

# SENATE BILL 717

P4

11r2142  
CF HB 904

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By: **Senator Zucker**

Introduced and read first time: February 3, 2021

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – Exclusive Representative Access to**  
3 **New Employees**

4 FOR the purpose of altering the type of access and the circumstances under which certain  
5 access to new employees by exclusive representatives is required to be permitted by  
6 the State, a system institution, Morgan State University, St. Mary's College of  
7 Maryland, and Baltimore City Community College; altering the period of time for  
8 which an exclusive representative is required to be permitted to address certain new  
9 employees under certain circumstances; requiring that an exclusive representative  
10 be permitted at least a certain amount of time to meet with a new employee;  
11 requiring that a certain meeting between a new employee and an exclusive  
12 representative be in person; authorizing a certain exclusive representative to meet  
13 with a new employee through certain video technology under certain circumstances;  
14 requiring that the State, a system institution, Morgan State University, St. Mary's  
15 College of Maryland, and Baltimore City Community College encourage but not  
16 require certain new employees to meet with certain exclusive representatives;  
17 requiring that a certain notice be provided on the start date of a new employee;  
18 requiring that a certain notice be provided to certain individuals in a certain manner  
19 within a certain time period and include and exclude certain information; requiring  
20 that a certain notice be considered confidential by an exclusive representative;  
21 prohibiting an exclusive representative from disclosing certain information, subject  
22 to a certain exception; authorizing an exclusive representative to authorize a  
23 third-party contractor to use certain information in a certain manner and for a  
24 certain purpose; making conforming changes; and generally relating to collective

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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 bargaining for State employees and access by an exclusive representative to new  
2 employees.

3 BY repealing and reenacting, with amendments,  
4 Article – State Personnel and Pensions  
5 Section 3–307  
6 Annotated Code of Maryland  
7 (2015 Replacement Volume and 2020 Supplement)

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

10 **Article – State Personnel and Pensions**

11 3–307.

12 (a) Each exclusive representative has the right to communicate with the  
13 employees that it represents.

14 (b) (1) The State, a system institution, Morgan State University, St. Mary’s  
15 College of Maryland, and Baltimore City Community College shall permit an exclusive  
16 representative to:

17 **(I) MEET WITH A NEW EMPLOYEE IN A BARGAINING UNIT**  
18 **REPRESENTED BY THE EXCLUSIVE REPRESENTATIVE WITHIN THE FIRST FULL PAY**  
19 **PERIOD OF THE NEW EMPLOYEE’S START DATE; OR**

20 **(II) attend and participate in a new employee program that includes**  
21 **one or more employees who are in a bargaining unit represented by the exclusive**  
22 **representative, IF THE NEW EMPLOYEE PROGRAM OCCURS WITHIN 14 DAYS OF THE**  
23 **NEW EMPLOYEE’S START DATE.**

24 (2) The new employee program in paragraph [(1)] **(1)(II)** of this subsection  
25 may be a new employee orientation, training, or other program that the State, a system  
26 institution, Morgan State University, St. Mary’s College of Maryland, or Baltimore City  
27 Community College and an exclusive representative negotiate in accordance with § 3–501  
28 of this title.

29 (3) Except as provided in paragraph [(4)] **(5)** of this subsection, the  
30 exclusive representative shall be permitted **AT LEAST [20] 30** minutes to **MEET WITH THE**  
31 **NEW EMPLOYEE OR TO** collectively address all new employees in attendance during a new  
32 employee program.

33 **(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
34 **PARAGRAPH, A MEETING BETWEEN THE NEW EMPLOYEE AND THE EXCLUSIVE**  
35 **REPRESENTATIVE SHALL BE IN PERSON.**

1                   **(II) AN EXCLUSIVE REPRESENTATIVE MAY CHOOSE TO MEET**  
2 **WITH A NEW EMPLOYEE BY VIDEO OR SIMILAR TECHNOLOGY IF PUBLIC HEALTH**  
3 **CONCERNS NECESSITATE THAT A MEETING BE CONDUCTED REMOTELY.**

4                   **[(4)] (5)** The State, a system institution, Morgan State University, St.  
5 Mary's College of Maryland, and Baltimore City Community College and an exclusive  
6 representative may negotiate a period of time that is more than **[20] 30** minutes in  
7 accordance with § 3-501 of this title.

8                   **[(5)] (6)** The State, a system institution, Morgan State University, St.  
9 Mary's College of Maryland, and Baltimore City Community College:

10                   (i) shall encourage an employee to **MEET WITH THE EXCLUSIVE**  
11 **REPRESENTATIVE OR** attend the portion of a new employee program designated for an  
12 exclusive representative to address new employees; and

13                   (ii) may not require an employee to **MEET WITH AN EXCLUSIVE**  
14 **REPRESENTATIVE OR** attend the portion of a new employee program designated for an  
15 exclusive representative to address new employees if the employee objects to attending.

16                   (c) (1) Except as provided in paragraph (2) of this subsection **AND SUBJECT**  
17 **TO PARAGRAPH (3) OF THIS SUBSECTION**, the State, a system institution, Morgan State  
18 University, St. Mary's College of Maryland, and Baltimore City Community College shall  
19 provide the exclusive representative at least 10 days' notice **[in advance of a new employee**  
20 **program] OF THE START DATE OF A NEW EMPLOYEE IN A BARGAINING UNIT**  
21 **REPRESENTED BY THE EXCLUSIVE REPRESENTATIVE.**

22                   (2) The State, a system institution, Morgan State University, St. Mary's  
23 College of Maryland, and Baltimore City Community College may provide the exclusive  
24 representative with less than 10 days' notice if there is an urgent need critical to the  
25 **[employer's new employee program] EMPLOYER** that was not reasonably foreseeable.

26                   **(3) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**  
27 **SUBSECTION SHALL:**

28                   **(I) BE PROVIDED ELECTRONICALLY TO THE LOCAL PRESIDENT**  
29 **OR UNION DESIGNEE WITHIN ~~24 HOURS~~ 5 DAYS OF THE EMPLOYEE'S FIRST**  
30 **CHECK-IN; ~~AND~~**

31                   **(II) EXCEPT AS PROVIDED IN ITEM (III) OF THIS PARAGRAPH,**  
32 **INCLUDE THE NEW EMPLOYEE'S NAME, UNIT, AND ALL EMPLOYEE IDENTIFICATION**  
33 **NUMBERS, INCLUDING WORKDAY NUMBERS;**

1 (III) EXCLUDE THE NEW EMPLOYEE’S SOCIAL SECURITY  
2 NUMBER; AND

3 (IV) BE CONSIDERED CONFIDENTIAL BY AN EXCLUSIVE  
4 REPRESENTATIVE.

5 (4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
6 PARAGRAPH, AN EXCLUSIVE REPRESENTATIVE MAY NOT DISCLOSE THE  
7 INFORMATION IN A NOTICE.

8 (II) THE EXCLUSIVE REPRESENTATIVE MAY AUTHORIZE A  
9 THIRD–PARTY CONTRACTOR TO USE THE INFORMATION IN A NOTICE, AS DIRECTED  
10 BY THE EXCLUSIVE REPRESENTATIVE, TO FULFILL THE EXCLUSIVE  
11 REPRESENTATIVE’S STATUTORY DUTIES.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
13 1, 2021.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.