

HB0984/343329/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 984
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 21, strike “6-406(c)(3),” and substitute “6-405,”; and in the same line, strike “6-507(c)(3),” and substitute “6-506.”

AMENDMENT NO. 2

On page 8, after line 7, insert:

“6-405.

(a) (1) (i) Each public school employer shall provide the exclusive representative access to new employee processing.

(ii) Except as provided in subparagraph (iii) of this paragraph, the public school employer shall provide the exclusive representative at least 10 days’ notice in advance of a new employee processing.

(iii) The public school employer may provide the exclusive representative with less than 10 days’ notice if there is an urgent need critical to the public school 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 school employer and the exclusive representative in accordance with [~~§ 6-408~~] **§ 6-406** 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

HB0984/343329/01 Appropriations Committee
Amendments to HB 984
Page 2 of 9

after the first meeting of the public school 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 [§ 6-408(e)] § 6-406(E) of this subtitle.

(iii) In an impasse proceeding under [§ 6-408(e)] § 6-406(E) of this subtitle, the mediator or Board shall consider:

1. The ability of the exclusive representative to communicate with the public school employees it represents;

2. The legal obligations of the exclusive representative to the public school employees;

3. Applicable State, federal, and local laws;

4. Any stipulations of the parties;

5. The interests and welfare of the public school employees and the financial condition of the public school employer;

6. The structure, time, and manner of access of an exclusive representative to new employee processing in comparable public school 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 July 1, 2018, and the expiration date of an existing collective bargaining

HB0984/343329/01 Appropriations Committee
Amendments to HB 984
Page 3 of 9

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 school 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 school employer's new employee processing in lieu of reopening the existing collective bargaining agreement.

(b) This section does not prohibit a public school employer and an exclusive representative from negotiating access to new employee processing that varies from the requirements of this section.

(c) Nothing in this section shall abrogate existing collective bargaining agreements between public school employers and exclusive representatives.”;

and strike in their entirety lines 8 through 11, inclusive.

On page 11, after line 11, insert:

“6-506.

(a) (1) (i) Each public school employer shall provide the exclusive representative access to new employee processing.

(ii) Except as provided in subparagraph (iii) of this paragraph, the public school employer shall provide the exclusive representative at least 10 days' notice in advance of a new employee processing.

(iii) The public school employer may provide the exclusive representative with less than 10 days' notice if there is an urgent need critical to the public school employer's new employee processing that was not reasonably foreseeable.

(Over)

HB0984/343329/01 Appropriations Committee
Amendments to HB 984
Page 4 of 9

(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 school employer and the exclusive representative in accordance with [§ 6-510] § 6-507 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 school 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 [§ 6-510(e)] § 6-507(E) of this subtitle.

(iii) In an impasse proceeding under [§ 6-510(e)] § 6-507(E) of this subtitle, the mediator or Board shall consider:

1. The ability of the exclusive representative to communicate with the public school employees it represents;

2. The legal obligations of the exclusive representative to the public school employees;

3. Applicable State, federal, and local laws;

4. Any stipulations of the parties;

5. The interests and welfare of the public school employees and the financial condition of the public school employer;

6. The structure, time, and manner of access of an exclusive representative to new employee processing in comparable public school employers, including the access provisions in other memoranda of understanding or collective bargaining agreements; and

HB0984/343329/01 Appropriations Committee
Amendments to HB 984
Page 5 of 9

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 July 1, 2018, 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 school 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 school employer's new employee processing in lieu of reopening the existing collective bargaining agreement.

(b) This section does not prohibit a public school employer and an exclusive representative from negotiating access to new employee processing that varies from the requirements of this section.

(c) Nothing in this section shall abrogate existing collective bargaining agreements between public school employers and exclusive representatives.”;

and strike in their entirety lines 12 through 15, inclusive.

On page 12, strike “§ 3–101(c)” and substitute “**§ 3–101(D)**”.

On page 17, strike beginning with “INCLUDES” in line 24 down through “PROCESS” in line 26 and substitute “**MEANS AN EMPLOYEE WHO:**”

(Over)

(1) ACTS IN A CONFIDENTIAL CAPACITY AND FORMULATES AND EFFECTUATES A PUBLIC EMPLOYER’S POLICIES THAT RELATE TO COLLECTIVE BARGAINING WITH PUBLIC EMPLOYEES; OR

(2) HAS ACCESS TO CONFIDENTIAL INFORMATION NOT GENERALLY AVAILABLE TO PUBLIC EMPLOYEES REGARDING THE FORMULATION AND EFFECTUATION OF A PUBLIC EMPLOYER’S POLICIES THAT RELATE TO COLLECTIVE BARGAINING”.

