

HOUSE BILL 1480

K3

6lr2730
CF SB 831

By: **Delegate Clippinger**

Introduced and read first time: February 13, 2026

Assigned to: Government, Labor, and Elections

A BILL ENTITLED

1 AN ACT concerning

2 **Labor Law – Child Labor Penalties, Private Sector Employee Labor Relations,**
3 **and State Employee Labor Standards**

4 FOR the purpose of establishing certain civil penalties for violations of law involving the
5 employment of minors; prohibiting employers in the State from allowing the
6 formation of a certain organization or entity that is expressly exempt from or not
7 subject to the federal National Labor Relations Act or the jurisdiction of the National
8 Labor Relations Board; authorizing certain private employees to petition the Public
9 Employee Relations Board to resolve certain matters under certain circumstances;
10 authorizing the Public Employee Relations Board to resolve the petitions of private
11 employees in a certain manner; prohibiting a unit of State government in the
12 Executive Branch from applying to the federal government for a waiver of any
13 applicable provision of the federal Fair Labor Standards Act; and generally relating
14 to labor protections for minors, private employees, and State employees.

15 BY repealing and reenacting, without amendments,
16 Article – Labor and Employment
17 Section 3–213 and 3–216
18 Annotated Code of Maryland
19 (2025 Replacement Volume)

20 BY adding to
21 Article – Labor and Employment
22 Section 3–217 and 4–406
23 Annotated Code of Maryland
24 (2025 Replacement Volume)

25 BY repealing and reenacting, with amendments,
26 Article – State Government
27 Section 22–101
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2021 Replacement Volume and 2025 Supplement)

2 BY adding to

3 Article – State Government

4 Section 22–2A–01 through 22–2A–04 to be under the new subtitle “Subtitle 2A.

5 Private Employees”

6 Annotated Code of Maryland

7 (2021 Replacement Volume and 2025 Supplement)

8 BY repealing and reenacting, with amendments,

9 Article – State Personnel and Pensions

10 Section 2–201

11 Annotated Code of Maryland

12 (2024 Replacement Volume and 2025 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Labor and Employment**

16 3–213.

17 (a) Except as otherwise provided in this subtitle, a minor may not be employed or
18 allowed to work:

19 (1) in, about, or in connection with the manufacturing of a hazardous
20 substance;

21 (2) in, about, or in connection with:

22 (i) a blast furnace;

23 (ii) a distillery where an alcoholic beverage is manufactured, bottled,
24 wrapped, or packed;

25 (iii) a railroad;

26 (iv) an engineer, firefighter, or pilot on a vessel that is engaged in
27 commerce; or

28 (v) a dock or wharf other than a marina where pleasure vessels are
29 sold or served; or

30 (3) in, about, or in connection with:

31 (i) the erection or repair of an electrical wire;

1 (ii) the cleaning, oiling, or wiping of machinery; or

2 (iii) an occupation that is prohibited by law.

3 (b) Except as otherwise provided in this subtitle, a minor under the age of 16 may
4 not be employed or allowed to work:

5 (1) during the school hours set for that minor;

6 (2) about or in connection with an acid, dye, gas, lye, or paint;

7 (3) at, about, or in connection with:

8 (i) an airport;

9 (ii) a brickyard;

10 (iii) a lumberyard;

11 (iv) a workroom or work site where goods are manufactured or
12 processed;

13 (v) scaffolding; or

14 (vi) a vessel when engaged in navigation or commerce; or

15 (4) in, about, or in connection with:

16 (i) construction;

17 (ii) an occupation that causes dust in an injurious quantity;

18 (iii) a manufacturing occupation;

19 (iv) a mechanical occupation;

20 (v) a processing occupation; or

21 (vi) the adjustment, cleaning, or operation of power-driven
22 machinery except:

23 1. an office machine; or

24 2. machinery used in a school or government institution as
25 part of vocational training.

26 (c) The Commissioner may prohibit minors being employed in an occupation if:

1 (1) after a public hearing, the Commissioner determines that employment
2 in the occupation should be prohibited to minors;

3 (2) the Commissioner adopts by reference a determination by the United
4 States Secretary of Labor under the federal Fair Labor Standards Act of 1938 that the
5 occupation is hazardous; or

6 (3) after investigation, the Commissioner determines that the occupation
7 is injurious to:

8 (i) the health or welfare of minors; or

9 (ii) the morals of minors under the age of 16 years.

