

HOUSE BILL 1017

P4

8lr3429
CF SB 677

By: **Delegates Korman, B. Barnes, Haynes, Jones, Krimm, McIntosh, Reznik, Sophocleus, Tarlau, and P. Young**

Introduced and read first time: February 7, 2018

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 11, 2018

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – Exclusive Representative Access to**
3 **New Employee ~~Orientation~~ Program**

4 FOR the purpose of requiring the Department of Budget and Management, University
5 System of Maryland system institutions, Morgan State University, St. Mary's
6 College of Maryland, and Baltimore City Community College to provide certain
7 information on certain employees to certain exclusive representatives within a
8 certain time period; altering a certain list of items that the Department, a system
9 institution, Morgan State University, St. Mary's College of Maryland, and Baltimore
10 City Community College are required to provide to certain exclusive representatives;
11 requiring an exclusive representative to withhold certain communication with an
12 employee under certain circumstances; altering a certain limitation on the number
13 of times a year an exclusive representative may request certain information;
14 requiring the Department, a system institution, Morgan State University, St. Mary's
15 College of Maryland, and Baltimore City Community College to provide certain
16 information in a certain format; authorizing the Department, a system institution,
17 Morgan State University, St. Mary's College of Maryland, and Baltimore City
18 Community College and certain exclusive representatives to negotiate to provide
19 certain information in a certain manner; repealing certain employee notification
20 requirements and notification process requirements; repealing certain prohibitions
21 against providing certain employee information under certain circumstances;
22 repealing a certain prohibition against incumbent exclusive representatives
23 requesting or receiving certain employee information; repealing an authorization for
24 a certain employer to charge a certain fee for certain purposes; altering certain

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 provisions regarding the use of certain information for certain purposes by certain
 2 exclusive representatives and certain third party contractors; establishing a certain
 3 right for certain exclusive representatives; requiring the State, a system institution,
 4 Morgan State University, St. Mary's College of Maryland, and Baltimore City
 5 Community College to permit certain exclusive representatives to attend and
 6 participate in certain new employee ~~orientations~~ programs; requiring that an
 7 exclusive representative be permitted a certain amount of time to address certain
 8 employees during a new employee ~~orientation~~ program; authorizing the State, a
 9 system institution, Morgan State University, St. Mary's College of Maryland, and
 10 Baltimore City Community College and an exclusive representative to negotiate a
 11 certain period of time in accordance with certain provisions of law; requiring the
 12 State, a system institution, Morgan State University, St. Mary's College of
 13 Maryland, and Baltimore City Community College to encourage a certain employee
 14 to attend a certain portion of a certain new employee program; prohibiting the State,
 15 a system institution, Morgan State University, St. Mary's College of Maryland, and
 16 Baltimore City Community College from requiring an employee to attend a certain
 17 portion of a certain new employee program under certain circumstances; requiring
 18 the State, a system institution, Morgan State University, St. Mary's College of
 19 Maryland, and Baltimore City Community College to provide certain notice to the
 20 exclusive representative in advance of a new employee orientation program;
 21 providing a certain exception to a certain notice requirement under certain
 22 circumstances; ~~declaring the intent of the General Assembly;~~ and generally relating
 23 to collective bargaining for State employees and access by an exclusive
 24 representative to a new employee ~~orientation~~ program.

25 BY repealing and reenacting, with amendments,
 26 Article – State Personnel and Pensions
 27 Section 3–208, 3–2A–08, and 3–502(a)
 28 Annotated Code of Maryland
 29 (2015 Replacement Volume and 2017 Supplement)

30 BY adding to
 31 Article – State Personnel and Pensions
 32 Section 3–307
 33 Annotated Code of Maryland
 34 (2015 Replacement Volume and 2017 Supplement)

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

37 Article – State Personnel and Pensions

38 3–208.