On page 18, after line 13, insert:

“(H) “PUBLIC EMPLOYEE” MEANS AN INDIVIDUAL WHO:

(1) HOLDS A POSITION BY APPOINTMENT OR EMPLOYMENT IN THE SERVICE OF A PUBLIC EMPLOYER WITH COLLECTIVE BARGAINING RIGHTS UNDER TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE OR TITLE 6, SUBTITLE 4 OR 5 OR TITLE 16, SUBTITLE 7 OF THE EDUCATION ARTICLE; AND

(2) IS NOT A CONFIDENTIAL EMPLOYEE.”;

in line 14, strike “(H)” and substitute “(I)”; and strike in their entirety lines 21 through 27, inclusive.

On page 19, in line 6, after “EMPLOYMENT” insert “INCLUDING:

(1) REFUSAL TO REPORT FOR DUTY;

(2) WILLFUL ABSENCE FROM A POSITION;

(3) SLOWDOWN OF WORK; OR

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

On page 20, in line 26, after “EMPLOYEE” insert “ORGANIZATION”.

AMENDMENT NO. 3

On page 23, after line 22, insert:

“(C) A PUBLIC EMPLOYER OR AN EMPLOYEE ORGANIZATION MAY NOT INTERFERE WITH, INTIMIDATE, RESTRAIN, COERCE, OR DISCRIMINATE AGAINST A PUBLIC EMPLOYEE BECAUSE THE PUBLIC EMPLOYEE EXERCISES RIGHTS GRANTED UNDER THIS TITLE.”

On page 24, in line 26, after “MONEY” insert “TO CONTRACT WITH”; and in the same line, after “RESOURCES” insert “TO CONTRACT WITH”.

On page 25, in line 9, strike “, AS DEFINED IN § 21–205 OF THIS SUBTITLE”.

On page 27, in line 16, strike “EXECUTIVE” and substitute “EXCLUSIVE”.

On page 33, in line 18, strike “OR” and substitute “AND”.

On page 34, in line 10, strike “EXCLUSIVE REPRESENTATIVE” and substitute “EMPLOYEE ORGANIZATION”; and in line 16, strike “§§ 6–408, 6–510, AND 16–711” and substitute “§§ 6–406, 6–507, AND 16–707”.

On page 37, in line 2, strike “§ 21–401(C)” and substitute “§ 21–403(C)”.

On page 38, in line 16, strike “A”.

(Over)

**HB0984/343329/01 Appropriations Committee
Amendments to HB 984
Page 8 of 9**

On page 39, in line 15, strike “**90-DAY**” and substitute “**9-MONTH**”.

On page 44, in line 9, strike “**(A)**”; strike in their entirety lines 16 through 21, inclusive; and in line 23, strike “**EMPLOYEE ORGANIZATIONS**” and substitute “**EXCLUSIVE REPRESENTATIVES**”.

On page 45, in line 1, strike “**MEMBERS OF**”; in the same line, strike “**ORGANIZATION**” and substitute “**REPRESENTATIVE REPRESENTS PUBLIC EMPLOYEES WHO**”; and in lines 7 and 8, strike “**EMPLOYEE ORGANIZATIONS ARE**” and substitute “**THE EXCLUSIVE REPRESENTATIVE IS**”.

On page 48, in line 10, after “**REPRESENTATIVES**” insert “**SUBJECT TO THIS TITLE**”.

AMENDMENT NO. 4

On page 36, in line 15, strike “**(1)**”; strike beginning with “**PROSECUTE**” in line 15 down through “**BEFORE**” in line 16 and substitute “**PROVIDE RELEVANT INFORMATION GATHERED IN THE INVESTIGATION OF A CHARGE OR COMPLAINT OF UNFAIR LABOR PRACTICES TO**”; in line 17, strike “**OR**” and substitute “**AND**”; in line 18, strike “**(2)**” and substitute “**(G)**”; in line 20, strike “**(G)**” and substitute “**(H)**”; and in line 29, strike “**ACTION, OPINION, OR DECISION**” and substitute “**OR ACTION**”.

On page 37, after line 2, insert:

“(B) THE BOARD IS BOUND BY PRIOR OPINIONS AND DECISIONS OF A LABOR BOARD LISTED UNDER SUBSECTION (A) OF THIS SECTION.”;

HB0984/343329/01 Appropriations Committee
Amendments to HB 984
Page 9 of 9

in lines 3 and 6, strike “**(B)**” and “**(C)**”, respectively, and substitute “**(C)**” and “**(D)**”, respectively; and in line 3, strike “, **ACTION, OPINION, OR DECISION**” and substitute “**OR ACTION**”.