

Chapter 27

(House Bill 894 of the 2021 Regular Session)

AN ACT concerning

Education – Community Colleges – Collective Bargaining

FOR the purpose of establishing collective bargaining rights for certain community college employees; establishing procedures for the election and certification of an exclusive representative of a bargaining unit; specifying a certain time frame to submit a certain petition and conduct a certain election under certain circumstances; providing procedures by which the State Higher Education Labor Relations Board may designate a bargaining unit; establishing a cap on the number of bargaining units that may be at each community college; specifying the composition of certain bargaining units that may be at each community college; prohibiting the Board from requiring that certain bargaining units conform to certain requirements under certain circumstances; requiring that certain petitions include certain showing of interest forms; providing that certain showing of interest forms are valid under certain circumstances; requiring a public employer to provide to the Board and an employee organization a certain list within a certain time period; requiring a community college to allow certain employees and employee organizations to access certain property and facilities for a certain purpose; prohibiting a community college from limiting the amount of time a public employee has access to certain property or altering or revising certain rules or regulations for a certain purpose; requiring certain collective bargaining agreements to include certain provisions; establishing procedures for providing an exclusive representative with certain new employee information and processing; establishing the matters subject to collective bargaining negotiations; establishing procedures for authorization and certification of the deduction of dues; establishing the matters subject to collective bargaining negotiations; providing for certain rights and responsibilities in connection with the collective bargaining process; requiring the Governor to include certain amounts in the annual budget bill for a certain purpose; authorizing certain parties to engage in mediation and fact-finding under certain circumstances and providing for fact-finding procedures; providing for the settlement of certain grievances; prohibiting certain public employees and exclusive bargaining representatives from engaging in a strike and providing sanctions for engaging in a strike; requiring the parties to collective bargaining negotiations to make certain efforts to conclude negotiations by a certain time; authorizing a collective bargaining agreement to include a provision for the arbitration of certain grievances; requiring that the terms of a collective bargaining agreement supersede certain regulations and policies; providing that a collective bargaining agreement may be reopened under certain circumstances; repealing certain provisions of law relating to collective bargaining rights that apply to individual community colleges; altering the scope of duty of the Board to include administering and enforcing provisions of this Act; providing for the disclosure of certain employee information; requiring that certain community

colleges continue to operate under certain agreements and contracts under certain circumstances for a certain period of time; providing that the exclusive representative of a certain bargaining unit maintains certification under certain circumstances; requiring that certain community colleges be subject to certain rules and regulations under certain circumstances; requiring certain impasses to be resolved under certain procedures; stating the intent of the General Assembly that the State promote certain relationships with certain employees of the community college system in a certain manner; authorizing the Board to adopt certain regulations and to make a certain delegation and assignment of responsibilities and obligations; requiring the Board to adopt certain regulations; prohibiting the Board from adopting certain rules; defining certain terms; providing for the application of this Act; providing for the construction of this Act; providing for a delayed effective date; and generally relating to collective bargaining rights for community college employees.

BY repealing

Article – Education

Section 16–403, 16–412, and 16–414.1

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

BY adding to

Article – Education

Section 16–701 through 16–715 to be under the new subtitle “Subtitle 7. Collective Bargaining”

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section 3–2A–01

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 3–2A–05, 3–2A–07, and 3–2A–08(a)

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 16–403, 16–412, and 16–414.1 of Article – Education of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

SUBTITLE 7. COLLECTIVE BARGAINING.

16-701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “AGREEMENT” MEANS A WRITTEN CONTRACT BETWEEN A PUBLIC EMPLOYER AND AN EMPLOYEE ORGANIZATION.

(C) “ARBITRATION” MEANS A PROCEDURE BY WHICH PARTIES INVOLVED IN A GRIEVANCE SUBMIT THEIR DIFFERENCES TO AN IMPARTIAL THIRD PARTY FOR A FINAL AND BINDING DECISION.

(D) “BOARD” MEANS THE STATE HIGHER EDUCATION LABOR RELATIONS BOARD.

(E) “COLLECTIVE BARGAINING” HAS THE MEANING STATED IN § 3-101(C) OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(F) “CONFIDENTIAL EMPLOYEE” MEANS A PUBLIC EMPLOYEE WHOSE UNRESTRICTED ACCESS TO PERSONNEL, BUDGETARY, OR FISCAL DATA SUBJECT TO USE BY THE PUBLIC EMPLOYER IN COLLECTIVE BARGAINING, OR WHOSE CLOSE, CONTINUING WORKING RELATIONSHIP WITH THOSE RESPONSIBLE FOR NEGOTIATING ON BEHALF OF THE PUBLIC EMPLOYER, WOULD MAKE THE EMPLOYEE’S MEMBERSHIP IN AN EMPLOYEE ORGANIZATION AS A RANK AND FILE EMPLOYEE INCOMPATIBLE WITH THE EMPLOYEE’S DUTIES.

(G) “EMPLOYEE ORGANIZATION” MEANS A LABOR ORGANIZATION OF PUBLIC EMPLOYEES THAT HAS AS ONE OF ITS PRIMARY PURPOSES REPRESENTING THOSE EMPLOYEES IN COLLECTIVE BARGAINING.

(H) “EXCLUSIVE REPRESENTATIVE” MEANS AN EMPLOYEE ORGANIZATION THAT HAS BEEN CERTIFIED BY THE BOARD AS REPRESENTING THE EMPLOYEES OF A BARGAINING UNIT.

(I) “FACT-FINDING” MEANS A PROCESS CONDUCTED BY THE BOARD THAT INCLUDES:

(1) THE IDENTIFICATION OF THE MAJOR ISSUES IN AN IMPASSE;

(2) THE REVIEW OF THE POSITIONS OF THE PARTIES; AND

(3) A RESOLUTION OF FACTUAL DIFFERENCES BY AN IMPARTIAL INDIVIDUAL OR PANEL.

(J) (1) “FACULTY” MEANS EMPLOYEES WHOSE ASSIGNMENTS INVOLVE ACADEMIC RESPONSIBILITIES, INCLUDING TEACHERS AND DEPARTMENT HEADS.

(2) “FACULTY” DOES NOT INCLUDE OFFICERS, SUPERVISORY EMPLOYEES, CONFIDENTIAL EMPLOYEES, PART-TIME FACULTY, OR STUDENT ASSISTANTS.

(K) “GRIEVANCE” MEANS A DISPUTE CONCERNING THE APPLICATION OR INTERPRETATION OF THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT.

(L) “IMPASSE” MEANS A FAILURE BY A PUBLIC EMPLOYER AND AN EXCLUSIVE REPRESENTATIVE TO ACHIEVE AGREEMENT IN THE COURSE OF NEGOTIATIONS.

(M) “OFFICER” MEANS THE PRESIDENT, A VICE PRESIDENT, A DEAN, OR ANY OTHER SIMILAR OFFICIAL OF THE COMMUNITY COLLEGE AS APPOINTED BY THE BOARD OF COMMUNITY COLLEGE TRUSTEES.

(N) “PART-TIME FACULTY” MEANS EMPLOYEES WHOSE ASSIGNMENTS INVOLVE ACADEMIC RESPONSIBILITIES, INCLUDING TEACHERS, COUNSELORS, AND DEPARTMENT HEADS, WHO ARE DESIGNATED WITH PART-TIME FACULTY STATUS BY THE PRESIDENT OF THE COMMUNITY COLLEGE.

