

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1225  
Appropriations

(Delegate Johnson)

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Education – Harford County Public Library – Collective Bargaining

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This bill establishes a collective bargaining process for full- or part-time nonmanagement employees, as specified, of the Harford County Public Library. **The bill takes effect July 1, 2022.**

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Fiscal Summary

**State Effect:** To the extent Harford County eligible library employees' salaries increase due to the collective bargaining process, State pension contributions increase beginning in FY 2027; however, any such impact is expected to be negligible. Revenues are not affected.

**Local Effect:** The Harford County Public Library can handle payroll deductions for union and service fees using existing resources. Harford County Public Library expenditures may increase significantly due to the hiring of outside fact finders and arbitrators and from increases in library employee salaries. In addition, there may be immaterial increases in retirement costs for non-State eligible employees.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** An employee may (1) form, join, assist, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employee relations; (2) refuse to join any employee organizations or participate in their activities; (3) be free from interference with, intimidation, restraint, coercion, or discrimination in response to the exercise of the rights under this section; and (4) bargain collectively with the employer through a certified exclusive representative of their choice.

However, confidential employees and management employees may not join, assist, or participate in the activities of any employee organization that represents or seeks to represent employees. In addition, management employees may not join, assist, or participate in the activities of any employee organization or any affiliates of an employee organization.

### *Responsibilities Employer and Employee Organizations*

The bill establishes the responsibilities of the Harford County Public Library and employee organizations with regard to the collective bargaining process. In addition to other responsibilities, both parties must not interfere with an employee exercising their collective bargaining rights established by the bill and must bargain in faith. The goal of collective bargaining is the delivery of quality public services to the residents of the State in a manner that is consistent and compliant with law.

Harford County Public Library must recognize the right of the certified exclusive representative to represent the employees in the unit in collective bargaining and in the settlement of grievances. The certified exclusive representative of a unit must (1) serve as the sole agent for the unit in collective bargaining; and (2) represent all employees in the unit fairly and in good faith, in a manner that is not arbitrary or discriminatory.

### *Employee Organization Certification Process*

The bill establishes a process for an employee organization to be certified as an exclusive representative for employees.

An employee organization seeking certification as the exclusive representative for a bargaining unit may file a petition with the director of the Harford County Public Library indicating intent. The petition must contain specified elements including written proof establishing that at least 30% of the employees in the bargaining unit (within the last six months) have designated the employee organization to represent them. On request, the director may require that employee selection be verified by a neutral third party using the process established in the bill.

On receipt of a petition, the director must (1) provide adequate and timely notice of the petition to the employees in the bargaining unit and (2) determine whether the bargaining unit is an appropriate representative for the unit, as specified. If the director disagrees with the petitioning employee organization as an appropriate bargaining unit, the parties must refer the issue to a neutral third party for determination, as specified. The neutral third party's findings are final and binding on both parties.

When an appropriate bargaining unit has been determined, the director must notify all employees within the bargaining unit and, with the petitioning employee organization, arrange for a secret ballot certification to be conducted by a neutral third party as specified. An employee organization receiving a numerical majority of all valid votes must be certified as exclusive representative following an election or runoff election, as specified. The bill also establishes a decertification process.

Any costs associated with the verification, certification, or decertification procedures under this subtitle shall be shared equally by the employer and certified exclusive representative, and any existing intervenor employee organizations.

### *Negotiations*

When an employee organization is certified, the employee organization must have the right and duty to negotiate wages, hours, working conditions, and other terms of employment for all employees in the bargaining unit without discrimination or regard to any employee organization membership. The bill does not preclude an employee, regardless of employee organization membership, from bringing matters of personal concern to the attention of appropriate officials or choosing the employee's own representative in a grievance or appellate action.

