOYER'S**  
18 **DATABASE** [a list of employees' names, addresses, telephone numbers, and work  
19 information to the exclusive representative].

20 **(2) THE FEE CHARGED BY AN EMPLOYER UNDER PARAGRAPH (1)**  
21 **OF THIS SUBSECTION MAY NOT EXCEED THE LESSER OF:**

22 **(I) THE ACTUAL COST OF ABSTRACTING THE REQUESTED**  
23 **INFORMATION; OR**

24 **(II) \$100 PER BARGAINING UNIT PER REQUEST.**

25 3–2A–08.

1           **(A) (1) ON WRITTEN REQUEST OF AN EXCLUSIVE REPRESENTATIVE,**  
2 **FOR EACH EMPLOYEE IN THE BARGAINING UNIT REPRESENTED BY THE**  
3 **EXCLUSIVE REPRESENTATIVE, THE UNIVERSITY SYSTEM OF MARYLAND**  
4 **SYSTEM INSTITUTIONS, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF**  
5 **MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE SHALL PROVIDE THE**  
6 **EXCLUSIVE REPRESENTATIVE WITH THE EMPLOYEE'S:**

7                   **(I) NAME;**

8                   **(II) POSITION CLASSIFICATION;**

9                   **(III) UNIT;**

10                   **(IV) HOME AND WORK SITE ADDRESSES WHERE THE**  
11 **EMPLOYEE RECEIVES INTEROFFICE OR UNITED STATES MAIL; AND**

12                   **(V) HOME AND WORK SITE TELEPHONE NUMBERS.**

13                   **(2) THE INFORMATION REQUESTED BY AN EXCLUSIVE**  
14 **REPRESENTATIVE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE**  
15 **DELIVERED TO THE EXCLUSIVE REPRESENTATIVE IN ELECTRONIC FORM.**

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

11 (F) (1) AN EMPLOYER MAY CHARGE AN EXCLUSIVE REPRESENTATIVE  
12 A FEE FOR ABSTRACTING THE INFORMATION REQUESTED UNDER SUBSECTION  
13 (A) OF THIS SECTION FROM THE EMPLOYER'S DATABASE.

14 (2) THE FEE CHARGED BY AN EMPLOYER UNDER PARAGRAPH (1)  
15 OF THIS SUBSECTION MAY NOT EXCEED THE LESSER OF:

16 (I) THE ACTUAL COST OF ABSTRACTING THE REQUESTED  
17 INFORMATION; OR

18 (II) \$100 PER BARGAINING UNIT PER REQUEST.

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

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

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

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

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