(O) (1) “PUBLIC EMPLOYEE” MEANS AN EMPLOYEE EMPLOYED BY A PUBLIC EMPLOYER.

(2) “PUBLIC EMPLOYEE” INCLUDES FACULTY AND PART-TIME FACULTY AT THE BALTIMORE CITY COMMUNITY COLLEGE.

(3) “PUBLIC EMPLOYEE” DOES NOT INCLUDE:

(I) OFFICERS;

(II) SUPERVISORY OR CONFIDENTIAL EMPLOYEES; OR

(III) STUDENT ASSISTANTS.

(P) (1) “PUBLIC EMPLOYER” MEANS THE BOARD OF COMMUNITY COLLEGE TRUSTEES FOR A COMMUNITY COLLEGE.

(2) "PUBLIC EMPLOYER" INCLUDES THE BOARD OF TRUSTEES OF BALTIMORE CITY COMMUNITY COLLEGE FOR THE PURPOSES OF COLLECTIVE BARGAINING WITH FACULTY AND PART-TIME FACULTY.

(Q) (1) "SHOWING OF INTEREST FORM" MEANS A WRITTEN STATEMENT FROM A PUBLIC EMPLOYEE WHO WISHES TO BE REPRESENTED BY A PETITIONING EMPLOYEE ORGANIZATION FOR THE PURPOSE OF COLLECTIVE BARGAINING.

(2) "SHOWING OF INTEREST FORM" INCLUDES:

(I) A UNION AUTHORIZATION CARD; AND

(II) A UNION MEMBERSHIP CARD.

(R) "STRIKE" MEANS, IN CONCERTED ACTION WITH OTHERS FOR THE PURPOSE OF INDUCING, INFLUENCING, OR COERCING A CHANGE IN THE WAGES, HOURS, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT, A PUBLIC EMPLOYEE'S:

(1) REFUSAL TO REPORT FOR DUTY;

(2) WILLFUL ABSENCE FROM THE POSITION;

(3) STOPPAGE OF WORK; OR

(4) ABSTINENCE IN WHOLE OR IN PART FROM THE PROPER PERFORMANCE OF THE DUTIES OF EMPLOYMENT.

(S) "SUPERVISORY EMPLOYEE" MEANS A PUBLIC EMPLOYEE WHO HAS FULL-TIME AND EXCLUSIVE AUTHORITY TO ACT ON BEHALF OF A PUBLIC EMPLOYER TO:

(1) HIRE, TRANSFER, SUSPEND, LAY OFF, RECALL, PROMOTE, DISCHARGE, ASSIGN, REWARD, OR DISCIPLINE OTHER EMPLOYEES; OR

(2) ADJUST EMPLOYEE GRIEVANCES.

16-702.

(A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ~~THE~~:

(1) THE STATE PROMOTE HARMONIOUS AND COOPERATIVE RELATIONSHIPS WITH THE PUBLIC EMPLOYEES OF THE COMMUNITY COLLEGE

SYSTEM BY ENCOURAGING COLLECTIVE BARGAINING PRACTICES, PROTECTING THE RIGHTS OF PUBLIC EMPLOYEES TO ASSOCIATE, ORGANIZE, AND VOTE FOR THEIR OWN EXCLUSIVE REPRESENTATIVES, AND RECOGNIZING THE DIGNITY OF LABOR FOR ALL EMPLOYEES OF THE COMMUNITY COLLEGE SYSTEM; AND

(2) A DELAY IN IMPLEMENTATION OF THIS SUBTITLE SHALL BE TO ENSURE THAT COMMUNITY COLLEGES ARE GRANTED SUFFICIENT TIME TO PLAN FOR POTENTIAL NEGOTIATIONS AND MAY NOT BE USED TO PLAN FOR, OR ENGAGE IN, ACTIVITIES THAT WOULD DISCOURAGE OR OTHERWISE COERCE EMPLOYEES SEEKING TO HOLD AN ELECTION.

(B) THIS SUBTITLE SHALL APPLY:

(1) BEGINNING ON SEPTEMBER 1, 2022, TO:

(I) ANNE ARUNDEL COMMUNITY COLLEGE;

(II) COMMUNITY COLLEGE OF BALTIMORE COUNTY;

(III) FREDERICK COMMUNITY COLLEGE;

(IV) HARFORD COMMUNITY COLLEGE;

(V) HOWARD COMMUNITY COLLEGE;

(VI) MONTGOMERY COLLEGE;

(VII) PRINCE GEORGE'S COMMUNITY COLLEGE; AND

(VIII) COLLEGE OF SOUTHERN MARYLAND;

(2) BEGINNING ON SEPTEMBER 1, 2023, TO:

(I) ALLEGANY COLLEGE OF MARYLAND;

(II) CARROLL COMMUNITY COLLEGE;

(III) CECIL COLLEGE;

(IV) CHESAPEAKE COLLEGE;

(V) GARRETT COLLEGE;

(VI) HAGERSTOWN COMMUNITY COLLEGE; AND

(VII) WOR-WIC COMMUNITY COLLEGE; AND

(3) BEGINNING OCTOBER 1, 2024, BALTIMORE CITY COMMUNITY COLLEGE.

16-703.

(A) THE BOARD SHALL CONDUCT AN ELECTION FOR AN EXCLUSIVE REPRESENTATIVE OF A BARGAINING UNIT IF:

(1) A VALID PETITION IS SUBMITTED IN ACCORDANCE WITH § 16-704 OF THIS SUBTITLE; AND

(2) THE BARGAINING UNIT INVOLVED IN THE PETITION IS DETERMINED TO BE AN APPROPRIATE BARGAINING UNIT UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION.

(B) (1) EXCEPT AS PROVIDED IN THIS SUBTITLE, THE BOARD SHALL DETERMINE THE APPROPRIATENESS OF EACH BARGAINING UNIT.

(2) IF THERE IS NOT A DISPUTE ABOUT THE APPROPRIATENESS OF THE BARGAINING UNIT, THE BOARD SHALL ISSUE AN ORDER DEFINING AN APPROPRIATE BARGAINING UNIT.

(3) IF THERE IS A DISPUTE ABOUT THE APPROPRIATENESS OF THE BARGAINING UNIT, THE BOARD SHALL:

(I) CONDUCT A PUBLIC HEARING, RECEIVING WRITTEN AND ORAL TESTIMONY; AND

(II) ISSUE AN ORDER DEFINING THE APPROPRIATE BARGAINING UNIT.

(C) THERE MAY BE NO MORE THAN ~~SIX~~ FOUR BARGAINING UNITS AT EACH COMMUNITY COLLEGE INCLUDING:

(1) ONE UNIT RESERVED FOR FULL-TIME FACULTY;

(2) ONE UNIT RESERVED FOR PART-TIME FACULTY; AND

~~(3) ONE UNIT RESERVED FOR THE REMAINING ELIGIBLE EXEMPT EMPLOYEES, AS DEFINED IN THE FEDERAL FAIR LABOR STANDARDS ACT;~~

~~(4) TWO UNITS RESERVED FOR ELIGIBLE NONEXEMPT EMPLOYEES, AS DEFINED IN THE FEDERAL FAIR LABOR STANDARDS ACT; AND~~

~~(5) ONE UNIT RESERVED FOR SWORN POLICE OFFICERS.~~

(D) THE BOARD MAY NOT REQUIRE THE BARGAINING UNITS AT A COMMUNITY COLLEGE TO CONFORM TO THE REQUIREMENTS OF THIS SECTION IF THE BARGAINING UNITS WERE IN EXISTENCE BEFORE ~~OCTOBER 1, 2021~~ SEPTEMBER 1, 2022.