10 3-216.

11 (a) A person may not:

12 (1) interfere with or hinder the performance of any duty of the
13 Commissioner under this subtitle; or

14 (2) knowingly give false information to the Commissioner.

15 (b) A person may not knowingly:

16 (1) employ a minor in violation of a provision of this subtitle; or

17 (2) allow a minor to be employed in violation of a provision of this subtitle.

18 (c) (1) A person who violates any provision of subsection (a) of this section is
19 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or
20 imprisonment not exceeding 90 days or both.

21 (2) A person who violates any provision of subsection (b) of this section is
22 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 or
23 imprisonment not exceeding 1 year or both.

24 3-217.

25 (A) THE COMMISSIONER MAY ASSESS A CIVIL PENALTY AGAINST A PERSON
26 WHO:

27 (1) VIOLATES § 3-216(A) OR (B) OF THIS SUBTITLE; OR

1 **(2) WILLFULLY OR REPEATEDLY EMPLOYS A MINOR IN VIOLATION OF**
2 **§ 3-213 OF THIS SUBTITLE.**

3 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
4 **CIVIL PENALTY ASSESSED UNDER SUBSECTION (A)(1) OF THIS SECTION MAY NOT**
5 **EXCEED:**

6 **(I) BEFORE JULY 15, 2027, \$16,035 FOR EACH VIOLATION; OR**

7 **(II) BEGINNING JULY 15, 2027, THE AMOUNT SET BY THE**
8 **COMMISSIONER UNDER SUBSECTION (C) OF THIS SECTION FOR EACH VIOLATION.**

9 **(2) A CIVIL PENALTY ASSESSED UNDER SUBSECTION (A)(2) OF THIS**
10 **SECTION MAY NOT EXCEED:**

11 **(I) BEFORE JULY 15, 2027, \$72,876 FOR EACH VIOLATION; OR**

12 **(II) BEGINNING JULY 15, 2027, THE AMOUNT SET BY THE**
13 **COMMISSIONER UNDER SUBSECTION (C) OF THIS SECTION FOR EACH VIOLATION.**

14 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING**
15 **JANUARY 1, 2027, AND EACH CALENDAR YEAR THEREAFTER, THE COMMISSIONER**
16 **SHALL INCREASE THE MAXIMUM PENALTIES IN EFFECT UNDER SUBSECTION (A) OF**
17 **THIS SECTION BY INCREASING EACH CIVIL PENALTY AMOUNT BY THE PERCENTAGE**
18 **INCREASE, IF ANY, IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS**
19 **OR A SUCCESSOR INDEX PUBLISHED BY THE FEDERAL BUREAU OF LABOR**
20 **STATISTICS AS NECESSARY TO COMPLY WITH FEDERAL LAW.**

21 **(2) THE ADJUSTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION**
22 **SHALL BE EFFECTIVE JULY 15 EACH YEAR.**

23 **(D) A CIVIL PENALTY UNDER THIS SECTION SHALL BE PAID INTO THE**
24 **GENERAL FUND OF THE STATE.**

25 **4-406.**

26 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
27 **INDICATED.**

28 **(2) “FEDERAL ACT” MEANS THE FEDERAL NATIONAL LABOR**
29 **RELATIONS ACT.**

1 **(3) “LABOR ORGANIZATION” HAS THE MEANING STATED IN § 152 OF**
2 **THE FEDERAL ACT.**

3 **(4) “SUPERVISOR” HAS THE MEANING STATED IN § 152 OF THE**
4 **FEDERAL ACT.**

5 **(B) AN EMPLOYER IN THE STATE MAY NOT ALLOW THE FORMATION OF AN**
6 **ORGANIZATION OR ENTITY IN THE WORKPLACE:**

7 **(1) THAT IS INITIATED THROUGH ACTION OF THE EMPLOYER OR THE**
8 **EMPLOYEES OF THE EMPLOYER AND ESTABLISHED THROUGH MUTUAL CONSENT OF**
9 **THE EMPLOYER AND ANY NUMBER OF EMPLOYEES;**

10 **(2) IN WHICH SUPERVISORS AND EMPLOYEE MEMBERS PARTICIPATE**
11 **TO ADDRESS OR NEGOTIATE WORKING CONDITIONS OF MUTUAL INTEREST,**
12 **INCLUDING THE EMPLOYEES’ QUALITY OF WORK, PRODUCTIVITY, EFFICIENCY,**
13 **COMPENSATION, BENEFITS, RECRUITMENT, RETENTION, GRIEVANCES, CHILD CARE,**
14 **SAFETY, HEALTH, OR ACCOMMODATION OF RELIGIOUS BELIEFS AND PRACTICES;**

