

SENATE BILL 231

P4, F5

(PRE-FILED)

5lr0007
CF HB 266

By: **Chair, Finance Committee (By Request – Departmental – Public Employee Relations Board)**

Requested: October 14, 2024

Introduced and read first time: January 8, 2025

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 24, 2025

CHAPTER _____

1 AN ACT concerning

2 **State Government – Public Employee Relations Act – Alterations**

3 FOR the purpose of repealing the condition that must be met for a certain exclusive
4 representative to meet with a new employee by video or similar technology; ~~providing~~
5 ~~that a certain employee organization has the right to membership dues deductions~~
6 ~~until the employee organization ceases to be the exclusive representative of a~~
7 ~~bargaining unit~~; altering certain requirements for the deputy directors appointed by
8 the Public Employee Relations Board; altering certain procedures regarding the
9 timing of exclusive representation elections; and generally relating to the Public
10 Employee Relations Act.

11 BY repealing and reenacting, with amendments,

12 Article – State Government

13 Section 22–207(b)(4), ~~22–209(d)(1)~~, 22–305, 22–307, and 22–405(c)(1)

14 Annotated Code of Maryland

15 (2021 Replacement Volume and 2024 Supplement)

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

18 **Article – State Government**

19 22–207.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) (4) (i) Except as provided in subparagraph (ii) of this paragraph, a
2 meeting between the new employee and the exclusive representative shall be in person.

3 (ii) An exclusive representative may choose to meet with a new
4 employee by video or similar technology [if public health concerns necessitate that a
5 meeting be conducted remotely].

6 ~~22-200.~~

7 ~~(d) (1) The right of an employee organization to membership dues deduction
8 shall remain in full force and effect until:~~

9 ~~(i) an employee revokes membership in accordance with a collective
10 bargaining agreement or the membership application;~~

11 ~~(ii) the employee cancels membership dues deduction under § 2-403
12 of the State Personnel and Pensions Article; [or]~~

13 ~~(iii) subject to paragraph (2) of this subsection, the employee is no
14 longer employed by the public employer; OR~~

15 ~~(IV) THE EMPLOYEE ORGANIZATION CEASES TO BE THE
16 EXCLUSIVE REPRESENTATIVE OF THE APPLICABLE BARGAINING UNIT.~~

17 22-305.

18 (a) The Board shall appoint[:

19 (1) a deputy director primarily responsible for Executive Branch labor
20 relations;

21 (2) a deputy director primarily responsible for public school labor relations;
22 and

23 (3) a deputy director primarily responsible for public higher education
24 labor relations] **UP TO THREE DEPUTY DIRECTORS.**

25 (b) The deputy directors:

26 (1) are responsible to and serve at the pleasure of the Board;

27 (2) must have knowledge of and experience with labor issues [and the
28 subject matter area associated with their positions]; [and]

29 **(3) MUST BE ATTORNEYS WHO:**

1 (I) ARE LICENSED BY THE STATE AT THE TIME OF
2 APPOINTMENT; OR

3 (II) WILL BECOME LICENSED BY THE STATE WITHIN 12 MONTHS
4 AFTER THE DATE OF APPOINTMENT; AND

5 [(3)] (4) are entitled to the salary provided in the State budget.
6 22–307.

7 (a) (1) If a party has been charged with engaging in an unfair labor practice,
8 [the appropriate] A deputy director shall investigate the charge.

9 (2) If the Board, through the deputy director's investigation, finds that
10 probable cause exists to support the charge of an unfair labor practice, the Board shall:

11 (i) issue a complaint against the party stated in the charge; and

12 (ii) not less than 15 days after issuing the complaint, issue a notice
13 of a hearing before the Board or the Office of Administrative Hearings.

14 (b) The Board may not issue a complaint under subsection (a)(2)(i) of this section
15 if the unfair labor practice occurred more than 6 months before the filing of the charge.

16 (c) (1) The deputy directors shall endeavor at all times to seek informal
17 resolution of charges or complaints.

18 (2) The Board and the [appropriate] deputy [director] **DIRECTORS** shall
19 make all practical and reasonable efforts to resolve charges and complaints of unfair labor
20 practices in a swift manner.

21 (d) For the purposes of examination and the right to copy, the Board and the
22 deputy directors shall at all reasonable times have access to evidence of a person being
23 investigated or proceeded against that relates to a matter under investigation or in question
24 under this section.

25 (e) (1) If there is a charge of an unfair labor practice resulting from a party's
26 conduct in collective bargaining and that is alleged to have an effect on the course of
27 collective bargaining:

28 (i) [the appropriate] A deputy director shall determine whether
29 there is probable cause for the Board to issue a complaint;

30 (ii) if the deputy director determines there is probable cause, the
31 Board shall issue a complaint within 30 days after the filing of the charge; and

1 (iii) if a complaint is issued, the Board shall resolve the complaint
2 and issue a final decision within 90 days after the filing of the charge.

3 (2) The Board may accelerate the time to resolve charges and complaints
4 in exigent circumstances under regulations adopted by the Board.

5 (f) The [appropriate] deputy director shall provide relevant information gathered
6 in the investigation of a charge of unfair labor practices to the Board.

7 (g) The charging party has the right to participate in any hearing before the
8 Board or the Office of Administrative Hearings.

9 (h) The Board shall accept documents filed by e-mail.

10 22-405.

11 (c) (1) (i) The Board shall conduct the election:

12 1. by secret ballot; and

13 2. subject to subparagraph (ii) of this paragraph, in whole or
14 in part by in-person voting, mail, or an electronic voting system.

15 (ii) The Board may designate the time period for in-person voting
16 [under subparagraph (iii) of this paragraph] only after consulting with the public employer
17 and employee organizations on the ballot.

18 (iii) 1. The Board shall allow at least 10 days of voting for an
19 election conducted **BY MAIL OR AN ELECTRONIC VOTING SYSTEM** under subparagraph
20 (i) of this paragraph, unless an employee organization on the ballot requests an extension.

21 2. If the voting system is inoperable, the Board may extend
22 the time period for voting.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2025.