16-704.

(A) AFTER RECEIVING A PETITION FOR AN ELECTION FOR AN EXCLUSIVE REPRESENTATIVE, THE BOARD SHALL INVESTIGATE THE PETITION FOR PURPOSES OF VERIFICATION AND VALIDATION.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PETITION FOR AN ELECTION MAY BE SUBMITTED BY:

(1) AN EMPLOYEE ORGANIZATION THAT DEMONSTRATES THAT AT LEAST 30% OF THE EMPLOYEES IN A BARGAINING UNIT WISH TO BE REPRESENTED FOR COLLECTIVE BARGAINING BY AN EXCLUSIVE REPRESENTATIVE; OR

(2) A PUBLIC EMPLOYEE, A GROUP OF PUBLIC EMPLOYEES, OR AN EMPLOYEE ORGANIZATION THAT DEMONSTRATES THAT AT LEAST 30% OF THE EMPLOYEES ASSERT THAT THE EXISTING DESIGNATED EXCLUSIVE REPRESENTATIVE IS NO LONGER THE REPRESENTATIVE OF THE MAJORITY OF EMPLOYEES IN THE BARGAINING UNIT.

(C) (1) A PETITION SUBMITTED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE SHOWING OF INTEREST FORMS PROVIDED TO THE BOARD FROM AN EMPLOYEE ORGANIZATION.

(2) A SHOWING OF INTEREST FORM SHALL BE ACCEPTED BY THE BOARD IF THE FORM INCLUDES ELECTRONIC OR HANDWRITTEN SIGNATURES.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A SHOWING OF INTEREST FORM IS VALID IF THE SIGNATURES WERE COLLECTED WITHIN THE 18-MONTH PERIOD IMMEDIATELY PRECEDING THE DATE ON WHICH A PETITION FOR AN ELECTION IS FILED.

(II) FOR AN ELECTION THAT IS CONDUCTED TO DETERMINE THAT AN EXCLUSIVE REPRESENTATIVE NO LONGER REPRESENTS A UNIT, A

SHOWING OF INTEREST FORM IS VALID IF THE SIGNATURES WERE COLLECTED WITHIN THE 90-DAY PERIOD IMMEDIATELY PRECEDING THE DATE ON WHICH A PETITION FOR ELECTION IS FILED.

(4) A SHOWING OF INTEREST FORM MAY BE USED BY A PUBLIC EMPLOYEE FOR MORE THAN ONE PUBLIC EMPLOYER AS LONG AS THE PUBLIC EMPLOYEE WORKS FOR THE PUBLIC EMPLOYER.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PUBLIC EMPLOYER SHALL PROVIDE TO THE BOARD AND AN EMPLOYEE ORGANIZATION AN ALPHABETICAL LIST OF PUBLIC EMPLOYEES IN EACH BARGAINING UNIT WITHIN 2 DAYS AFTER A PETITION FOR AN ELECTION IS FILED.

(2) THE LIST REQUIRED TO BE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) INCLUDE FOR EACH PUBLIC EMPLOYEE ON THE PAYROLL FOR THE LAST PAY PERIOD BEFORE A PETITION FOR ELECTION IS FILED, THE PUBLIC EMPLOYEE'S:

A. NAME;

B. POSITION CLASSIFICATION;

C. HOME AND WORK SITE ADDRESSES WHERE THE EMPLOYEE RECEIVES INTEROFFICE OR UNITED STATES MAIL;

D. HOME AND WORK SITE TELEPHONE NUMBERS;

E. PERSONAL CELL PHONE NUMBER; AND

F. WORK E-MAIL ADDRESS; AND

(II) IDENTIFY EACH PUBLIC EMPLOYEE THAT SHOULD BE EXCLUDED AS AN ELIGIBLE VOTER WITH A STATEMENT EXPLAINING THE REASON FOR THE EXCLUSION.

(3) A PUBLIC EMPLOYER MAY NOT CHALLENGE THE ELIGIBILITY OF A PUBLIC EMPLOYEE'S VOTE IN AN ELECTION IF THE EMPLOYER FAILS TO EXPLAIN THE REASON FOR EXCLUDING A PUBLIC EMPLOYEE UNDER THIS SUBSECTION.

(4) NAMES OR LISTS OF EMPLOYEES PROVIDED TO THE BOARD IN CONNECTION WITH AN ELECTION UNDER THIS SECTION ARE NOT SUBJECT TO DISCLOSURE IN ACCORDANCE WITH THE PUBLIC INFORMATION ACT.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD SHALL:

(I) PROMPTLY DETERMINE THE ADEQUACY OF THE SHOWING OF INTEREST BY COMPARING SHOWING OF INTEREST FORMS TO THE ELIGIBILITY LIST PROVIDED BY A PUBLIC EMPLOYER UNDER SUBSECTION (D) OF THIS SECTION; AND

(II) PROVIDE NOTICE TO AN EMPLOYEE ORGANIZATION OF THE DETERMINATION.

(2) IF THE BOARD DETERMINES UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT A REQUIRED SHOWING OF INTEREST IS NOT ADEQUATE, THE BOARD:

(I) SHALL ALLOW AN EMPLOYEE ORGANIZATION TO SUBMIT ADDITIONAL SHOWING OF INTEREST FORMS WITHIN 30 DAYS AFTER THE EMPLOYEE ORGANIZATION IS NOTIFIED OF THE DETERMINATION; AND

(II) MAY PROVIDE ADDITIONAL TIME TO AN EMPLOYEE ORGANIZATION TO PROVIDE ADDITIONAL FORMS FOR GOOD CAUSE.

16-705.

(A) (1) AN EMPLOYEE ORGANIZATION MAY BE CERTIFIED AS AN EXCLUSIVE REPRESENTATIVE ONLY AS PROVIDED UNDER THIS SECTION.

(2) EXCEPT AS PROVIDED IN SUBSECTION (J) OF THIS SECTION, ON OR AFTER ~~OCTOBER 1, 2021~~ SEPTEMBER 1, 2022, AN ELECTION OR A RECOGNITION OF AN EXCLUSIVE REPRESENTATIVE SHALL BE CONDUCTED BY THE BOARD FOR EACH BARGAINING UNIT AFTER THE REQUIREMENTS OF § 16-704 OF THIS SUBTITLE HAVE BEEN MET BY THAT BARGAINING UNIT.

(3) THE BOARD MAY USE A THIRD-PARTY CONTRACTOR TO RECEIVE AND COUNT BALLOTS FOR AN ELECTION UNDER THIS SECTION.

(B) FOR EACH ELECTION, THE BOARD SHALL PLACE ON THE BALLOT:

(1) THE NAME OR NAMES OF THE EMPLOYEE ORGANIZATION SUBMITTING THE VALID PETITION;

(2) THE NAME OF ANY OTHER EMPLOYEE ORGANIZATION DESIGNATED IN A VALID PETITION SIGNED BY MORE THAN 10% OF THE EMPLOYEES IN THE APPROPRIATE BARGAINING UNIT; AND

(3) A PROVISION FOR “NO REPRESENTATION”.

