

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 475

(Chair, Ways and Means Committee)(By Request -
Departmental - Public School Labor Relations Board)

Ways and Means

Finance

Public School Labor Relations - Renegotiation Procedures and Board
Administration

This departmental bill authorizes a local school board and an employee organization to use an alternative procedure to renegotiate the funds allocated for a negotiated agreement under specified circumstances. The bill also requires the Attorney General to assign an assistant Attorney General to provide legal services to the Public School Labor Relations Board (PSLRB), the Higher Education Labor Relations Board, and the State Labor Relations Board. Finally, the bill specifies certain practices to be followed in connection with administering and enforcing certain provisions related to PSLRB.

Fiscal Summary

State Effect: None. The bill generally codifies existing practice. The Attorney General has already assigned an assistant Attorney General to provide legal services to the boards. Any change to the procedures to renegotiate allocated funds allowed under the bill, concern local funds and will not affect State finances.

Local Effect: The bill generally codifies existing practice. Any change to the procedures to renegotiate allocated funds allowed under the bill will not materially affect local finances, unless a local school board and an employee organization negotiate and adopt an agreement to use an alternative procedure that removes *final determination* from the local board.

Small Business Effect: PSLRB has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: If a county government does not approve sufficient funds to implement a negotiated agreement, the local school board and an employee organization may use a procedure different from the procedure allowed under current law, if the public school employer and the employee organization negotiate and adopt an agreement to use an alternative procedure; and the alternative procedure is consistent with all relevant statutes, including statutes covering the county government and the local school board.

In connection with administering and enforcing certain provisions related to PSLRB: written communications must include electronic communications; PSLRB may extend time limits for good cause; and the venue for a judicial proceeding is the county where the principal office of PSLRB is located.

Unless a court has issued a stay, a party must comply with the order without the need for judicial enforcement. At the request of PSLRB, a court may grant injunctive relief to enforce compliance with an order of PSLRB; and grant any other remedy the court deems appropriate.

The bill also clarifies that “day” means calendar day, unless otherwise indicated.

Current Law/Background: If the county government does not approve sufficient funds to implement a negotiated agreement, the local school board must negotiate with the employee organization before making a final determination in accordance with the timetable and procedure established by PSLRB.

The Fairness in Negotiations Act (Chapters 324 and 325 of 2010, SB 590 and HB 243) established PSLRB to administer and enforce the labor relations laws for local boards of education and their employees, instead of the State Board of Education. Chapters 324 and 325 terminate June 30, 2015.

The Governor’s proposed fiscal 2014 budget for the State Labor Relations Board includes funding for three full-time regular positions and one full-time contractual position. One of the full-time positions is a full-time assistant Attorney General who provides legal services for all the boards.

PSLRB’s offices are located in Glen Burnie in Anne Arundel County.

In part, the bill relates to a dispute between the Harford County Public School System and the Harford County Education Association involving an alternative timeline for renegotiating an agreement if the county does not allocate enough funds in the school

system's budget to implement the agreement. PSLRB ruled that the alternative timeline was "valid and binding" on the school system.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General; Maryland Higher Education Commission; Judiciary (Administrative Office of the Courts); Cecil, Carroll, Harford, Queen Anne's, and St. Mary's counties; Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2013
ncs/rhh

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Fairness in Negotiations Act

BILL NUMBER: HB 475

PREPARED BY: Maryland Public School Labor Relations Board

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.