39 (a) On written request of an exclusive representative, **AND WITHIN 30 DAYS OF**
 40 **A NEW EMPLOYEE'S DATE OF HIRE**, for each employee in the bargaining unit represented

1 by the exclusive representative, the Department shall provide the exclusive representative
2 with the employee's:

3 (1) name;

4 (2) position classification;

5 (3) unit;

6 (4) home and work site addresses where the employee receives interoffice
7 or United States mail; [and]

8 (5) home and work site telephone numbers;

9 (6) ~~WORK AND PERSONAL E-MAIL ADDRESSES~~ E-MAIL ADDRESS; AND

10 (7) POSITION IDENTIFICATION NUMBER.

11 (b) ~~At~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN
12 exclusive representative may present a request for employee information, as provided
13 under subsection (a) of this section, [twice every calendar year] ~~AT LEAST~~ ONCE EVERY
14 **120 DAYS.**

15 (c) **THE DEPARTMENT SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE**
16 **WITH THE REQUESTED INFORMATION IN A SEARCHABLE AND ANALYZABLE**
17 **ELECTRONIC FORMAT.**

18 (d) **THE DEPARTMENT MAY NEGOTIATE WITH THE EXCLUSIVE**
19 **REPRESENTATIVE TO PROVIDE:**

20 (1) **THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS**
21 **SECTION MORE FREQUENTLY THAN ONCE EVERY 120 DAYS; AND**

22 (2) **MORE DETAILED INFORMATION THAN PROVIDED IN SUBSECTION**
23 **(A) OF THIS SECTION.**

24 [(c)] (e) Names or lists of employees provided to the Board in connection with
25 an election under this title are not subject to disclosure in accordance with Title 4 of the
26 General Provisions Article.

27 [(d)] (1) Thirty days before providing an employee's name, addresses, telephone
28 numbers, and work information to an exclusive representative, the employer shall notify
29 the employee of the provisions of this section.

1 (2) The employee may, within 15 days of the employer's notice under
2 paragraph (1) of this subsection, notify the employer that the employee does not want the
3 employee's name, addresses, telephone numbers, or work information to be provided to an
4 exclusive representative.

5 (3) If an employee provides timely notification to the employer under
6 paragraph (2) of this subsection, the employer may not provide the employee's name,
7 addresses, telephone numbers, or work information.

8 (4) The notification of an employee to the employer under paragraph (2) of
9 this subsection shall remain in effect until the employee otherwise notifies the employer.

10 (e) An incumbent exclusive representative for a bargaining unit that is the
11 subject of an election under § 3-405 of this title may not request or receive any employee
12 information as provided under subsections (a) and (b) of this section.

13 (f) An employer may charge an exclusive representative a fee not to exceed the
14 actual cost of providing a list of employees' names, addresses, telephone numbers, and work
15 information to the exclusive representative.

16 (g) (F) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of
17 this subsection, an exclusive representative shall consider the information that it receives
18 under this section as confidential and may not release the information to any person.

19 (2) An exclusive representative may authorize third party contractors to
20 use the information that it receives under this section, as directed by the exclusive
21 representative, to carry out the exclusive representative's statutory duties under this title.

22 [(h) (1)] (3) An exclusive representative **OR AN AUTHORIZED THIRD PARTY**
23 **CONTRACTOR** may [not] use the information that it receives under this section for the
24 purpose of **MAINTAINING OR** increasing employee membership in an employee
25 organization.

26 (4) **ON WRITTEN REQUEST OF AN EMPLOYEE, AN EXCLUSIVE**
27 **REPRESENTATIVE SHALL WITHHOLD FURTHER COMMUNICATION WITH AN**
28 **EMPLOYEE UNLESS OTHERWISE REQUIRED BY LAW OR THE WRITTEN REQUEST IS**
29 **REVOKED BY THE EMPLOYEE.**

30 [(2) An exclusive representative may use the information that it receives
31 under this section only to carry out its statutory duties under this title.]

32 3-2A-08.