(C) (1) IN ANY ELECTION IN WHICH NONE OF THE CHOICES ON THE BALLOT RECEIVES A MAJORITY OF THE VOTES CAST, A RUNOFF ELECTION SHALL BE CONDUCTED, WITH THE BALLOT PROVIDING FOR A SELECTION BETWEEN THE TWO CHOICES RECEIVING THE HIGHEST NUMBER OF BALLOTS CAST IN THE ELECTION.

(2) AN EMPLOYEE ORGANIZATION RECEIVING A MAJORITY OF VOTES CAST IN AN ELECTION SHALL BE CERTIFIED BY THE BOARD AS THE EXCLUSIVE REPRESENTATIVE FOR COLLECTIVE BARGAINING PURPOSES.

(D) (1) WITHIN 7 DAYS AFTER AN ELECTION IS ORDERED, A PUBLIC EMPLOYER SHALL SUBMIT TO THE BOARD AND AN EMPLOYEE ORGANIZATION AN UPDATED ALPHABETICAL LIST OF ELIGIBLE PUBLIC EMPLOYEES WHO MAY VOTE IN THE ELECTION.

(2) THE LIST REQUIRED TO BE SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE SAME INFORMATION REQUIRED UNDER § 16-704 FOR EACH ELIGIBLE PUBLIC EMPLOYEE.

(E) A PUBLIC EMPLOYER, ITS OFFICERS, AND AN AGENT OF THE EMPLOYER MAY NOT SPEND PUBLIC MONEY, USE PUBLIC RESOURCES, OR PROVIDE ASSISTANCE TO AN INDIVIDUAL OR A GROUP FOR A NEGATIVE CAMPAIGN AGAINST AN EMPLOYEE ORGANIZATION.

(F) (1) WITHIN 7 DAYS AFTER A VALID ELECTION HAS BEEN DETERMINED UNDER SUBSECTION (A) OF THIS SECTION, A PUBLIC EMPLOYER SHALL ALLOW PUBLIC EMPLOYEES AND EMPLOYEE ORGANIZATIONS TO ACCESS THE EMPLOYER’S PROPERTY AND FACILITIES, INCLUDING GROUNDS, ROOMS, BULLETIN BOARDS, CAMPUS MAIL, AND OTHER COMMON AREAS FOR CAMPAIGN ACTIVITIES FOR THE ELECTION.

(2) THE PUBLIC EMPLOYER MAY NOT:

(I) LIMIT THE AMOUNT OF TIME A PUBLIC EMPLOYEE HAS ACCESS TO THE PUBLIC EMPLOYER’S PROPERTY AND FACILITIES DURING AN ELECTION UNDER THIS SECTION; OR

(II) ALTER OR REVISE EXISTING RULES OR REGULATIONS TO UNFAIRLY LIMIT OR PROHIBIT PUBLIC EMPLOYEES OR EMPLOYEE ORGANIZATIONS FROM COLLECTIVE BARGAINING.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO ALLOW CAMPAIGN ACTIVITIES TO INTERFERE WITH A PUBLIC EMPLOYER'S OPERATIONS.

(G) (1) THE BOARD SHALL CONDUCT THE ELECTION:

(I) BY SECRET BALLOT; AND

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN WHOLE OR IN PART BY IN-PERSON VOTING, MAIL, OR AN ELECTRONIC VOTING SYSTEM.

(2) THE BOARD MAY DESIGNATE THE TIME PERIOD FOR IN-PERSON VOTING UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ONLY AFTER CONSULTING WITH THE PUBLIC EMPLOYER AND EMPLOYEE ORGANIZATIONS ON THE BALLOT.

(3) (I) THE BOARD SHALL ALLOW AT LEAST 10 DAYS OF VOTING FOR AN ELECTION CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, UNLESS AN EMPLOYEE ORGANIZATION ON THE BALLOT REQUESTS AN EXTENSION.

(II) THE BOARD MAY EXTEND THE TIME PERIOD FOR VOTING DUE TO INOPERABLE VOTING SYSTEMS.

(H) (1) AN EMPLOYEE ORGANIZATION ON A BALLOT MAY REQUEST A PREFERRED METHOD OF VOTING AT THE TIME A PETITION FOR ELECTION IS FILED WITH THE BOARD.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD SHALL DESIGNATE THE METHOD OF VOTING BASED ON THE REQUESTS OF THE EMPLOYEE ORGANIZATIONS ON THE BALLOT.

(3) IF THERE IS A DISPUTE BETWEEN TWO OR MORE EMPLOYEE ORGANIZATIONS ON THE BALLOT OVER THE METHOD OF VOTING, THE BOARD MAY DESIGNATE THE METHOD OF VOTING.

(I) (1) THE BOARD SHALL PROVIDE NOTICE OF EACH ELECTION THAT DESCRIBES THE METHOD OF VOTING TO EMPLOYEE ORGANIZATIONS ON THE BALLOT AND TO THE PUBLIC EMPLOYER.

(2) THE PUBLIC EMPLOYER SHALL MAKE PUBLICLY AVAILABLE NOTICE OF EACH ELECTION TO ALL ELIGIBLE PUBLIC EMPLOYEES WITHIN ~~1 DAY~~ 2 DAYS AFTER THE PUBLIC EMPLOYER RECEIVES NOTICE OF THE ELECTION FROM THE BOARD.

(3) THE BOARD SHALL ASSIST AN ELIGIBLE PUBLIC EMPLOYEE IN USING AN ALTERNATIVE METHOD OF VOTING TO CAST A BALLOT IF THE PUBLIC EMPLOYEE PROMPTLY INFORMS THE BOARD OF THE INABILITY TO CAST A BALLOT USING THE DESIGNATED METHOD OF VOTING.

(J) THE BOARD SHALL DESIGNATE AN EMPLOYEE ORGANIZATION AS THE EXCLUSIVE REPRESENTATIVE ONLY IF:

(1) ONE EMPLOYEE ORGANIZATION SEEKS CERTIFICATION AS THE EXCLUSIVE REPRESENTATIVE;

(2) THERE IS NO INCUMBENT EXCLUSIVE REPRESENTATIVE;

(3) THE EMPLOYEE ORGANIZATION HAS NOT REQUESTED AN ELECTION; AND

(4) THE BOARD DETERMINES THAT MORE THAN 50% OF THE PUBLIC EMPLOYEES IN THE BARGAINING UNIT SUPPORT THE EMPLOYEE ORGANIZATION THROUGH COMPARING SHOWING OF INTEREST FORMS WITH A PUBLIC EMPLOYER'S PROVIDED LIST OF PUBLIC EMPLOYEES IN THE BARGAINING UNIT.

(K) THE ELECTION OF AN EXCLUSIVE REPRESENTATIVE MAY NOT BE CONDUCTED IN ANY BARGAINING UNIT IN WHICH:

(1) AN EXCLUSIVE REPRESENTATIVE HAS BEEN CERTIFIED WITHIN THE IMMEDIATELY PRECEDING 24 MONTHS; OR

(2) A VALID ELECTION HAS BEEN HELD WITHIN THE IMMEDIATELY PRECEDING 12 MONTHS IN WHICH AN EXCLUSIVE REPRESENTATIVE WAS CERTIFIED.

