

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 144

(Chair, Appropriations Committee)(By Request -
Departmental - Public Employee Relations Board)

Appropriations

Finance

Public Employee Relations Act – Alterations

This departmental bill alters provisions of the Public Employee Relations Act (PERA) by defining the term “interested employee organization” as an employee organization already representing employees in a bargaining unit or a petitioner who has met the showing of interest requirement under current law. The bill alters the timing of exclusive representative access to new employees under PERA. Additionally, the bill clarifies responsibilities of specified deputy directors and the process for investigations under PERA. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: None. The changes are generally procedural in nature and do not directly affect governmental finances, although the bill may have an operational impact on agencies as discussed below.

Local Effect: None.

Small Business Effect: The Public Employee Relations Board (PERB) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary/Current Law: Current law requires PERB to appoint three deputy directors (one for Executive Branch labor relations, one for public school labor relations, and one for public higher education labor relations). The bill clarifies that the deputy

directors that PERB must appoint for Executive Branch labor relations, public school labor relations, and public higher education labor relations are each *primarily* responsible for their respective areas.

Current law generally requires a public employer to provide the exclusive representative at least 10 days' notice of the start date of a new employee in its bargaining unit, and the notice must be provided electronically to the president or exclusive representative designee within 5 days of the employee's first check-in. The bill specifies that the electronic notice must be within 5 days of the start of any check-in event that the employer obligates the employee to attend.

Current law authorizes PERB to investigate and take appropriate action in response to *complaints* of unfair labor practices, and the bill changes this to *charges* of unfair labor practices and makes other technical changes.

Current law requires the appropriate deputy director to provide relevant information gathered in the investigation of a charge *or complaint* of unfair labor practices to PERB *and the Office of Administrative Hearings* (OAH). Under the bill, the appropriate deputy director must only provide relevant information gathered in the investigation of a charge of unfair labor practices to PERB.

Background: Chapter 114 of 2023, PERA, established PERB to oversee collective bargaining for all public employees. Prior to PERA, the collective bargaining rights of State employees, employees of public institutions of higher education, employees of community colleges, or public school employees, including teachers, were administered by one of three labor relations boards, depending on the nature of the employees' employer: the State Labor Relations Board (SLRB); the State Higher Education Labor Relations Board (SHELRB); and the Public School Labor Relations Board (PSLRB). PERA consolidated different collective bargaining laws that apply to different employees into one set of rules and procedures for public employees. The Act also repealed SLRB, SHELRB, and PSLRB, and instead established PERB to oversee collective bargaining for all the previously mentioned public employees.

In addition to consolidating three labor boards into one, the Act consolidated different collective bargaining laws into one law, including provisions regarding employee access, unfair labor practices, management and employee rights, prohibited employer and employee actions, designation of bargaining units, elections, and certification of exclusive representatives.

State Expenditures: PERB advises that broadening the scope of deputy directors to be "primarily responsible" for their labor relations cases provides flexibility when

investigating cases and that defining “interested employee organization” clarifies with whom PERB should be in contact during an election process.

The Department of Budget and Management advises that, while there is no fiscal effect, changing the notice requirement to the start of any check-in event the employer obligates the employee to attend may place a human resources burden on some agencies.

OAH notes that it needs to train administrative law judges on substantive aspects of the bill, which it can do with existing resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 232 (Chair, Finance Committee)(By Request - Departmental - Public Employee Relations Board) - Finance.

Information Source(s): Public Employee Relations Board; Department of Budget and Management; Office of Administrative Hearings; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - January 26, 2024
km/mcr Third Reader - February 16, 2024

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Public Employee Relations Act – Alterations

BILL NUMBER: HB0144

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PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS