

HOUSE BILL 1374

F1

9lr3131

By: **Delegates Oaks and Carter**

Introduced and read first time: February 23, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City School Police Officers – Baltimore City School Police Lodge**
3 **Five – Employee Organization**

4 FOR the purpose of authorizing the Baltimore City School Police Lodge Five to qualify
5 as an employee organization to represent the Baltimore City school police
6 officers under certain circumstances; altering certain definitions; and generally
7 relating to the representation of Baltimore City school police officers in their
8 relations with the Baltimore City Board of School Commissioners.

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 6–401
12 Annotated Code of Maryland
13 (2008 Replacement Volume)

14 BY repealing and reenacting, without amendments,
15 Article – Education
16 Section 6–405
17 Annotated Code of Maryland
18 (2008 Replacement Volume)

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

21 **Article – Education**

22 6–401.

23 (a) In this subtitle the following words have the meanings indicated.

24 (b) (1) “Employee organization” means an organization that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(1)] (I) Includes certificated employees of a public school employer
2 or individuals of equivalent status in Baltimore City; and

3 [(2)] (II) Has as one of its main purposes the representation of the
4 employees in their relations with that public school employer.

5 **(2) IN BALTIMORE CITY, “EMPLOYEE ORGANIZATION” INCLUDES**
6 **THE BALTIMORE CITY SCHOOL POLICE LODGE FIVE.**

7 (c) (1) “Home and hospital teacher” means a teacher employed by a public
8 school employer to provide instructional services to a public school student who is
9 unable to function effectively in the classroom setting due to the student’s medical,
10 physical, or emotional condition.

11 (2) A home and hospital teacher may teach in:

12 (i) A private home;

13 (ii) A hospital;

14 (iii) A therapeutic center;

15 (iv) A school; or

16 (v) Any other appropriate site.

17 (d) (1) “Public school employee” means a certificated professional
18 individual who is employed by a public school employer or an individual of equivalent
19 status in Baltimore City, except for a county superintendent or an individual
20 designated by the public school employer to act in a negotiating capacity as provided
21 in § 6–408(b) of this subtitle.

22 (2) In Montgomery County, “public school employees” include:

23 (i) Certificated and noncertificated substitute teachers
24 employed by the public school employer for at least 7 days before March 1 of the school
25 fiscal year ending June 30, 1978, and each year after; and

26 (ii) Home and hospital teachers employed by the public school
27 employer for at least 7 days before March 1 of the school fiscal year ending June 30,
28 2000, and each year after.

29 (3) In Baltimore County, “public school employee” includes:

30 (i) A secondary school nurse, an elementary school nurse, and a
31 special school nurse; and

1 (ii) Supervisory noncertificated employees as defined under §
2 6–501(h) of this title.

3 (4) In Frederick County, “public school employee” includes a social
4 worker employed by a public school employer.

5 (5) In Prince George’s County, “public school employee” includes home
6 and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.

7 (6) In Charles County and Garrett County, “public school employee”
8 includes Junior Reserve Officer Training Corps (JROTC) instructors.

9 (7) In Carroll County, “public school employee” includes supervisory
10 noncertificated employees as defined under § 6–501(h) of this title.

11 **(8) IN BALTIMORE CITY, “PUBLIC SCHOOL EMPLOYEE”**
12 **INCLUDES BALTIMORE CITY SCHOOL POLICE OFFICERS AS DEFINED UNDER §**
13 **4–318(A) OF THIS ARTICLE.**

14 (e) “Public school employer” means a county board of education or the
15 Baltimore City Board of School Commissioners.
16 6–405.

17 (a) The designation of an employee organization as an exclusive
18 representative shall be made as provided in this section.

19 (b) If an employee organization certifies to the public school employer that it
20 has a membership enrollment of at least 30 percent of the total number of public
21 school employees in a specified unit in a county as of June 1 of the year in which
22 certification is made, this certification is a request for recognition as exclusive
23 representative of all public school employees in the specified unit in the county.

24 (c) If another employee organization certifies that it has a membership
25 enrollment of at least 10 percent of the total number of public school employees in the
26 unit as of the same June 1, an election shall be held in which the public school
27 employees in the unit shall be offered the opportunity to choose:

28 (1) One of the employee organizations as the exclusive representative
29 of all public school employees in the unit; or

30 (2) Not to have exclusive representation.

31 (d) If no other employee organization certifies that it has a membership
32 enrollment of at least 10 percent of the total number of public school employees in the

1 unit, on the request of the employee organization under subsection (b) of this section,
2 an election shall be held and the ballot shall offer a choice between:

3 (1) Exclusive representation by the organization; and

4 (2) Not to have exclusive representation.

5 (e) The public school employer shall designate the employee organization
6 described in subsection (b) of this section as the exclusive representative of all public
7 school employees in the specified unit in a county if:

8 (1) No other employee organization certifies that it has a membership
9 enrollment of at least 10 percent of the total number of public school employees in the
10 unit;

11 (2) The employee organization does not request an election under
12 subsection (d) of this section; and

13 (3) The employee organization certifies that it has a membership
14 enrollment of the majority of the public school employees in the unit in the county.

15 (f) (1) The State Board shall adopt rules and regulations for:

16 (i) Verifying the number of certificated employees of the public
17 school employer or individuals of equivalent status in Baltimore City who are
18 members in good standing of an employee organization on the date of the certification
19 or who have signed a petition under this section; and

20 (ii) Holding elections under this section and the certification of
21 their results.

22 (2) The State Board shall provide for supervision of these elections.

23 (3) The elections shall be held:

24 (i) In each school facility where public employees are assigned
25 on a regularly scheduled school day;

26 (ii) In a manner assuring the secrecy of the ballot; and

27 (iii) On a regular working day for public school employees,
28 between June 1 and June 15, inclusive, except in Baltimore City where the elections
29 shall be held between November 1 and November 15 following the date on which
30 certification of required membership enrollment is made.

31 (4) In any election held under this section, the employee organization
32 that receives the largest number of votes cast in a unit shall be declared to be the
33 exclusive representative of all public school employees in the unit. If the largest

1 number of votes in the election is cast not to have exclusive representation, a
2 representative may not be designated for the unit.

3 (5) The public school employer shall provide any assistance required
4 in holding the elections.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2009.