(L) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE EXCLUSIVE REPRESENTATIVE OF A BARGAINING UNIT THAT OPERATED UNDER A COLLECTIVE BARGAINING AGREEMENT OR CONTRACT BEFORE ~~OCTOBER 1, 2021~~ SEPTEMBER 1, 2022, MAINTAINS CERTIFICATION AFTER THE AGREEMENT OR CONTRACT EXPIRES.

(2) IF A COLLECTIVE BARGAINING AGREEMENT OR CONTRACT IS IN EFFECT, A VALID PETITION FOR AN ELECTION UNDER THIS SECTION MAY BE

SUBMITTED AND AN ELECTION CONDUCTED UNDER THIS SECTION ONLY IF THE PETITION IS SUBMITTED AT LEAST 90 DAYS, BUT NOT MORE THAN 120 DAYS, BEFORE THE EXPIRATION OF THE COLLECTIVE BARGAINING AGREEMENT OR CONTRACT.

16-706.

(A) A PUBLIC EMPLOYER SHALL EXTEND TO AN EMPLOYEE ORGANIZATION CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE THE RIGHT TO REPRESENT THE PUBLIC EMPLOYEES OF THE BARGAINING UNIT INVOLVED IN COLLECTIVE BARGAINING AND IN THE SETTLEMENT OF GRIEVANCES.

(B) AN EMPLOYEE ORGANIZATION CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE FOR A BARGAINING UNIT SHALL:

(1) SERVE AS THE BARGAINING AGENT FOR ALL PUBLIC EMPLOYEES IN A BARGAINING UNIT; AND

(2) REPRESENT FAIRLY AND WITHOUT DISCRIMINATION EACH PUBLIC EMPLOYEE IN THE BARGAINING UNIT WITHOUT REGARD TO WHETHER THE EMPLOYEE IS A MEMBER OF THE EMPLOYEE ORGANIZATION.

16-707.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 10 DAYS AFTER A NEW EMPLOYEE'S DATE OF HIRE, FOR EACH NEW PUBLIC EMPLOYEE IN THE BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE REPRESENTATIVE, THE PUBLIC EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE INFORMATION REQUIRED UNDER § 16-704 OF THIS SUBTITLE.

(2) A PUBLIC EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, AN EXCLUSIVE REPRESENTATIVE SHALL CONSIDER THE INFORMATION THAT IT RECEIVES UNDER THIS SECTION AS CONFIDENTIAL AND MAY NOT DISCLOSE THE INFORMATION TO ANY PERSON.

(2) AN EXCLUSIVE REPRESENTATIVE MAY AUTHORIZE THIRD-PARTY CONTRACTORS TO USE THE INFORMATION THAT IT RECEIVES UNDER THIS SECTION, AS DIRECTED BY THE EXCLUSIVE REPRESENTATIVE, TO CARRY OUT THE EXCLUSIVE REPRESENTATIVE'S STATUTORY DUTIES UNDER THIS TITLE.

(3) AN EXCLUSIVE REPRESENTATIVE OR AN AUTHORIZED THIRD-PARTY CONTRACTOR MAY USE THE INFORMATION THAT IT RECEIVES UNDER THIS SECTION FOR THE PURPOSE OF MAINTAINING OR INCREASING EMPLOYEE MEMBERSHIP IN AN EMPLOYEE ORGANIZATION.

(4) ON WRITTEN REQUEST OF A PUBLIC EMPLOYEE, AN EXCLUSIVE REPRESENTATIVE SHALL WITHHOLD FURTHER COMMUNICATION WITH A PUBLIC EMPLOYEE UNLESS OTHERWISE REQUIRED BY LAW OR THE WRITTEN REQUEST IS REVOKED BY THE PUBLIC EMPLOYEE.

(C) (1) (I) A PUBLIC EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION FOR EACH PUBLIC EMPLOYEE IN THE BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE REPRESENTATIVE ONCE EVERY 90 DAYS.

(II) SUBJECT TO § 16-709 OF THIS SUBTITLE, A PUBLIC EMPLOYER MAY NEGOTIATE WITH THE EXCLUSIVE REPRESENTATIVE TO PROVIDE THE INFORMATION REQUIRED UNDER THIS PARAGRAPH MORE FREQUENTLY THAN ONCE EVERY 90 DAYS.

(2) A PUBLIC EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION REGARDLESS OF WHETHER THE NEWLY HIRED PUBLIC EMPLOYEE WAS PREVIOUSLY EMPLOYED BY THE PUBLIC EMPLOYER.

16-708.

(A) IN THIS SECTION, “NEW EMPLOYEE PROCESSING” MEANS THE PROCESS FOR A NEWLY HIRED PUBLIC EMPLOYEE, WHETHER IN-PERSON, ONLINE, OR THROUGH OTHER MEANS, IN WHICH NEW PUBLIC EMPLOYEES ARE ADVISED OF THEIR EMPLOYMENT STATUS, RIGHTS, BENEFITS, DUTIES, RESPONSIBILITIES, AND OTHER EMPLOYMENT-RELATED MATTERS.

(B) (1) (I) A PUBLIC EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE ACCESS TO NEW EMPLOYEE PROCESSING.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, A PUBLIC EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE AT LEAST 10 DAYS’ NOTICE IN ADVANCE OF A NEW EMPLOYEE PROCESSING.

(III) A PUBLIC EMPLOYER MAY PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH LESS THAN 10 DAYS’ NOTICE IF THERE IS AN URGENT NEED

CRITICAL TO THE PUBLIC EMPLOYER'S NEW EMPLOYEE PROCESSING THAT WAS NOT REASONABLY FORESEEABLE.

(2) (I) THE STRUCTURE, TIME, AND MANNER OF THE ACCESS REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DETERMINED THROUGH NEGOTIATIONS BETWEEN THE PUBLIC EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE IN ACCORDANCE WITH § 16-709 OF THIS SUBTITLE.

(II) WHEN NEGOTIATING ACCESS TO NEW EMPLOYEE PROCESSING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, IF ANY DISPUTE HAS NOT BEEN RESOLVED WITHIN 45 DAYS AFTER THE FIRST MEETING OF THE PUBLIC EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE, OR WITHIN 60 DAYS AFTER AN INITIAL REQUEST TO NEGOTIATE, WHICHEVER OCCURS FIRST, EITHER PARTY MAY REQUEST THAT THE BOARD DECLARE AN IMPASSE UNDER § 16-711 OF THIS SUBTITLE.

(III) IN AN IMPASSE PROCEEDING UNDER § 16-711 OF THIS SUBTITLE, THE MEDIATOR OR BOARD SHALL CONSIDER:

1. THE ABILITY OF THE EXCLUSIVE REPRESENTATIVE TO COMMUNICATE WITH THE PUBLIC EMPLOYEES IT REPRESENTS;

2. THE LEGAL OBLIGATIONS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC EMPLOYEES;

3. APPLICABLE STATE, FEDERAL, AND LOCAL LAWS;

4. ANY STIPULATIONS OF THE PARTIES;

5. THE INTERESTS AND WELFARE OF THE PUBLIC EMPLOYEES AND THE FINANCIAL CONDITION OF THE PUBLIC EMPLOYER;

6. THE STRUCTURE, TIME, AND MANNER OF ACCESS OF AN EXCLUSIVE REPRESENTATIVE TO NEW EMPLOYEE PROCESSING IN COMPARABLE PUBLIC EMPLOYERS, INCLUDING THE ACCESS PROVISIONS IN OTHER MEMORANDA OF UNDERSTANDING OR COLLECTIVE BARGAINING AGREEMENTS; AND

7. ANY OTHER FACTS ROUTINELY CONSIDERED IN ESTABLISHING THE STRUCTURE, TIME, AND MANNER OF ACCESS OF AN EXCLUSIVE REPRESENTATIVE TO NEW EMPLOYEE PROCESSING.

