

SENATE BILL 831

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6lr2729
CF HB 1480

By: **Senator Ferguson**

Introduced and read first time: February 6, 2026

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2026

CHAPTER _____

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; requiring the Maryland
14 Department of Labor to monitor certain action by the federal government for a
15 certain purpose; and generally relating to labor protections for minors, private
16 employees, and State employees.

17 BY repealing and reenacting, without amendments,
18 Article – Labor and Employment
19 Section 3–213 and 3–216
20 Annotated Code of Maryland
21 (2025 Replacement Volume)

22 BY adding to
23 Article – Labor and Employment

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.



Section 3–217 and 4–406
Annotated Code of Maryland
(2025 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–201
Annotated Code of Maryland
(2024 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 22–101
Annotated Code of Maryland
(2021 Replacement Volume and 2025 Supplement)

BY adding to
Article – State Government
Section 22–2A–01 through 22–2A–04 to be under the new subtitle “Subtitle 2A.
Private Employees”
Annotated Code of Maryland
(2021 Replacement Volume and 2025 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – State Personnel and Pensions~~
~~Section 2–201~~
~~Annotated Code of Maryland~~
~~(2024 Replacement Volume and 2025 Supplement)~~

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

Article – Labor and Employment

3–213.

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

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

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

(i) a blast furnace;

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

(iii) a railroad;

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

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

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

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

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

(iii) an occupation that is prohibited by law.

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

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

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

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

(i) an airport;

(ii) a brickyard;

(iii) a lumberyard;

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

(v) scaffolding; or

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

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

(i) construction;

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

(iii) a manufacturing occupation;

(iv) a mechanical occupation;

(v) a processing occupation; or

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

1. an office machine; or

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

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

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

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

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

(i) the health or welfare of minors; or

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

3–216.

(a) A person may not:

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

(2) knowingly give false information to the Commissioner.

(b) A person may not knowingly:

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

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

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

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

3-217.

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

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

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

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

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

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

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

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

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

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

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

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

4-406.

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

(2) "FEDERAL ACT" MEANS THE FEDERAL NATIONAL LABOR RELATIONS ACT.

(3) "LABOR ORGANIZATION" HAS THE MEANING STATED IN § 152 OF THE FEDERAL ACT.

(4) "SUPERVISOR" HAS THE MEANING STATED IN § 152 OF THE FEDERAL ACT.

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

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

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

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

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

(I) THE FEDERAL ACT; OR

(II) THE JURISDICTION OF THE NATIONAL LABOR RELATIONS BOARD.

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

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

(2) CERTIFICATION AS AN EXCLUSIVE REPRESENTATIVE UNDER THE FEDERAL ACT; OR

(3) THE FORMATION OF A COMMITTEE OR GOVERNANCE STRUCTURE REQUIRED FOR ACCREDITATION OR DESIGNATION BY A STATE OR NATIONAL ORGANIZATION.

Article – State Personnel and Pensions

2-201.

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Government

22-101.

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

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

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

(d) “Employee organization” means:

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

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

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

(f) “Interested employee organization” means:

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

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

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

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

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

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

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

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

(I) “Public employee” means an individual who 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.

[i] (J) “Public employer” means:

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

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

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

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

(2) “Showing of interest form” includes:

(i) a union authorization card; or

(ii) a union membership card.

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

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

(i) refusal or failure to report to work;

(ii) refusal or failure to perform employment duties;

(iii) withdrawal from work;

(iv) work stoppage; or

(v) work slowdown.

SUBTITLE 2A. PRIVATE EMPLOYEES.

22-2A-01.

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

(B) “CHARGING PARTY” MEANS THE PARTY ALLEGING THAT AN UNFAIR LABOR PRACTICE HAS OCCURRED.

(C) “FEDERAL ACT” MEANS THE FEDERAL NATIONAL LABOR RELATIONS ACT.

(D) “NLRB” MEANS THE NATIONAL LABOR RELATIONS BOARD.

