

CHAPTER 634

(House Bill 971)

AN ACT concerning

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

FOR the purpose of requiring ~~certain State institutions of higher education~~ the University System of Maryland system institutions, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to provide certain ~~employee~~ information to certain exclusive representatives under certain circumstances; requiring ~~the State institutions of higher education~~ certain employers to give certain notice to certain employees at a certain time; ~~prohibiting the State institutions from providing certain employee information to an exclusive representative under certain circumstances; authorizing the State institutions of higher education to charge a certain fee; establishing certain limitations on the number of requests for employee information that may be made and the uses of employee information by exclusive representatives of employees of the State institutions of higher education;~~ 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; and generally relating to the use of employee information ~~provided to exclusive representatives by and collective bargaining for State employees and employees of State institutions of higher education in connection with collective bargaining.~~

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

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

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.

(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.~~

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.

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

Approved by the Governor, May 17, 2007.