(3) (I) A REQUEST TO NEGOTIATE UNDER PARAGRAPH (2) OF THIS SUBSECTION MADE BETWEEN ~~OCTOBER 1, 2021~~ SEPTEMBER 1, 2022, AND THE

EXPIRATION DATE OF AN EXISTING COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PARTIES SHALL REOPEN THE EXISTING COLLECTIVE BARGAINING AGREEMENT ONLY FOR THE PURPOSE OF NEGOTIATING THE ACCESS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC EMPLOYER'S NEW EMPLOYEE PROCESSING.

(II) EITHER PARTY MAY ELECT TO NEGOTIATE A SEPARATE AGREEMENT ON THE ACCESS OF THE EXCLUSIVE REPRESENTATIVE TO THE PUBLIC EMPLOYER'S NEW EMPLOYEE PROCESSING IN LIEU OF REOPENING THE EXISTING COLLECTIVE BARGAINING AGREEMENT.

(C) THIS SECTION DOES NOT PROHIBIT A PUBLIC EMPLOYER AND AN EXCLUSIVE REPRESENTATIVE FROM NEGOTIATING ACCESS TO NEW EMPLOYEE PROCESSING THAT VARIES FROM THE REQUIREMENTS OF THIS SECTION.

16-709.

(A) COLLECTIVE BARGAINING SHALL INCLUDE ALL MATTERS RELATING TO:

(1) WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT; AND

(2) THE PROCEDURES FOR THE EMPLOYEE ORGANIZATION TO RECEIVE MEMBERSHIP DUES THROUGH PAYROLL DEDUCTION.

(B) IN THE COURSE OF COLLECTIVE BARGAINING, THE PUBLIC EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE SHALL:

(1) MEET AT REASONABLE TIMES; AND

(2) MAKE EVERY REASONABLE EFFORT TO CONCLUDE NEGOTIATIONS WITH A FINAL WRITTEN AGREEMENT IN A TIMELY MANNER BEFORE THE BUDGET SUBMISSION DATE OF THE PUBLIC EMPLOYER.

(C) AN AGREEMENT MAY INCLUDE A PROVISION FOR THE ARBITRATION OF GRIEVANCES ARISING UNDER THE AGREEMENT.

(D) (1) AN AGREEMENT MAY NOT INCLUDE MATTERS RELATING TO THE EMPLOYEES' OR TEACHERS' RETIREMENT OR PENSION SYSTEMS OTHERWISE COVERED BY THE ANNOTATED CODE OF MARYLAND.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT A DISCUSSION OF THE TERMS OF THE RETIREMENT OR PENSION SYSTEMS IN THE COURSE OF COLLECTIVE BARGAINING.

(E) THE TERMS OF AN AGREEMENT SHALL SUPERSEDE ANY CONFLICTING REGULATIONS OR ADMINISTRATIVE POLICIES OF THE PUBLIC EMPLOYER.

(F) (1) (I) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A REQUEST FOR FUNDS NECESSARY TO IMPLEMENT AN AGREEMENT SHALL BE SUBMITTED BY THE PUBLIC EMPLOYER IN A TIMELY FASHION FOR CONSIDERATION IN THE BUDGET PROCESS OF THE COUNTY.

~~(2)~~ (II) NOT LATER THAN 20 DAYS AFTER FINAL BUDGET ACTION BY THE GOVERNING BODY OF A COUNTY, IF A REQUEST FOR FUNDS NECESSARY TO IMPLEMENT AN AGREEMENT IS REDUCED, MODIFIED, OR REJECTED BY THE GOVERNING BODY, EITHER PARTY TO THE AGREEMENT MAY REOPEN THE AGREEMENT.

(2) FOR BALTIMORE CITY COMMUNITY COLLEGE, IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY, THE GOVERNOR SHALL INCLUDE ANY AMOUNTS IN THE BUDGET OF BALTIMORE CITY COMMUNITY COLLEGE REQUIRED TO ACCOMMODATE ANY ADDITIONAL COST RESULTING FROM THE NEGOTIATIONS, INCLUDING THE ACTUARIAL IMPACT OF ANY LEGISLATIVE CHANGES TO ANY OF THE STATE PENSION OR RETIREMENT SYSTEMS THAT ARE REQUIRED, AS A RESULT OF THE NEGOTIATIONS, FOR THE FISCAL YEAR BEGINNING THE IMMEDIATELY FOLLOWING JULY 1 IF THE LEGISLATIVE CHANGES HAVE BEEN NEGOTIATED TO BECOME EFFECTIVE IN THAT FISCAL YEAR.

16-710.

(A) AN AGREEMENT SHALL INCLUDE A PROVISION FOR THE DEDUCTION FROM THE PAYCHECK OF EACH PUBLIC EMPLOYEE IN A BARGAINING UNIT OF ANY MEMBERSHIP DUES AUTHORIZED AND OWED BY THE PUBLIC EMPLOYEE TO THE EXCLUSIVE REPRESENTATIVE.

(B) (1) A PUBLIC EMPLOYEE MAY AUTHORIZE A DEDUCTION UNDER THIS SECTION BY NOTIFYING THE EXCLUSIVE REPRESENTATIVE.

(2) THE NOTICE MAY BE A HANDWRITTEN OR ELECTRONIC STATEMENT.

(3) A PUBLIC EMPLOYEE MAY MAKE A REQUEST TO THE EXCLUSIVE REPRESENTATIVE TO CANCEL OR CHANGE A DEDUCTION UNDER THIS SECTION.

(C) AN EXCLUSIVE REPRESENTATIVE SHALL:

(1) COLLECT AND MAINTAIN THE NOTICES UNDER SUBSECTION (B) OF THIS SECTION;

(2) CERTIFY TO A PUBLIC EMPLOYER THE PUBLIC EMPLOYEES WHO HAVE AUTHORIZED DEDUCTIONS UNDER THIS SECTION; AND

(3) INDEMNIFY A PUBLIC EMPLOYER FROM ANY CLAIMS MADE BY A PUBLIC EMPLOYEE MADE IN RELIANCE ON THE CERTIFICATION UNDER THIS SECTION.

(D) AN EXCLUSIVE REPRESENTATIVE MAY NOT BE REQUIRED TO PROVIDE COPIES OF AUTHORIZATION NOTICES UNLESS A DISPUTE ARISES IN CONNECTION WITH THE VALIDITY OF AN AUTHORIZATION.