33 (a) On written request of an exclusive representative, **AND WITHIN 30 DAYS OF**
34 **A NEW EMPLOYEE'S DATE OF HIRE**, for each employee in the bargaining unit represented
35 by the exclusive representative, the University System of Maryland system institutions,

1 Morgan State University, St. Mary's College of Maryland, and Baltimore City Community
2 College shall provide the exclusive representative with the employee's:

3 (1) name;

4 (2) position classification;

5 (3) unit;

6 (4) home and work site addresses where the employee receives interoffice
7 or United States mail; [and]

8 (5) home and work site telephone numbers; AND

9 (6) ~~WORK AND PERSONAL E-MAIL ADDRESSES~~ E-MAIL ADDRESS.

10 (b) ~~As~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN
11 exclusive representative may present a request for employee information, as provided
12 under subsection (a) of this section, [twice every calendar year] ~~AT LEAST~~ ONCE EVERY
13 120 DAYS.

14 (C) THE EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE
15 WITH THE REQUESTED INFORMATION IN A SEARCHABLE AND ANALYZABLE
16 ELECTRONIC FORMAT.

17 (D) THE EMPLOYER MAY NEGOTIATE WITH THE EXCLUSIVE
18 REPRESENTATIVE TO PROVIDE:

19 (1) THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS
20 SECTION MORE FREQUENTLY THAN ONCE EVERY 120 DAYS; AND

21 (2) MORE DETAILED INFORMATION THAN PROVIDED IN SUBSECTION
22 (A) OF THIS SECTION.

23 [(c)] (E) Names or lists of employees provided to the Board in connection with
24 an election under this title are not subject to disclosure in accordance with Title 4 of the
25 General Provisions Article.

26 [(d)] (1) Thirty days before providing an employee's name, addresses, telephone
27 numbers, and work information to an exclusive representative, the employer shall notify
28 the employee of the provisions of this section.

29 (2) The employee may, within 15 days of the employer's notice under
30 paragraph (1) of this subsection, notify the employer that the employee does not want the
31 employee's name, addresses, telephone numbers, or work information to be provided to an
32 exclusive representative.

1 (3) If an employee provides timely notification to the employer under
2 paragraph (2) of this subsection, the employer may not provide the employee's name,
3 addresses, telephone numbers, or work information.

4 (4) The notification of an employee to the employer under paragraph (2) of
5 this subsection shall remain in effect until the employee otherwise notifies the employer.

6 (e) An incumbent exclusive representative for a bargaining unit that is the
7 subject of an election under § 3-405 of this title may not request or receive any employee
8 information as provided under subsections (a) and (b) of this section.

9 (f) An employer may charge an exclusive representative a fee not to exceed the
10 actual cost of providing a list of employees' names, addresses, telephone numbers, and work
11 information to the exclusive representative.

12 (g) (F) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of
13 this subsection, an exclusive representative shall consider the information that it receives
14 under this section as confidential and may not release the information to any person.

15 (2) An exclusive representative may authorize third party contractors to
16 use the information that it receives under this section, as directed by the exclusive
17 representative, to carry out the exclusive representative's statutory duties under this title.

18 [(h) (1)] (3) An exclusive representative **OR AN AUTHORIZED THIRD PARTY**
19 **CONTRACTOR** may [not] use the information that it receives under this section for the
20 purpose of **MAINTAINING OR** increasing employee membership in an employee
21 organization.

22 [(2) An exclusive representative may use the information that it receives
23 under this section only to carry out its statutory duties under this title.]