15 **(3) THAT MAY BE DISSOLVED UNILATERALLY BY THE EMPLOYER; AND**

16 **(4) THAT, THROUGH ANY FEDERAL ACTION OCCURRING ON OR AFTER**
17 **JANUARY 1, 2026, IS, IN WHOLE OR IN PART, EXPRESSLY EXEMPT FROM OR**
18 **OTHERWISE NOT SUBJECT TO:**

19 **(I) THE FEDERAL ACT; OR**

20 **(II) THE JURISDICTION OF THE NATIONAL LABOR RELATIONS**
21 **BOARD.**

22 **(C) THIS SECTION MAY NOT BE CONSTRUED TO PRECLUDE:**

23 **(1) THE FORMATION OF A LABOR ORGANIZATION THAT IS SUBJECT TO**
24 **THE FEDERAL ACT AND THE JURISDICTION OF THE NATIONAL LABOR RELATIONS**
25 **BOARD; OR**

26 **(2) CERTIFICATION AS AN EXCLUSIVE REPRESENTATIVE UNDER THE**
27 **FEDERAL ACT.**

28 **Article – State Government**

29 22–101.

30 **(a) In this title the following words have the meanings indicated.**

1 (b) “Board” means the Public Employee Relations Board.

2 (c) Unless specifically provided otherwise, “day” means a calendar day.

3 (d) “Employee organization” means:

4 (1) a labor organization in which public employees participate and that has
5 as one of its primary purposes representing public employees; **OR**

6 (2) **FOR PURPOSES OF SUBTITLE 2A OF THIS TITLE, A LABOR**
7 **ORGANIZATION IN WHICH PRIVATE EMPLOYEES PARTICIPATE AND THAT HAS AS ONE**
8 **OF ITS PRIMARY PURPOSES REPRESENTING PRIVATE EMPLOYEES.**

9 (e) “Exclusive representative” means an employee organization that has been
10 certified by the Board as an exclusive representative **FOR PUBLIC EMPLOYEES** under
11 Subtitle 4 of this title **OR FOR PRIVATE EMPLOYEES UNDER SUBTITLE 2A OF THIS**
12 **TITLE.**

13 (f) “Interested employee organization” means:

14 (1) an employee organization already representing employees in a
15 bargaining unit; or

16 (2) a petitioner who has met the showing of interest requirement under §
17 22–402 of this title.

18 (g) “Lockout” means action taken by a public employer to:

19 (1) interrupt or prevent the continuity of the employees’ usual work for the
20 purpose and with the intent of coercing the employees into relinquishing rights guaranteed
21 by this title; or

22 (2) bring economic pressure on employees for the purpose of securing the
23 agreement of their executive representative to collective bargaining agreement terms.

24 (h) **“PRIVATE EMPLOYEE” MEANS AN INDIVIDUAL WHO:**

25 (1) **IS SUBJECT TO THE FEDERAL NATIONAL LABOR RELATIONS ACT;**
26 **OR**

27 (2) **WOULD HAVE BEEN SUBJECT TO THE FEDERAL NATIONAL LABOR**
28 **RELATIONS ACT AS IT EXISTED ON JANUARY 1, 2025.**

1 **(I)** “Public employee” means an individual who holds a position by appointment
2 or employment in the service of a public employer with collective bargaining rights under
3 Title 3 of the State Personnel and Pensions Article or Title 6, Subtitle 4 or 5 or Title 16,
4 Subtitle 7 of the Education Article.

5 **[(i)] (J)** “Public employer” means:

6 (1) the State, including any unit, department, or instrumentality of the
7 State;

8 (2) a community college listed under § 16–702(b) of the Education Article;
9 and

10 (3) a county board of education or the Baltimore City Board of School
11 Commissioners.

12 **[(j)] (K)** (1) “Showing of interest form” means a written statement from a
13 public employee who wishes to be represented by a petitioning employee organization for
14 the purpose of collective bargaining.

15 (2) “Showing of interest form” includes:

16 (i) a union authorization card; or

17 (ii) a union membership card.

