A BILL ENTITLED

AN ACT concerning

Collective Bargaining – Public School Employees – Authorization to Strike

FOR the purpose of authorizing certain public school employees to engage in a strike; and generally relating to collective bargaining for public school employees and the ability to engage in a strike.

BY repealing and reenacting, without amendments,

Article – Education
Section 6–401(a) and (e) and 6–501(a) and (g)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing

Article – Education
Section 6–410 and 6–513
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY adding to

Article – Education
Section 6–410 and 6–513
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Education

6–401.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.
(a) In this subtitle the following words have the meanings indicated.

(e) (1) “Public school employee” means a certificated professional individual who is employed by a public school employer or an individual of equivalent status in Baltimore City, except for a county superintendent or an individual designated by the public school employer to act in a negotiating capacity as provided in § 6–408(c) of this subtitle.

(2) In Montgomery County, “public school employees” include:

   (i) Certificated and noncertificated substitute teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 1978, and each year after; and

   (ii) Home and hospital teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 2000, and each year after.

(3) In Baltimore County, “public school employee” includes a secondary school nurse, an elementary school nurse, and a special school nurse.

(4) In Frederick County, “public school employee” includes a social worker employed by a public school employer.

(5) In Prince George’s County, “public school employee” includes home and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.

(6) In Baltimore County, Calvert County, Charles County, and Garrett County, “public school employee” includes Junior Reserve Officer Training Corps (JROTC) instructors.

(7) In Carroll County, “public school employee” includes:

   (i) A registered nurse;

   (ii) Supervisory noncertificated employees as defined under § 6–501(i) of this title; and

   (iii) Junior Reserve Officer Training Corps (JROTC) instructors.

(a) An employee organization may not call or direct a strike.

(b) (1) Any employee organization designated as an exclusive representative that violates any provision of this section shall have its designation as exclusive representative revoked by the public school employer and the employee organization and
any other employee organization that violates any provision of this section is ineligible to be designated as exclusive representative for a period of 2 years after the violation.

(2) If an employee organization violates any provision of this section, the public school employer shall stop making payroll deductions for dues of the organization for 1 year after the violation.]

6–410.

PUBLIC SCHOOL EMPLOYEES MAY ENGAGE IN A STRIKE.

6–501.

(a) In this subtitle the following words have the meanings indicated.

(g) (1) “Public school employee” means a noncertificated individual who is employed for at least 9 months a year on a full–time basis by a public school employer.

(2) “Public school employee” includes a noncertificated employee in Baltimore City notwithstanding that the noncertificated employee does not work for at least 9 months a year on a full–time basis.

(3) “Public school employee” does not include:

(i) Management personnel;

(ii) A confidential employee; or

(iii) Any individual designated by the public school employer to act in a negotiating capacity as provided in § 6–510(c) of this subtitle.

6–513.

(a) An employee organization may not call or direct a strike.

(b) (1) Any employee organization designated as an exclusive representative that violates any provision of this section shall have its designation as exclusive representative revoked by the public school employer and the employee organization and any other employee organization that violates any provision of this section is ineligible to be designated as exclusive representative for a period of 2 years after the violation.

(2) If an employee organization violates any provision of this section, the public school employer shall stop making payroll deductions for dues of the organization for 1 year after the violation.]
1 **PUBLIC SCHOOL EMPLOYEES MAY ENGAGE IN A STRIKE.**

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.