(E) A PUBLIC EMPLOYER SHALL:

(1) RELY ON AN EXCLUSIVE REPRESENTATIVE'S CERTIFICATION OF PUBLIC EMPLOYEES WHO HAVE AUTHORIZED DEDUCTIONS;

(2) DIRECT PUBLIC EMPLOYEES TO THE EXCLUSIVE REPRESENTATIVE TO CANCEL OR CHANGE A DEDUCTION; AND

(3) SUBMIT A DISPUTE ARISING BETWEEN A PUBLIC EMPLOYEE AND AN EXCLUSIVE REPRESENTATIVE TO BE RESOLVED UNDER UNFAIR LABOR PRACTICE PROCEEDINGS IN ACCORDANCE WITH THE LAWS OF THE STATE.

16-711.

(A) IF IN THE COURSE OF COLLECTIVE BARGAINING A PARTY DETERMINES THAT AN IMPASSE EXISTS, THAT PARTY MAY REQUEST THE SERVICES OF THE BOARD IN MEDIATION OR ENGAGE ANOTHER MUTUALLY AGREEABLE MEDIATOR.

(B) (1) BY MUTUAL AGREEMENT, THE PARTIES MAY ENGAGE IN MEDIATION.

(2) (I) IF THERE IS NOT MUTUAL AGREEMENT, EITHER PARTY MAY PETITION THE BOARD TO INITIATE FACT-FINDING.

(II) 1. AFTER CONSIDERING THE STATUS OF BARGAINING AND THE BUDGET SCHEDULE OF THE PUBLIC EMPLOYER, THE BOARD MAY FIND THAT AN IMPASSE EXISTS AND MAY NOTIFY THE PARTIES THAT FACT-FINDING IS TO BE INITIATED.

2. A PUBLIC EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE MAY SELECT THEIR OWN FACT FINDER.

3. A. IF THE PARTIES HAVE NOT SELECTED THEIR OWN FACT FINDER WITHIN 5 DAYS AFTER THE REQUIRED NOTIFICATION, THE BOARD SHALL SUBMIT TO THE PARTIES THE NAMES OF FIVE QUALIFIED INDIVIDUALS.

B. EACH PARTY ALTERNATELY SHALL STRIKE TWO NAMES FROM THE LIST WITH THE REMAINING INDIVIDUAL BEING THE FACT FINDER.

4. THE FACT FINDER SELECTED BY THE PARTIES SHALL CONDUCT HEARINGS AND MAY ADMINISTER OATHS.

5. THE FACT FINDER SHALL MAKE WRITTEN FINDINGS OF FACT AND RECOMMENDATIONS FOR RESOLUTION OF THE IMPASSE.

6. NOT LATER THAN 30 DAYS AFTER THE DATE OF APPOINTMENT, THE FACT FINDER SHALL TRANSMIT THE FINDINGS TO THE PUBLIC EMPLOYER, THE EXCLUSIVE REPRESENTATIVE, AND THE BOARD.

7. IF THE IMPASSE CONTINUES 10 DAYS AFTER THE REPORT IS SUBMITTED TO THE PARTIES, ANY UNRESOLVED NONECONOMIC LANGUAGE ITEMS THAT ARE SUBJECT TO FACT-FINDING SHALL BE REFERRED TO THE BOARD.

(C) THE PARTIES SHALL BEAR EQUALLY THE COSTS OF FACT-FINDING.

(D) THE BOARD, ON RECEIPT OF THE REPORT AND CERTIFICATION OF UNRESOLVED NONECONOMIC LANGUAGE ITEMS, SHALL PROVIDE THE PARTIES WITH AN OPPORTUNITY TO SUBMIT ADDITIONAL POSITION STATEMENTS AND ISSUE A WRITTEN DECISION ADOPTING:

(1) THE FINAL PROPOSAL OF THE PUBLIC EMPLOYER;

(2) THE FINAL PROPOSAL OF THE EXCLUSIVE REPRESENTATIVE; OR

(3) THE FACT FINDER'S FINAL OFFER OR RESOLUTION.

(E) THE BOARD'S WRITTEN DECISION IS FINAL AND BINDING ON THE PUBLIC EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE.

16-712.

(A) A PUBLIC EMPLOYEE MAY NOT ENGAGE IN A STRIKE.

(B) A PUBLIC EMPLOYEE MAY NOT RECEIVE PAY OR COMPENSATION FROM THE PUBLIC EMPLOYER FOR ANY PERIOD DURING WHICH THE PUBLIC EMPLOYEE IS ENGAGED IN A STRIKE.

(C) IF A STRIKE OF PUBLIC EMPLOYEES OCCURS, A COURT OF COMPETENT JURISDICTION MAY ENJOIN THE STRIKE AT THE REQUEST OF THE PUBLIC EMPLOYER.

(D) (1) IF AN EMPLOYEE ORGANIZATION CERTIFIED AS AN EXCLUSIVE REPRESENTATIVE ENGAGES IN A STRIKE, THE BOARD SHALL REVOKE THE ORGANIZATION'S CERTIFICATION AS THE EXCLUSIVE REPRESENTATIVE.

(2) AN EMPLOYEE ORGANIZATION THAT ENGAGES IN A STRIKE AND HAS ITS CERTIFICATION REVOKED SHALL BE INELIGIBLE TO BE CERTIFIED AS AN EXCLUSIVE REPRESENTATIVE FOR A PERIOD OF 1 YEAR FOLLOWING THE END OF THE STRIKE.

16-713.

(A) A PUBLIC EMPLOYER HAS THE RIGHT TO:

(1) DETERMINE HOW THE STATUTORY MANDATE AND GOALS OF THE COMMUNITY COLLEGE, INCLUDING THE FUNCTIONS AND PROGRAMS OF THE COMMUNITY COLLEGE, ITS OVERALL BUDGET, AND ITS ORGANIZATIONAL STRUCTURE, ARE TO BE CARRIED OUT; AND

(2) DIRECT COLLEGE PERSONNEL.

(B) A PUBLIC EMPLOYEE HAS THE RIGHT TO:

(1) ORGANIZE;

(2) FORM, JOIN, OR ASSIST ANY EMPLOYEE ORGANIZATION;

(3) BARGAIN COLLECTIVELY THROUGH AN EXCLUSIVE REPRESENTATIVE;

(4) ENGAGE IN OTHER LAWFUL CONCERTED ACTIVITY FOR THE PURPOSE OF COLLECTIVE BARGAINING; AND

(5) REFRAIN FROM ENGAGING IN THE ACTIVITIES LISTED UNDER THIS SUBSECTION.

(C) A PUBLIC EMPLOYEE OR GROUP OF PUBLIC EMPLOYEES HAS THE RIGHT AT ANY TIME TO:

(1) PRESENT A GRIEVANCE ARISING UNDER THE TERMS OF THE AGREEMENT TO THE PUBLIC EMPLOYER; AND

(2) HAVE THE GRIEVANCE ADJUSTED WITHOUT THE INTERVENTION OF THE EXCLUSIVE REPRESENTATIVE.

(D) THE EXCLUSIVE REPRESENTATIVE HAS THE RIGHT TO BE PRESENT DURING ANY MEETING INVOLVING THE PRESENTATION OR ADJUSTMENT OF A GRIEVANCE.

(E) (1) A PUBLIC EMPLOYER SHALL HEAR A GRIEVANCE AND PARTICIPATE IN THE ADJUSTMENT OF THE GRIEVANCE.

(2) THE ADJUSTMENT OF A GRIEVANCE MAY NOT BE INCONSISTENT WITH THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT THEN IN EFFECT.

