

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 677

(Senator Madaleno, *et al.*)

Finance

Appropriations

**State Personnel – Collective Bargaining – Exclusive Representative Access to
New Employee Program**

This bill requires the Department of Budget and Management (DBM), the University System of Maryland system institutions (USM), Morgan State University (MSU), St. Mary's College of Maryland (SMCM), and Baltimore City Community College (BCCC) to provide specified employee information in a searchable and analyzable electronic format to an exclusive representative within 30 days of a new employee's hire and as specified in the bill. It repeals the right of employees to opt out of the release of their personal information to an exclusive representative, although on written request of an employee, an exclusive representative must withhold further communication with an employee unless otherwise required by law or the written request is revoked by the employee. The bill expands the employee's personal information that must be provided; it also requires that an exclusive representative be allowed to meet with new employees in the relevant bargaining unit. Collective bargaining must include matters relating to the time and manner of access to a new employee program.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources, as discussed below. Revenues are not materially affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: DBM, USM, MSU, SMCM, and BCCC must provide specified employee personal and contact information to an exclusive representative within 30 days of a new employee's hire and provide specified information, including work email address, on all employees on written request by the exclusive representative, who may request the information once every 120 days. The employer may negotiate with the exclusive representative on providing more detailed information and providing the information more frequently than once every 120 days. An employer may no longer charge a fee to the exclusive representative for providing employee information.

An exclusive representative or an authorized third-party contractor may use this information for maintaining or increasing membership in an employee organization. In addition, an incumbent exclusive representative for a bargaining unit that is subject to an election is no longer prohibited from requesting or receiving employee information.

The bill grants each exclusive representative the right to communicate with the employees it represents. The State, USM, MSU, SMCM, and BCCC must permit an exclusive representative to attend and participate in a new employee program that includes one or more employees who are in a bargaining unit represented by the exclusive representative and must generally provide the exclusive representative at least 10 days' notice of the program. The new employee program may be a new employee orientation, training, or other program that the State, USM, MSU, SMCM, or BCCC and an exclusive representative negotiate. The exclusive representative must be permitted 20 minutes, or longer if successfully negotiated, to collectively address all new employees in attendance during a new employee program. The State, USM, MSU, SMCM, and BCCC must encourage an employee to attend the portion of a new employee program designated for an exclusive representative to address new employees, but may not require an employee to attend if the employee objects to attending.

Current Law: Approximately 30,000 State employees have collective bargaining rights. Maryland's collective bargaining law generally applies to employees of the Executive Branch departments, the Maryland Insurance Administration, the State Department of Assessments and Taxation, the State Lottery and Gaming Control Agency, USM, the Office of the Comptroller, the Maryland Transportation Authority who are not police officers, the State Retirement Agency, the Maryland State Department of Education, MSU, SMCM, and BCCC, along with specified firefighters for the Martin State Airport and all full-time Maryland Transportation Authority police officers at the rank of first sergeant and below.

Certain Executive Branch employees within the State do not have these rights, such as elected government officials, political appointees or employees by special appointment, or

any supervisory, managerial, or confidential employees of an Executive Branch department.

Collective bargaining must include all matters relating to wages, hours, and other terms and conditions of employment. Parties to the collective bargaining process must make every reasonable effort to conclude their negotiations by January 1 for any item requiring appropriation for the fiscal year that begins the following July 1. If the parties do not conclude negotiations for the next fiscal year before October 25, either party may request that a neutral fact finder be employed to resolve the issues. By November 20, the fact finder must make written recommendations regarding wages, hours, and working conditions and any other terms or conditions of employment that may be in dispute. Those recommendations must be delivered to the specified parties by December 1, but they are not binding. The outcome of collective bargaining must be incorporated into a memorandum of understanding (MOU).

Upon written request of an exclusive representative no more than twice every calendar year, DBM, USM, MSU, SMCM, and BCCC must provide the exclusive representative the following information for each employee in the bargaining unit: name, position classification, unit, home and work addresses, and home and work telephone numbers. Thirty days prior to providing this information, the employer must notify the employee of this, and within 15 days of the notice the employee can opt out of having the employer provide his or her information to the exclusive representative. An incumbent exclusive representative for a bargaining unit that is subject to an election is prohibited from requesting or receiving employee information.

An employer may charge an exclusive representative a fee of up to the actual cost of providing the information to the exclusive representative. The employee's information is confidential and may not be released to anyone, except an exclusive representative may authorize third-party contractors to use the information to carry out statutory duties. An exclusive representative may not use the information that it receives to increase membership and may only use the information to carry out its statutory duties.

State Fiscal Effect: Most current MOUs allow exclusive representatives to address a new employee during a new employee orientation for 20 minutes; thus, permitting exclusive representatives to meet with all new employees for 20 minutes during a new employee program does not materially affect State finances. The bill requires the State to provide exclusive representatives with information upon request in a searchable and electronic format, which can be done with existing resources, although providing the information may take time away from employees performing other job responsibilities.

DBM advises that it does not currently charge a fee for providing information to the exclusive representative for purposes related to representing members, so eliminating the right to charge a fee has no fiscal effect.

Additional Information

Prior Introductions: None.

Cross File: HB 1017 (Delegate Korman, *et al.*) - Appropriations.

Information Source(s): Governor's Office; Baltimore City Community College; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Department of Budget and Management; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2018
md/mcr Third Reader - March 28, 2018
Revised - Amendment(s) - March 28, 2018

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