

HOUSE BILL 1374

F1

9lr3131

By: **Delegates Oaks and Carter**

Introduced and read first time: February 23, 2009

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, March 2, 2009

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2009

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City ~~School Police Officers – Baltimore City School Police Lodge~~**
3 **Five Public Schools – School Police Officers – 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; authorizing~~
7 ~~the public school employer in Baltimore City to designate an additional~~
8 ~~negotiating unit composed of certain police officers for purposes of collective~~
9 ~~bargaining; and generally relating to the representation of Baltimore City~~
10 ~~school police officers in their relations with the Baltimore City Board of School~~
11 ~~Commissioners.~~

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section ~~6-401~~ 6-505
15 Annotated Code of Maryland
16 (2008 Replacement Volume)

17 ~~BY repealing and reenacting, without amendments,~~
18 ~~Article – Education~~
19 ~~Section 6-405~~
20 ~~Annotated Code of Maryland~~
21 ~~(2008 Replacement Volume)~~

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

3 **Article - Education**

4 ~~6-401.~~

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

6 (b) ~~(1) "Employee organization" means an organization that:~~

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

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

11 ~~(2) IN BALTIMORE CITY, "EMPLOYEE ORGANIZATION" INCLUDES~~
12 ~~THE BALTIMORE CITY SCHOOL POLICE LODGE FIVE.~~

13 (c) ~~(1) "Home and hospital teacher" means a teacher employed by a public~~
14 ~~school employer to provide instructional services to a public school student who is~~
15 ~~unable to function effectively in the classroom setting due to the student's medical,~~
16 ~~physical, or emotional condition.~~

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

18 ~~(i) A private home;~~

19 ~~(ii) A hospital;~~

20 ~~(iii) A therapeutic center;~~

21 ~~(iv) A school; or~~

22 ~~(v) Any other appropriate site.~~

23 (d) ~~(1) "Public school employee" means a certificated professional~~
24 ~~individual who is employed by a public school employer or an individual of equivalent~~
25 ~~status in Baltimore City, except for a county superintendent or an individual~~
26 ~~designated by the public school employer to act in a negotiating capacity as provided~~
27 ~~in § 6-408(b) of this subtitle.~~

28 ~~(2) In Montgomery County, "public school employees" include:~~

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

4 (ii) ~~Home and hospital teachers employed by the public school~~
5 ~~employer for at least 7 days before March 1 of the school fiscal year ending June 30,~~
6 ~~2000, and each year after.~~

7 (3) ~~In Baltimore County, "public school employee" includes:~~

8 (i) ~~A secondary school nurse, an elementary school nurse, and a~~
9 ~~special school nurse; and~~

10 (ii) ~~Supervisory noncertificated employees as defined under §~~
11 ~~6-501(h) of this title.~~

12 (4) ~~In Frederick County, "public school employee" includes a social~~
13 ~~worker employed by a public school employer.~~

14 (5) ~~In Prince George's County, "public school employee" includes home~~
15 ~~and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.~~

16 (6) ~~In Charles County and Garrett County, "public school employee"~~
17 ~~includes Junior Reserve Officer Training Corps (JROTC) instructors.~~

18 (7) ~~In Carroll County, "public school employee" includes supervisory~~
19 ~~noncertificated employees as defined under § 6-501(h) of this title.~~

20 (8) ~~IN BALTIMORE CITY, "PUBLIC SCHOOL EMPLOYEE"~~
21 ~~INCLUDES BALTIMORE CITY SCHOOL POLICE OFFICERS AS DEFINED UNDER §~~
22 ~~4-318(A) OF THIS ARTICLE.~~

23 (e) ~~"Public school employer" means a county board of education or the~~
24 ~~Baltimore City Board of School Commissioners.~~

25 ~~6-405.~~

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

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

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

5 ~~(1) One of the employee organizations as the exclusive representative~~
6 ~~of all public school employees in the unit; or~~

7 ~~(2) Not to have exclusive representation.~~

8 ~~(d) If 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, on the request of the employee organization under subsection (b) of this section,~~
11 ~~an election shall be held and the ballot shall offer a choice between:~~

12 ~~(1) Exclusive representation by the organization; and~~

13 ~~(2) Not to have exclusive representation.~~

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

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

20 ~~(2) The employee organization does not request an election under~~
21 ~~subsection (d) of this section; and~~

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

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

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

29 ~~(ii) Holding elections under this section and the certification of~~
30 ~~their results.~~

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

32 ~~(3) The elections shall be held:~~

1 (i) ~~In each school facility where public employees are assigned~~
2 ~~on a regularly scheduled school day;~~

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

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

8 (4) ~~In any election held under this section, the employee organization~~
9 ~~that receives the largest number of votes cast in a unit shall be declared to be the~~
10 ~~exclusive representative of all public school employees in the unit. If the largest~~
11 ~~number of votes in the election is cast not to have exclusive representation, a~~
12 ~~representative may not be designated for the unit.~~

13 (5) ~~The public school employer shall provide any assistance required~~
14 ~~in holding the elections.~~

15 6-505.

16 (a) (1) Each public school employer may designate, as provided in this
17 subtitle, which employee organization, if any, shall be the exclusive representative of
18 all public school employees in a specified unit in the county.

19 (2) In Baltimore City, Garrett County, and Frederick County, the
20 public school employer shall designate, as provided in this subtitle, which employee
21 organization, if any, shall be the exclusive representative of all public school
22 employees in a specified unit in the county.

23 (b) The public school employer shall determine the composition of the unit in
24 negotiation with any employee organization that requests negotiation concerning the
25 composition of the unit.

26 (c) (1) [There] EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS
27 SUBSECTION, THERE may not be more than three units in a county and a unit may
28 not include both supervisory and nonsupervisory employees.

29 (2) If a county has more than three recognized units and, as of July 1,
30 1974, the units have exclusive representation for collective negotiations, these units
31 may continue as negotiating units.

32 (3) In Baltimore County, there shall only be three nonsupervisory
33 units in addition to the supervisory unit defined under § 6-404(c)(2) of this title.

34 (4) In Carroll County, beginning on October 1, 2007:

1 (i) There shall be no more than three units; and

2 (ii) All units shall be nonsupervisory units.

3 (5) IN BALTIMORE CITY, THE PUBLIC SCHOOL EMPLOYER MAY
4 DESIGNATE A FOURTH UNIT COMPOSED OF ALL BALTIMORE CITY SCHOOL
5 POLICE OFFICERS, AS DEFINED IN § 4-318 OF THIS ARTICLE, UP TO AND
6 INCLUDING THE RANK OF LIEUTENANT.

7 (d) (1) All eligible public school employees shall:

8 (i) Be included in one of these units; and

9 (ii) Have the rights granted in this subtitle.

10 (2) Except for an individual who is designated as management
11 personnel or a confidential employee under this subtitle, each public school employee
12 is eligible for membership in one of the negotiating units.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.