(3) A PUBLIC EMPLOYER SHALL GIVE PROMPT NOTICE OF ANY ADJUSTMENT OF A GRIEVANCE TO THE EXCLUSIVE REPRESENTATIVE.

(F) A PUBLIC EMPLOYER AND AN EMPLOYEE ORGANIZATION MAY NOT INTERFERE WITH, INTIMIDATE, RESTRAIN, COERCE, OR DISCRIMINATE AGAINST A PUBLIC EMPLOYEE BECAUSE THE EMPLOYEE EXERCISES RIGHTS GRANTED UNDER THIS SECTION.

16-714.

A PUBLIC EMPLOYER, ITS OFFICERS, AND AGENTS MAY NOT:

(1) INTERFERE WITH, INTIMIDATE, RESTRAIN, OR COERCE PUBLIC EMPLOYEES IN THE EXERCISE OF THEIR RIGHTS UNDER THIS SUBTITLE;

(2) ENCOURAGE OR DISCOURAGE PUBLIC EMPLOYEES IN THEIR SELECTION OF MEMBERSHIP IN ANY EMPLOYEE ORGANIZATION;

(3) DISCHARGE OR DISCRIMINATE AGAINST AN EMPLOYEE BECAUSE OF THE SIGNING OR FILING OF AN AFFIDAVIT, PETITION, OR COMPLAINT, OR GIVING INFORMATION OR TESTIMONY IN CONNECTION WITH MATTERS UNDER THIS SUBTITLE;

(4) REFUSE TO PARTICIPATE IN GOOD-FAITH BARGAINING OR THE DISPUTE RESOLUTION PROCESS IN THIS SUBTITLE; OR

(5) DISCLOSE ANY PORTION OF PERSONALLY IDENTIFIABLE INFORMATION OF PUBLIC EMPLOYEES TO AN UNAUTHORIZED THIRD PARTY.

16-715.

(A) THE BOARD MAY:

(1) ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE; AND

(2) DELEGATE AND ASSIGN ITS RESPONSIBILITIES AND OBLIGATIONS UNDER THIS SUBTITLE TO THE EXECUTIVE DIRECTOR OF THE BOARD.

(B) THE BOARD MAY NOT ADOPT ANY RULE THAT:

(1) UNNECESSARILY DELAYS THE RESOLUTION OF DISPUTES OVER ELECTIONS, UNFAIR LABOR PRACTICES, OR ANY OTHER MATTER UNDER THIS SUBTITLE; OR

(2) RESTRICTS OR WEAKENS THE PROTECTION PROVIDED TO PUBLIC EMPLOYEES AND EMPLOYEE ORGANIZATIONS UNDER THIS SUBTITLE OR EXISTING REGULATIONS.

(C) THE BOARD SHALL ADOPT REGULATIONS IN ACCORDANCE WITH TITLE 3, SUBTITLE 6 OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT ADDRESS RATIFICATION, DURATION, AND ENFORCEMENT OF AN AGREEMENT UNDER THIS SUBTITLE.

Article – State Personnel and Pensions

3-2A-01.

There is a State Higher Education Labor Relations Board established as an independent unit of State government.

3-2A-05.

(a) The Board is responsible for administering and enforcing provisions of:

(1) this title relating to employees described in § 3-102(a)(1)(v) of this title;

AND

(2) TITLE 16, SUBTITLE 7 OF THE EDUCATION ARTICLE.

(b) In addition to any other powers or duties provided for elsewhere in this title **OR TITLE 16, SUBTITLE 7 OF THE EDUCATION ARTICLE**, the Board may:

(1) establish procedures for, supervise the conduct of, and resolve disputes about elections for exclusive representatives; [and]

(2) investigate and take appropriate action in response to complaints of unfair labor practices and lockouts; **AND**

(3) RESOLVE MATTERS AS PROVIDED IN § 16–711 OF THE EDUCATION ARTICLE.

3–2A–07.

(a) The Board may investigate:

(1) a possible violation of this title or any regulation adopted under it; [and]

(2) A POSSIBLE VIOLATION OF TITLE 16, SUBTITLE 7 OF THE EDUCATION ARTICLE OR ANY REGULATION ADOPTED UNDER IT; AND

[(2)] (3) any other relevant matter.

(b) The Board may hold a hearing in accordance with Title 10, Subtitle 2 of the State Government Article whenever necessary for a fair determination of any issue or complaint arising under:

(1) this title or a regulation adopted under it; OR

(2) TITLE 16, SUBTITLE 7 OF THE EDUCATION ARTICLE OR ANY REGULATION ADOPTED UNDER IT.

3–2A–08.

(a) On written request of an exclusive representative, and within 30 days of a new employee's date of hire, for each employee in the bargaining unit represented by the exclusive representative, the University System of Maryland system institutions, Morgan State University, St. Mary's College of Maryland, and [Baltimore City Community College] **EACH COMMUNITY COLLEGE** shall provide the exclusive representative with the employee's:

(1) name;

- (2) position classification;
- (3) unit;
- (4) home and work site addresses where the employee receives interoffice or United States mail;
- (5) home and work site telephone numbers; and
- (6) work e-mail address.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) This section does not apply to Baltimore City Community College.

(b) If a community college entered into any agreements or contracts with employees of the community college through exclusive representation in the course of collective bargaining before ~~October 1, 2021~~ September 1, 2022, the community college shall continue to operate under the agreements and contracts until the agreements and contracts expire. If a bargaining unit in existence before ~~October 1, 2021~~ September 1, 2022, dissolves, the community college shall be subject to the rules and regulations of collective bargaining established under this Act.

~~(c)~~ (c) If a party to a collective bargaining agreement or contract under subsection ~~(a)~~ (b) of this section determines that an impasse exists with regard to the terms of the agreement or contract, the parties shall resolve the impasse in accordance with the procedures for impasse under § 16-711 of the Education Article, as enacted by Section 2 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That ~~the~~:

(a) This section does not apply to Baltimore City Community College.

(b) The exclusive representative for any bargaining unit established before ~~October 1, 2021~~ September 1, 2022:

- (1) shall be recognized in writing by the board of trustees for the community college;
- (2) may not be required to be recertified for any reason; and
- (3) shall retain all rights to continue collective bargaining as provided by this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) This section does not apply to Baltimore City Community College.

(b) (1) Notwithstanding § 16–709 of the Education Article, as enacted by Section 2 of this Act, ~~for fiscal year 2022,~~ a public employer under § 16–702(b)(1) of the Education Article, as enacted by Section 2 of this Act, may ~~choose~~ not be required to bargain with the exclusive representative over wages of employees in the bargaining unit until July 1, 2023.

(2) This subsection does not apply to an exclusive bargaining unit established before ~~October 1, 2021~~ September 1, 2022.

~~(b) (c) Beginning in fiscal year 2023 and each year thereafter, a public employer shall bargain with the exclusive representative over all matters authorized under § 16–709 of the Education Article, as enacted by Section 2 of this Act~~ Notwithstanding § 16–709 of the Education Article, as enacted by Section 2 of this Act, a public employer under § 16–702(b)(2) of the Education Article, as enacted by Section 2 of this Act, may not be required to bargain with the exclusive representative over wages of employees in a bargaining unit until July 1, 2024.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2021~~ September 1, 2022.

Gubernatorial Veto Override, December 6, 2021.