18 **[(k)] (L)** (1) “Strike” means any concerted action to impede the full and
19 proper performance of employment duties in order to induce, influence, coerce, or enforce
20 demands for a change in wages, hours, terms, or other conditions of employment.

21 (2) “Strike” includes a total or partial:

22 (i) refusal or failure to report to work;

23 (ii) refusal or failure to perform employment duties;

24 (iii) withdrawal from work;

25 (iv) work stoppage; or

26 (v) work slowdown.

27 **SUBTITLE 2A. PRIVATE EMPLOYEES.**

28 **22–2A–01.**

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "CHARGING PARTY" MEANS THE PARTY ALLEGING THAT AN UNFAIR
4 LABOR PRACTICE HAS OCCURRED.

5 (C) "FEDERAL ACT" MEANS THE FEDERAL NATIONAL LABOR RELATIONS
6 ACT.

7 (D) "NLRB" MEANS THE NATIONAL LABOR RELATIONS BOARD.

8 (E) "RESPONDENT" MEANS THE PARTY THAT ALLEGEDLY COMMITTED AN
9 UNFAIR LABOR PRACTICE.

10 22-2A-02.

11 THIS SUBTITLE:

12 (1) APPLIES ONLY TO PRIVATE EMPLOYEES AND THE EMPLOYERS OF
13 PRIVATE EMPLOYEES; AND

14 (2) MAY NOT BE CONSTRUED TO AFFECT THE RIGHTS OF PRIVATE
15 EMPLOYEES UNDER ANY OTHER FEDERAL OR STATE LAW.

16 22-2A-03.

17 (A) (1) THIS SUBTITLE SHALL BE CONSTRUED LIBERALLY TO ENSURE
18 THAT ALL PRIVATE EMPLOYEES IN THE STATE CAN EFFECTIVELY EXERCISE THE
19 FUNDAMENTAL RIGHT TO FULL FREEDOM OF ASSOCIATION, SELF-ORGANIZATION,
20 AND DESIGNATION OF REPRESENTATIVES OF THEIR OWN CHOOSING, FREE FROM
21 RETALIATION OR INTIMIDATION BY THEIR EMPLOYERS.

22 (2) PRIVATE EMPLOYEES IN THE STATE HAVE THE RIGHT:

23 (I) TO ENGAGE IN COLLECTIVE ACTION AND TO ORGANIZE,
24 FORM, JOIN, OR ASSIST EMPLOYEE ORGANIZATIONS; AND

25 (II) WHEN PRIVATE EMPLOYEES CHOOSE TO DO SO
26 COLLECTIVELY THROUGH SELECTED OR DESIGNATED BARGAINING
27 REPRESENTATIVES, TO ENGAGE IN EFFECTIVE AND EXPEDITIOUS COLLECTIVE
28 BARGAINING THAT RESULTS IN A COLLECTIVE BARGAINING AGREEMENT
29 ADDRESSING THE PRIVATE EMPLOYEES' TERMS AND CONDITIONS OF EMPLOYMENT.

1 **(3) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY**
2 **NOT, DIRECTLY OR INDIRECTLY, DENY, BURDEN, OR ABRIDGE THE RIGHTS**
3 **DESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION UNLESS NECESSARY TO**
4 **SERVE A COMPELLING STATE INTEREST ACHIEVED BY THE LEAST RESTRICTIVE**
5 **MEANS.**

6 **(B) A PRIVATE EMPLOYEE MAY PETITION THE BOARD TO PROTECT AND**
7 **ENFORCE THE RIGHTS DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION IF:**

8 **(1) THE PRIVATE EMPLOYEE:**

9 **(I) IS EMPLOYED IN A POSITION THAT LOSES COVERAGE UNDER**
10 **THE FEDERAL ACT BECAUSE THE FEDERAL ACT IS REPEALED OR NARROWED OR**
11 **ITS ENFORCEMENT IS ENJOINED IN A CASE INVOLVING THE PRIVATE EMPLOYEE;**
12 **AND**

13 **(II) IS NOT COVERED UNDER THE FEDERAL RAILWAY LABOR**
14 **ACT; OR**

15 **(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE NLRB HAS**
16 **EXPRESSLY OR IMPLIEDLY CEDED JURISDICTION TO THE STATES.**

