

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 507
Appropriations

(Delegate Luedtke)

Finance

**Community Colleges and Local Governments - Unfair Labor Practices -
Prohibition**

This bill prohibits community college trustees and employees as well as public officials and employees of a county or municipality from engaging in any unfair labor practice, including those specified related to discouraging collective bargaining. The prohibition does not apply to specified activities performed or expenses incurred related to collective bargaining.

Fiscal Summary

State Effect: Baltimore City Community College (BCCC) can comply with the requirements of the bill using existing resources. Revenues are not affected.

Local Effect: Local community colleges and local governments can comply with the requirements of the bill using existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: Specifically, community college trustees and employees as well as public officials and employees of a county or municipality may not engage in any unfair labor practice, including:

- interfering with, restraining, or coercing employees (including faculty within community colleges) regarding the decision to support or oppose an employee organization;

- dominating, interfering with, contributing financial or other support to, or assisting in the formation, existence, or administration of any labor organization;
- granting administrative leave to employees to attend employer sponsored or supported meetings or events relating to an election of an employee organization, unless the employer grants employees at least the same amount of administrative leave to attend labor organization sponsored or supported meetings or employee meetings;
- discriminating in hiring, tenure, or any term or condition of employment to encourage or discourage membership in an employee organization;
- discharging or discriminating against an employee because of the signing or filing of an affidavit, a petition, or a complaint, or giving information or testimony in connection with collective bargaining matters;
- failing to provide all employee organizations involved in an election the same rights of access as required by the State Higher Education Labor Relations Board or State Labor Relations Board, as appropriate, through regulation;
- engaging in surveillance of union activities;
- refusing to bargain in good faith; or
- engaging in a lockout.

Specifically, the bill does not apply to an activity performed or to an expense incurred in connection with:

- addressing a grievance or negotiating or administering a collective bargaining agreement;
- allowing an employee organization or a representative of an employee organization access to facilities or properties;
- performing an activity required by federal or State law or a collective bargaining agreement; or
- negotiating, entering into, or carrying out a voluntary recognition agreement with an employee organization.

Current Law/Background: Most local community college employees do not have collective bargaining rights. Some employees who work for BCCC, the Community College of Baltimore County (CCBC), Montgomery College, and Prince George's Community College (PGCC) have collective bargaining rights. At BCCC, specified nonfaculty employees, including nonexempt, exempt, and sworn police officers, have collective bargaining rights. At CCBC, classified (nonfaculty) employees have collective bargaining rights. At Montgomery College, all employees (including faculty) except supervisory, confidential employees, and student assistants have collective bargaining rights. At PGCC, all eligible, classified (nonfaculty) employees of the college, including

all skilled professional service and skilled and nonskilled service employees, have collective bargaining rights.

In Maryland, as specified in law, various types of county and municipal employees, including some law enforcement officers and firefighters, are allowed to collectively bargain. Teachers also have collective bargaining rights, but as they are employees of county boards of education (not county government), the bill does not apply to them. However, State law prohibits school boards from interfering in the collective bargaining process.

Under current law, the State and its officers, employees, agents, or representatives are prohibited from engaging in any unfair labor practice, including those specified in the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Association of Counties; Maryland Higher Education Commission; Baltimore City Community College; Carroll, Harford, Montgomery, Queen Anne's, and St. Mary's counties; Department of Legislative Services

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