1 **(E) “RESPONDENT” MEANS THE PARTY THAT ALLEGEDLY COMMITTED AN**
2 **UNFAIR LABOR PRACTICE.**

3 **22-2A-02.**

4 **THIS SUBTITLE:**

5 **(1) APPLIES ONLY TO PRIVATE EMPLOYEES AND THE EMPLOYERS OF**
6 **PRIVATE EMPLOYEES; AND**

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

9 **22-2A-03.**

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

15 **(2) PRIVATE EMPLOYEES IN THE STATE HAVE THE RIGHT:**

16 **(I) TO ENGAGE IN COLLECTIVE ACTION AND TO ORGANIZE,**
17 **FORM, JOIN, OR ASSIST EMPLOYEE ORGANIZATIONS; AND**

18 **(II) WHEN PRIVATE EMPLOYEES CHOOSE TO DO SO**
19 **COLLECTIVELY THROUGH SELECTED OR DESIGNATED BARGAINING**
20 **REPRESENTATIVES, TO ENGAGE IN EFFECTIVE AND EXPEDITIOUS COLLECTIVE**
21 **BARGAINING THAT RESULTS IN A COLLECTIVE BARGAINING AGREEMENT**
22 **ADDRESSING THE PRIVATE EMPLOYEES’ TERMS AND CONDITIONS OF EMPLOYMENT.**

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

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

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

1 (I) IS EMPLOYED IN A POSITION THAT LOSES COVERAGE UNDER
2 THE FEDERAL ACT BECAUSE THE FEDERAL ACT IS ENTIRELY REPEALED OR
3 ~~NARROWED OR ITS ENFORCEMENT IS ENJOINED IN A CASE INVOLVING THE PRIVATE~~
4 ~~EMPLOYEE~~ RENDERED ENTIRELY NULL AND VOID; AND

5 (II) IS NOT COVERED UNDER THE FEDERAL RAILWAY LABOR
6 ACT; OR

7 (2) ~~SUBJECT TO SUBSECTION (C) OF THIS SECTION,~~ THE NLRB HAS
8 EXPRESSLY ~~OR IMPLIEDLY~~ CEDED JURISDICTION TO THE STATES.

9 (c) (1) ~~THIS SUBSECTION APPLIES ONLY WITH RESPECT TO CASES THAT:~~

10 (i) ~~WERE PENDING BEFORE THE NLRB AS OF JUNE 1, 2026; OR~~

11 (ii) ~~ARE FILED WITH THE NLRB ON OR AFTER JUNE 1, 2026.~~

12 (2) ~~THE NLRB SHALL BE DEEMED TO HAVE CEDED JURISDICTION TO~~
13 ~~THE STATES IF:~~

14 (i) ~~FOR CASES WHERE A CERTIFICATION OF THE RESULTS OF~~
15 ~~AN ELECTION, INCLUDING A CERTIFICATION OF A REPRESENTATIVE, IS IN DISPUTE,~~
16 ~~A REGIONAL DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE HAS ISSUED A~~
17 ~~DECISION, OR WHERE CHALLENGES OR OBJECTIONS TO A REPRESENTATIVE~~
18 ~~ELECTION ARE PENDING BEFORE THE NLRB, THE NLRB:~~

19 1. ~~LACKS A QUORUM;~~

20 2. ~~HAS LOST ITS INDEPENDENCE DUE TO THE U.S.~~
21 ~~SUPREME COURT FINDING NLRB MEMBERS ARE UNLAWFULLY PROTECTED FROM~~
22 ~~REMOVAL BY THE PRESIDENT OF THE UNITED STATES; OR~~

23 3. ~~IS FACING A CONSTITUTIONAL CHALLENGE~~
24 ~~REGARDING THE STRUCTURE AND AUTHORITY OF THE NLRB AND, AS A RESULT,~~
25 ~~THE CONTINUED PROCESSING OF A CASE BEFORE THE NLRB IS ENJOINED BY A~~
26 ~~COURT;~~