17 **(C) (1) THIS SUBSECTION APPLIES ONLY WITH RESPECT TO CASES THAT:**

18 **(I) WERE PENDING BEFORE THE NLRB AS OF JUNE 1, 2026; OR**

19 **(II) ARE FILED WITH THE NLRB ON OR AFTER JUNE 1, 2026.**

20 **(2) THE NLRB SHALL BE DEEMED TO HAVE CEDED JURISDICTION TO**
21 **THE STATES IF:**

22 **(I) FOR CASES WHERE A CERTIFICATION OF THE RESULTS OF**
23 **AN ELECTION, INCLUDING A CERTIFICATION OF A REPRESENTATIVE, IS IN DISPUTE,**
24 **A REGIONAL DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE HAS ISSUED A**
25 **DECISION, OR WHERE CHALLENGES OR OBJECTIONS TO A REPRESENTATIVE**
26 **ELECTION ARE PENDING BEFORE THE NLRB, THE NLRB:**

27 **1. LACKS A QUORUM;**

28 **2. HAS LOST ITS INDEPENDENCE DUE TO THE U.S.**
29 **SUPREME COURT FINDING NLRB MEMBERS ARE UNLAWFULLY PROTECTED FROM**
30 **REMOVAL BY THE PRESIDENT OF THE UNITED STATES; OR**

1 **3. IS FACING A CONSTITUTIONAL CHALLENGE**
2 **REGARDING THE STRUCTURE AND AUTHORITY OF THE NLRB AND, AS A RESULT,**
3 **THE CONTINUED PROCESSING OF A CASE BEFORE THE NLRB IS ENJOINED BY A**
4 **COURT;**

5 **(II) FOR CASES WHERE NO CERTIFICATION, COMPLAINT, OR**
6 **DECISION HAS BEEN ISSUED, WHEN THERE IS A PROCESSING DELAY THAT RESULTS**
7 **IN THE PRIVATE EMPLOYEE'S CASE REMAINING PENDING:**

8 **1. BEFORE A REGIONAL DIRECTOR OF THE NLRB FOR**
9 **MORE THAN 6 MONTHS WITHOUT ISSUANCE OF A COMPLAINT OR CERTIFICATION; OR**

10 **2. FOR MORE THAN 6 MONTHS AFTER A COMPLAINT HAS**
11 **BEEN ISSUED WITHOUT THE SUBSEQUENT ISSUANCE OF A DECISION BY AN**
12 **ADMINISTRATIVE LAW JUDGE OR, WITH RESPECT TO CERTIFICATION, WITHOUT**
13 **ISSUANCE OF A DECISION BY THE NLRB;**

14 **(III) FOR CASES WHERE A CERTIFICATION OF THE RESULTS OF**
15 **AN ELECTION, INCLUDING A CERTIFICATION OF A REPRESENTATIVE, OR OTHER**
16 **REVIEWABLE ORDER HAS BEEN ISSUED BY A REGIONAL DIRECTOR OF THE NLRB**
17 **OR AN ADMINISTRATIVE LAW JUDGE, WHEN THERE IS A PROCESSING DELAY THAT**
18 **RESULTS IN FAILURE BY THE NLRB TO:**

19 **1. ACCEPT OR DECLINE REVIEW; OR**

20 **2. GRANT SPECIAL PERMISSION TO APPEAL FOR MORE**
21 **THAN 6 MONTHS FOLLOWING THE FILING OF A REQUEST FOR REVIEW OR FOR**
22 **SPECIAL PERMISSION TO APPEAL; OR**

23 **(IV) FOR CASES ON REVIEW OR EXCEPTION BEFORE THE NLRB,**
24 **WHEN THERE IS A PROCESSING DELAY THAT RESULTS IN THE CASE REMAINING**
25 **PENDING FOR MORE THAN 12 MONTHS WITHOUT ISSUANCE OF A FINAL DECISION.**

26 **(D) IF THE BOARD DETERMINES THAT ANY OF THE CONDITIONS UNDER**
27 **SUBSECTION (C)(2) OF THIS SECTION NO LONGER APPLY, THE BOARD SHALL RETAIN**
28 **JURISDICTION OVER PENDING MATTERS UNLESS ORDERED BY A COURT OF**
29 **COMPETENT JURISDICTION TO CEDE JURISDICTION TO THE FEDERAL**
30 **GOVERNMENT.**

31 **(E) (1) A PRIVATE EMPLOYEE MAY PETITION THE BOARD UNDER THIS**
32 **SECTION TO:**

33 **(I) PROCESS ANY REPRESENTATION PETITION PREVIOUSLY**

1 FILED WITH THE NLRB;

2 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,
3 PROMPTLY CERTIFY AN EMPLOYEE ORGANIZATION AS AN EXCLUSIVE
4 REPRESENTATIVE IN ACCORDANCE WITH SUBSECTION (G)(1)(II)1 OF THIS SECTION;
5 OR

6 (III) DECIDE AN UNFAIR LABOR PRACTICE CASE ARISING UNDER
7 THE FEDERAL ACT.

