

# SENATE BILL 572

P4

71r2308

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By: **Senator Della**

Introduced and read first time: February 2, 2007

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2007

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## CHAPTER \_\_\_\_\_

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 authorizing certain employees to give a certain notice to an employer that the  
11 employee does not want the employer to provide certain information to an  
12 exclusive representative; requiring that certain notices remain in effect until  
13 further notice; prohibiting certain exclusive representatives from requesting or  
14 receiving certain information under certain circumstances; prohibiting certain  
15 exclusive representatives from releasing certain information; providing a  
16 certain exception; prohibiting a certain exclusive representative from using  
17 certain information for a certain purpose; authorizing a certain exclusive  
18 representative to use certain information only for a certain purpose; and  
19 generally relating to the use of employee information and collective bargaining  
20 for State employees and employees of State institutions of higher education.

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**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 BY repealing and reenacting, with amendments,  
 2 Article – State Personnel and Pensions  
 3 Section ~~3-208(a) and (f)~~ 3-208(d) and 3-2A-08  
 4 Annotated Code of Maryland  
 5 (2004 Replacement Volume and 2006 Supplement)

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

8 **Article – State Personnel and Pensions**

9 ~~3-208.~~

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

13 ~~[(1)] (I) name;~~

14 ~~[(2)] (II) position classification;~~

15 ~~[(3)] (III) unit;~~

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

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

19 ~~(2) THE INFORMATION REQUESTED BY AN EXCLUSIVE~~  
 20 ~~REPRESENTATIVE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE~~  
 21 ~~DELIVERED TO THE EXCLUSIVE REPRESENTATIVE IN ELECTRONIC FORM.~~

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

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

1 ~~(I) THE ACTUAL COST OF ABSTRACTING THE REQUESTED~~  
 2 ~~INFORMATION; OR~~

3 ~~(H) \$100 PER BARGAINING UNIT PER REQUEST.~~

4 3-208.

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

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

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

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

18 3-2A-08.

19 (A) ~~(I)~~ **ON WRITTEN REQUEST OF AN EXCLUSIVE REPRESENTATIVE,**  
 20 **FOR EACH EMPLOYEE IN THE BARGAINING UNIT REPRESENTED BY THE**  
 21 **EXCLUSIVE REPRESENTATIVE, THE UNIVERSITY SYSTEM OF MARYLAND**  
 22 **SYSTEM INSTITUTIONS, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF**  
 23 **MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE SHALL PROVIDE THE**  
 24 **EXCLUSIVE REPRESENTATIVE WITH THE EMPLOYEE'S:**

25 ~~(I)~~ (1) NAME;

26 ~~(H)~~ (2) POSITION CLASSIFICATION;

27 ~~(HH)~~ (3) UNIT;

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

1                   ~~(v)~~ (5) HOME AND WORK SITE TELEPHONE NUMBERS.

2                   ~~(2) THE INFORMATION REQUESTED BY AN EXCLUSIVE~~  
3 ~~REPRESENTATIVE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE~~  
4 ~~DELIVERED TO THE EXCLUSIVE REPRESENTATIVE IN ELECTRONIC FORM.~~

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

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

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

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

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

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

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

1           (F) ~~(1)~~ AN EMPLOYER MAY CHARGE AN EXCLUSIVE REPRESENTATIVE  
2 A FEE ~~FOR ABSTRACTING THE INFORMATION REQUESTED UNDER SUBSECTION~~  
3 ~~(A) OF THIS SECTION FROM THE EMPLOYER'S DATABASE~~ NOT TO EXCEED THE  
4 ACTUAL COST OF PROVIDING A LIST OF EMPLOYEES' NAMES, ADDRESSES,  
5 TELEPHONE NUMBERS, AND WORK INFORMATION TO THE EXCLUSIVE  
6 REPRESENTATIVE.

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

9                     ~~(I) THE ACTUAL COST OF ABSTRACTING THE REQUESTED~~  
10 ~~INFORMATION; OR~~

11                     ~~(II) \$100 PER BARGAINING UNIT PER REQUEST.~~

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

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

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

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

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