

HOUSE BILL 746

F5, F1

7lr2001

By: **Delegate M. Washington**

Introduced and read first time: February 2, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public School Labor Relations Board – Administration and Enforcement –**
3 **Revisions**

4 FOR the purpose of requiring the Attorney General to assign an assistant Attorney General
5 to provide legal services to the Public School Labor Relations Board, the Higher
6 Education Labor Relations Board, and the State Labor Relations Board; providing
7 that, in connection with the Public School Labor Relations Board’s administration
8 and enforcement of certain provisions of law, certain references to written
9 communications shall include electronic communications and certain time limits
10 may be extended for good cause; requiring a party subject to an order of the Board to
11 comply with the order without need for judicial enforcement; authorizing a court to
12 grant certain relief and remedies requested by the Board; requiring the chair of the
13 Board to be a certain member of the Board; defining a certain term; and generally
14 relating to the Public School Labor Relations Board.

15 BY repealing and reenacting, without amendments,
16 Article – Education
17 Section 6–401(a) and (b), 6–501(a) through (c), and 6–803(a)
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2016 Supplement)

20 BY adding to
21 Article – Education
22 Section 6–401(b–1) and 6–501(c–1)
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2016 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Education
27 Section 6–803(c), 6–805, and 6–806
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2014 Replacement Volume and 2016 Supplement)

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

Article – Education

6–401.

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

(b) “Board” means the Public School Labor Relations Board established under Subtitle 8 of this title.

(B–1) “DAY” MEANS A CALENDAR DAY UNLESS OTHERWISE INDICATED.

6–501.

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

(b) “Board” means the Public School Labor Relations Board established under Subtitle 8 of this title.

(c) “Confidential employee” includes an individual whose employment responsibilities require knowledge of the public school employer’s posture in the collective negotiation process, as determined by the public school employer in negotiations with an employee organization that requests negotiation on this issue.

(C–1) “DAY” MEANS A CALENDAR DAY UNLESS OTHERWISE INDICATED.

6–803.

(a) The Board shall consist of the following five members appointed by the Governor, with the advice and consent of the Senate:

(1) One member who:

(i) Represents the public;

(ii) Has experience in labor relations;

(iii) Is not an officer or employee of a board of education or an employee organization representing public school system employees;

(iv) Is not an elected official of the State, a county, or an employee organization representing public school employees; and

1 (v) Is known for objective and independent judgment;

2 (2) Two members, including one member chosen from a list of candidates
3 submitted by the organization representing a majority of public school employees in the
4 State for collective bargaining purposes and another member chosen from a list of
5 candidates submitted by a statewide organization representing public school employees in
6 at least one jurisdiction within the State for collective bargaining purposes other than the
7 majority organization under this paragraph, who:

8 (i) Are not employees of the State or a public school employee
9 organization; and

10 (ii) Are known for objective and independent judgment; and

11 (3) Two members chosen from a list of candidates submitted by the
12 Maryland Association of Boards of Education and the State Superintendents Association of
13 Maryland, who:

14 (i) Are not officers or employees of the State or county or State
15 boards of education and are not officers or employees of employee organizations
16 representing employees of public school systems in Maryland; and

17 (ii) Are known for objective and independent judgment.

18 (c) The [Public School Labor Relations Board] **MEMBER LISTED IN**
19 **SUBSECTION (A)(1) OF THIS SECTION** shall [elect a] chair [from among its members]
20 **THE BOARD.**

21 6–805.

22 (A) The Board shall share an executive director with the Higher Education Labor
23 Relations Board and the State Labor Relations Board.

24 (B) **THE ATTORNEY GENERAL SHALL ASSIGN AN ASSISTANT ATTORNEY**
25 **GENERAL TO PROVIDE LEGAL SERVICES TO THE BOARD, THE HIGHER EDUCATION**
26 **LABOR RELATIONS BOARD, AND THE STATE LABOR RELATIONS BOARD.**

27 6–806.

28 (a) (1) The Board shall administer and enforce the provisions of Subtitles 4
29 and 5 of this title.

30 (2) **IN CONNECTION WITH THE ADMINISTRATION AND ENFORCEMENT**
31 **OF SUBTITLES 4 AND 5 OF THIS TITLE:**

1 **(I) REFERENCES TO WRITTEN COMMUNICATIONS, SUCH AS**
2 **LETTERS AND NOTICES, SHALL INCLUDE ELECTRONIC COMMUNICATIONS, UNLESS**
3 **OTHERWISE INDICATED BY THE BOARD; AND**

4 **(II) THE BOARD MAY EXTEND THE TIME LIMITS SET FORTH IN**
5 **SUBTITLES 4 AND 5 OF THIS TITLE FOR GOOD CAUSE SHOWN.**

6 **(3) (I) UNLESS A COURT HAS ISSUED A STAY, A PARTY SUBJECT TO**
7 **AN ORDER OF THE BOARD SHALL COMPLY WITH THE ORDER WITHOUT THE NEED**
8 **FOR JUDICIAL ENFORCEMENT.**

9 **(II) AT THE REQUEST OF THE BOARD, A COURT MAY:**

10 **1. GRANT INJUNCTIVE RELIEF TO ENFORCE**
11 **COMPLIANCE WITH AN ORDER OF THE BOARD; AND**

12 **2. GRANT ANY OTHER REMEDY THE COURT DEEMS**
13 **APPROPRIATE.**

14 (b) The Board may:

15 (1) Adopt regulations, guidelines, and policies to carry out the rights and
16 responsibilities of the Board under this title; and

17 (2) Make recommendations for legislative action regarding the operation of
18 this title.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2017.