24 **3-307.**

25 (A) **EACH EXCLUSIVE REPRESENTATIVE HAS THE RIGHT TO COMMUNICATE**
26 **WITH THE EMPLOYEES THAT IT REPRESENTS.**

27 (B) (1) **THE STATE, A SYSTEM INSTITUTION, MORGAN STATE**
28 **UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY**
29 **COMMUNITY COLLEGE SHALL PERMIT AN EXCLUSIVE REPRESENTATIVE TO ATTEND**
30 **AND PARTICIPATE IN A NEW EMPLOYEE ~~ORIENTATION~~ PROGRAM THAT INCLUDES AN**
31 **~~EMPLOYEE WHO IS~~ ONE OR MORE EMPLOYEES WHO ARE IN A BARGAINING UNIT**
32 **REPRESENTED BY THE EXCLUSIVE REPRESENTATIVE.**

33 (2) **THE NEW EMPLOYEE PROGRAM IN PARAGRAPH (1) OF THIS**
34 **SUBSECTION MAY BE A NEW EMPLOYEE ORIENTATION, TRAINING, OR OTHER**

1 PROGRAM THAT THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY,
 2 ST. MARY'S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE
 3 AND AN EXCLUSIVE REPRESENTATIVE NEGOTIATE IN ACCORDANCE WITH § 3-501 OF
 4 THIS TITLE.

5 ~~(2)~~ (3) EXCEPT AS PROVIDED IN PARAGRAPH ~~(3)~~ (4) OF THIS
 6 SUBSECTION, THE EXCLUSIVE REPRESENTATIVE SHALL BE PERMITTED ~~AT LEAST 25~~
 7 20 MINUTES TO COLLECTIVELY ADDRESS A NEW EMPLOYEE ALL NEW EMPLOYEES IN
 8 ATTENDANCE DURING A NEW EMPLOYEE ORIENTATION PROGRAM.

9 ~~(3)~~ (4) THE STATE, A SYSTEM INSTITUTION, MORGAN STATE
 10 UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY
 11 COMMUNITY COLLEGE AND AN EXCLUSIVE REPRESENTATIVE MAY NEGOTIATE A
 12 PERIOD OF TIME THAT IS MORE THAN ~~25~~ 20 MINUTES IN ACCORDANCE WITH § 3-501
 13 OF THIS TITLE.

14 (5) THE STATE, A SYSTEM INSTITUTION, MORGAN STATE
 15 UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY
 16 COMMUNITY COLLEGE:

17 (I) SHALL ENCOURAGE AN EMPLOYEE TO ATTEND THE
 18 PORTION OF A NEW EMPLOYEE PROGRAM DESIGNATED FOR AN EXCLUSIVE
 19 REPRESENTATIVE TO ADDRESS NEW EMPLOYEES; AND

20 (II) MAY NOT REQUIRE AN EMPLOYEE TO ATTEND THE PORTION
 21 OF A NEW EMPLOYEE PROGRAM DESIGNATED FOR AN EXCLUSIVE REPRESENTATIVE
 22 TO ADDRESS NEW EMPLOYEES IF THE EMPLOYEE OBJECTS TO ATTENDING.

23 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
 24 THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY'S
 25 COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE SHALL
 26 PROVIDE THE EXCLUSIVE REPRESENTATIVE AT LEAST 10 DAYS' NOTICE IN ADVANCE
 27 OF A NEW EMPLOYEE ~~ORIENTATION~~ PROGRAM.

28 (2) THE STATE, A SYSTEM INSTITUTION, MORGAN STATE
 29 UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY
 30 COMMUNITY COLLEGE MAY PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH LESS
 31 THAN 10 DAYS' NOTICE IF THERE IS AN URGENT NEED CRITICAL TO THE EMPLOYER'S
 32 NEW EMPLOYEE ~~ORIENTATION~~ PROGRAM THAT WAS NOT REASONABLY
 33 FORESEEABLE.

34 3-502.

35 (a) Collective bargaining shall include all matters relating to:

1 (1) wages, hours, and other terms and conditions of employment; AND

2 (2) THE TIME AND MANNER OF ACCESS TO A NEW EMPLOYEE
3 ~~ORIENTATION PROGRAM AS REQUIRED UNDER § 3-307 OF THIS TITLE.~~

4 ~~SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General~~
5 ~~Assembly that, on request from an employee at any time, an exclusive representative shall~~
6 ~~stop contacting the employee.~~

7 SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.