The bill establishes a timeline and process for collective bargaining negotiations. Negotiations must begin by November 1 for the immediately following fiscal year and must be finalized before March 1. A memorandum of agreement may not be signed until the current expense budget is adopted for that fiscal year by the Harford County Council. If no agreement is reached by December 15, a fact finder may be engaged. If no agreement is reached by February 5, issues must be submitted to a neutral arbitrator and follow a specified process.

If the employer and exclusive representative are unable to agree on terms by March 1, the director must submit the fact finder's finding and neutral arbitrator's findings to the Harford County Executive. The county executive may formulate the budget predicated on any amount of funds recommended by the neutral arbitrator. If a neutral arbitrator's findings have not been submitted, the county executive may allocate an amount the county executive determines is appropriate.

Except as otherwise provided in the bill, the negotiation process may not be waived. The cost of fact-finding and arbitration must be borne equally by the parties.

Notwithstanding the provisions providing for arbitration in this section, if the county council by unanimous vote, with all seated members present, decides that the fiscal posture of the county as recommended by the county executive cannot be funded during a

fiscal year, the county council reserves the right, duty, and obligation to determine the amount of money that can be funded by the county to support the proposed memorandum of agreement.

*Rights of the Harford County Public Library, Memorandum of Agreements*

Notwithstanding any other provision of law, the Harford County Public Library retains specified rights related to the operation of the library, including determining the purposes and objective of each of its constituent offices and departments. Subject to any memorandum of agreement and in accordance with any other applicable laws, Harford County Public Library has specified responsibilities including hiring, promoting, transferring, assigning, or retaining employees. The provisions of the subtitle must be deemed to be part of every memorandum of agreement executed between the Harford County Public Library and a certified exclusive representative. The provisions of the subtitle may not be construed to deny the right of an employee to submit a grievance with regard to the employer's exercise of its rights, as specified. Except as otherwise provided by law, if employees have entered into a memorandum of agreement with the Harford County Public Library, the memorandum of agreement supersedes any conflicting regulation or administrative policy.

*Strikes and Lockouts Prohibited*

Employees and employee organizations may not engage in, sponsor, initiate, support, or direct a strike. The bill specifies actions that may be taken against an employee organization that violates the prohibition, including imposing disciplinary action. An employee who violates the strike prohibition is subject to immediate disciplinary action, which may include permanent dismissal from employment. Harford County Public Library may not engage in, initiate, or direct a lockout against employees.

**Current Law:** Since it is a charter county, Harford County may (1) establish a local library agency and grant it some or all of the powers of a board of trustees or (2) have a board of library trustees, provide for the board's selection, and determine its powers.

Each board of library trustees must establish policies for staff classification; salaries; work conditions; suspension with pay; grievance procedures; benefits, including vacation and sick leave; hours of work; and any other personnel procedures and practices necessary for the efficient operation of the library. A library board of trustees may advise in the preparation of, and approve, the library budget.

Employees of the Baltimore County Public Library System, Howard County Library System and the Prince George's County Memorial Library System have the rights to organize and bargain collectively through representatives of their choosing. As employees

of Montgomery County, employees of the Montgomery County Public Library System may bargain collectively.

**State Expenditures:** Although the bill may affect State expenditures for retirement as early as fiscal 2027, any such impact is expected to be negligible. The State pays retirement benefits for eligible library employees based on the salaries of eligible library employees in the second prior fiscal year. If library employees choose to bargain collectively, the salary base for teachers may increase beginning in fiscal 2024 depending on the outcomes of the collective bargaining process.

**Local Expenditures:** Harford County library system can handle any payroll deduction for union fees using existing resources. Harford County expenditures for public libraries may increase due to (1) increased costs for collective bargaining, including the hiring of outside fact finders and arbitrators and (2) increased salaries for employees, subject to the outcome of collective bargaining negotiations. In addition, the bill may affect local retirement expenditures for library employees who are not librarians or clerical staff; however, any impact is expected to be negligible.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Harford County; State Labor Relations Board; Department of Legislative Services

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