

Chapter 28

(House Bill 904 of the 2021 Regular Session)

AN ACT concerning

State Personnel – Collective Bargaining – Exclusive Representative Access to New Employees

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

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

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

Article – State Personnel and Pensions

3–307.

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

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

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

(II) 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, IF THE NEW EMPLOYEE PROGRAM OCCURS WITHIN 14 DAYS OF THE NEW EMPLOYEE'S START DATE.

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

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

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

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

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

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

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

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

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

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

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

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

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

(III) EXCLUDE THE NEW EMPLOYEE'S SOCIAL SECURITY NUMBER; AND

(IV) BE CONSIDERED CONFIDENTIAL BY AN EXCLUSIVE REPRESENTATIVE.

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

(II) THE EXECUTIVE REPRESENTATIVE MAY AUTHORIZE A THIRD-PARTY CONTRACTOR TO USE THE INFORMATION IN A NOTICE, AS DIRECTED

BY THE EXCLUSIVE REPRESENTATIVE, TO FULFILL THE EXCLUSIVE REPRESENTATIVE'S STATUTORY DUTIES.

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

Gubernatorial Veto Override, December 6, 2021.