8 (2) ANY EXISTING TERMS AND CONDITIONS OF EMPLOYMENT
9 NEGOTIATED BETWEEN A CERTIFIED EXCLUSIVE REPRESENTATIVE AND AN
10 EMPLOYER SHALL REMAIN IN FULL FORCE AND EFFECT DURING THE BARGAINING
11 FOLLOWING CERTIFICATION.

12 (F) (1) TO PURSUE RELIEF FROM THE BOARD UNDER THIS SECTION, A
13 PRIVATE EMPLOYEE OR THE PRIVATE EMPLOYEE'S REPRESENTATIVE SHALL FILE
14 WITH THE BOARD:

15 (I) THE CHARGING PARTY'S NAME, ADDRESS, E-MAIL ADDRESS,
16 AND TELEPHONE NUMBER;

17 (II) THE RESPONDENT'S NAME, ADDRESS, E-MAIL ADDRESS,
18 AND TELEPHONE NUMBER;

19 (III) WHERE APPLICABLE, THE ORIGINAL CHARGE OR PETITION
20 FILED WITH THE NLRB ALONG WITH ALL SUPPORTING DOCUMENTATION AND
21 EVIDENCE THAT WAS SUBMITTED TO THE NLRB; AND

22 (IV) ALL CORRESPONDENCE, COMMUNICATIONS, OR OTHER
23 COVERED MATERIALS RECEIVED BY THE CHARGING PARTY, OR OTHERWISE IN THE
24 CHARGING PARTY'S POSSESSION, FROM THE NLRB REGARDING THE ORIGINAL
25 CHARGE OR PETITION FILED WITH THE NLRB.

26 (2) THE DOCUMENTATION AND EVIDENCE FILED WITH THE BOARD
27 UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE SERVED ON THE
28 RESPONDENT.

29 (3) THE SUPPORTING DOCUMENTATION AND EVIDENCE SUBMITTED
30 TO THE BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MAINTAINED
31 CONFIDENTIALLY AS PART OF THE BOARD'S INVESTIGATORY FILE AND IS NOT
32 SUBJECT TO PUBLIC INSPECTION UNDER THE PUBLIC INFORMATION ACT.

1 **(G) (1) TO CARRY OUT THIS SECTION, THE BOARD MAY:**

2 **(I) CONDUCT ELECTIONS TO DETERMINE WHETHER A**
3 **MAJORITY OF PRIVATE EMPLOYEES IN AN APPROPRIATE BARGAINING UNIT HAVE**
4 **SELECTED AN EXCLUSIVE REPRESENTATIVE FOR PURPOSES OF COLLECTIVE**
5 **BARGAINING;**

6 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION:**

7 **1. PROMPTLY CERTIFY AN EXCLUSIVE BARGAINING**
8 **REPRESENTATIVE BY DETERMINING WHETHER A MAJORITY OF PRIVATE**
9 **EMPLOYEES IN AN APPROPRIATE BARGAINING UNIT HAVE SELECTED AN EXCLUSIVE**
10 **REPRESENTATIVE FOR PURPOSES OF COLLECTIVE BARGAINING; AND**

11 **2. ORDER THAT AN EMPLOYER BARGAIN WITH THAT**
12 **EXCLUSIVE BARGAINING REPRESENTATIVE;**

13 **(III) ORDER THAT AN EMPLOYER BARGAIN WITH AN EXCLUSIVE**
14 **BARGAINING REPRESENTATIVE AND OTHERWISE DECIDE UNFAIR LABOR**
15 **PRACTICES;**

16 **(IV) ORDER THAT AN EMPLOYER SUBMIT TO BINDING**
17 **ARBITRATION TO ASSIST THE PARTIES IN FINALIZING NEGOTIATIONS FOR A**
18 **COLLECTIVE BARGAINING AGREEMENT IF:**

19 **1. THE NLRB OR THE BOARD HAS CERTIFIED AN**
20 **EXCLUSIVE BARGAINING REPRESENTATIVE; OR**

21 **2. AN EMPLOYER HAS VOLUNTARILY RECOGNIZED THE**
22 **EXCLUSIVE BARGAINING REPRESENTATIVE OF A GROUP OF PRIVATE EMPLOYEES**
23 **AND MORE THAN 6 MONTHS HAVE PASSED WITHOUT THE PARTIES AGREEING ON AND**
24 **EXECUTING A COLLECTIVE BARGAINING AGREEMENT;**

25 **(V) ORDER ANY APPROPRIATE REMEDY, INCLUDING**
26 **INJUNCTIVE RELIEF AND CIVIL PENALTIES UNDER § 22-2A-04(A) OF THIS**
27 **SUBTITLE, NECESSARY TO EFFECTUATE THIS SECTION, INCLUDING IF AN EMPLOYER**
28 **REFUSES TO COMPLY WITH AN ORDER UNDER THIS SECTION; OR**

29 **(VI) OTHERWISE DECIDE ALLEGATIONS OF UNFAIR LABOR**
30 **PRACTICES.**

31 **(2) (I) SELECTION OF AN EXCLUSIVE REPRESENTATIVE FOR**
32 **PURPOSES OF PARAGRAPH (1)(II)1 OF THIS SUBSECTION MAY BE DEMONSTRATED**

1 THROUGH:

2 1. A PREVIOUS CERTIFICATION BY ANOTHER STATE OR
3 FEDERAL AGENCY;

4 2. AN ELECTION;

5 3. A WRITTEN DESIGNATION; OR

6 4. ANOTHER PROCESS RECOGNIZED BY THE BOARD OR
7 THE NLRB AT THE TIME THE SELECTION IS MADE.

8 (II) A PENDING OBJECTION OR VOTER ELIGIBILITY CHALLENGE
9 IN AN ELECTION PREVIOUSLY PENDING WITH THE NLRB MAY BE RESOLVED BY THE
10 BOARD IN THE EXERCISE OF AUTHORITY UNDER PARAGRAPH (1)(II) OF THIS
11 SUBSECTION.

12 (H) TO RESOLVE A MATTER BROUGHT BEFORE THE BOARD UNDER THIS
13 SECTION, THE BOARD:

14 (1) MAY RELY ON ITS OWN PRIOR DECISIONS OR PRECEDENT UNDER
15 THE FEDERAL ACT; AND

16 (2) SHALL EXERCISE THE AUTHORITY UNDER ITEM (1) OF THIS
17 SUBSECTION IN A MANNER THAT MOST EXPANSIVELY EFFECTUATES THE RIGHTS
18 ESTABLISHED UNDER THIS SECTION.

19 22-2A-04.

20 (A) IF THE BOARD FINDS THAT AN EMPLOYER COMMITTED AN UNFAIR
21 LABOR PRACTICE UNDER THE FEDERAL ACT, THE BOARD MAY ASSESS A CIVIL
22 PENALTY NOT EXCEEDING \$1,000 FOR EACH PRIVATE EMPLOYEE WITH RESPECT TO
23 WHOM THE VIOLATION OCCURRED.

24 (B) CIVIL PENALTIES ASSESSED UNDER SUBSECTION (A) OF THIS SECTION
25 SHALL BE DISTRIBUTED TO A SPECIAL FUND TO BE USED ONLY FOR THE BOARD TO
26 CARRY OUT THE REQUIREMENTS OF THIS SECTION.

27 (C) AN ORDER BY THE BOARD UNDER THIS SECTION IS SUBJECT TO
28 JUDICIAL REVIEW BY THE CIRCUIT COURT ON PETITION OF ANY PARTY TO THE
29 BOARD'S DECISION.

30 Article – State Personnel and Pensions

1 2-201.

2 (A) Except as otherwise provided by law, an employee in the Judicial, Legislative,
3 or Executive Branch of State government is governed by the laws and personnel policies
4 and procedures applicable in that branch.

5 (B) A UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT MAY NOT
6 PETITION OR APPLY TO THE FEDERAL GOVERNMENT FOR A WAIVER OF ANY
7 PROVISION OF THE FEDERAL FAIR LABOR STANDARDS ACT THAT IS APPLICABLE TO
8 THE UNIT, EVEN IF THE WAIVER IS OTHERWISE AUTHORIZED UNDER FEDERAL LAW.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
10 1, 2026.