27 (ii) ~~FOR CASES WHERE NO CERTIFICATION, COMPLAINT, OR~~
28 ~~DECISION HAS BEEN ISSUED, WHEN THERE IS A PROCESSING DELAY THAT RESULTS~~
29 ~~IN THE PRIVATE EMPLOYEE'S CASE REMAINING PENDING:~~

30 1. ~~BEFORE A REGIONAL DIRECTOR OF THE NLRB FOR~~
31 ~~MORE THAN 6 MONTHS WITHOUT ISSUANCE OF A COMPLAINT OR CERTIFICATION; OR~~

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

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

~~1. ACCEPT OR DECLINE REVIEW; OR~~

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

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

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

~~(E)~~ (C) (1) A PRIVATE EMPLOYEE MAY PETITION THE BOARD UNDER THIS SECTION TO:

(I) PROCESS ANY REPRESENTATION PETITION PREVIOUSLY FILED WITH THE NLRB;

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

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

1 **(2) ANY EXISTING TERMS AND CONDITIONS OF EMPLOYMENT**
2 **NEGOTIATED BETWEEN A CERTIFIED EXCLUSIVE REPRESENTATIVE AND AN**
3 **EMPLOYER SHALL REMAIN IN FULL FORCE AND EFFECT DURING THE BARGAINING**
4 **FOLLOWING CERTIFICATION.**

5 ~~**(F)**~~ **(D) (1) TO PURSUE RELIEF FROM THE BOARD UNDER THIS**
6 **SECTION, A PRIVATE EMPLOYEE OR THE PRIVATE EMPLOYEE'S REPRESENTATIVE**
7 **SHALL FILE WITH THE BOARD:**

8 **(I) THE CHARGING PARTY'S NAME, ADDRESS, E-MAIL ADDRESS,**
9 **AND TELEPHONE NUMBER;**

10 **(II) THE RESPONDENT'S NAME, ADDRESS, E-MAIL ADDRESS,**
11 **AND TELEPHONE NUMBER;**

12 **(III) WHERE APPLICABLE, THE ORIGINAL CHARGE OR PETITION**
13 **FILED WITH THE NLRB ALONG WITH ALL SUPPORTING DOCUMENTATION AND**
14 **EVIDENCE THAT WAS SUBMITTED TO THE NLRB; AND**

15 **(IV) ALL CORRESPONDENCE, COMMUNICATIONS, OR OTHER**
16 **COVERED MATERIALS RECEIVED BY THE CHARGING PARTY, OR OTHERWISE IN THE**
17 **CHARGING PARTY'S POSSESSION, FROM THE NLRB REGARDING THE ORIGINAL**
18 **CHARGE OR PETITION FILED WITH THE NLRB.**

19 **(2) THE DOCUMENTATION AND EVIDENCE FILED WITH THE BOARD**
20 **UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE SERVED ON THE**
21 **RESPONDENT.**

22 **(3) THE SUPPORTING DOCUMENTATION AND EVIDENCE SUBMITTED**
23 **TO THE BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MAINTAINED**
24 **CONFIDENTIALLY AS PART OF THE BOARD'S INVESTIGATORY FILE AND IS NOT**
25 **SUBJECT TO PUBLIC INSPECTION UNDER THE PUBLIC INFORMATION ACT.**

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

27 **(I) CONDUCT ELECTIONS TO DETERMINE WHETHER A**
28 **MAJORITY OF PRIVATE EMPLOYEES IN AN APPROPRIATE BARGAINING UNIT HAVE**
29 **SELECTED AN EXCLUSIVE REPRESENTATIVE FOR PURPOSES OF COLLECTIVE**
30 **BARGAINING;**

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

1 1. PROMPTLY CERTIFY AN EXCLUSIVE BARGAINING
2 REPRESENTATIVE BY DETERMINING WHETHER A MAJORITY OF PRIVATE
3 EMPLOYEES IN AN APPROPRIATE BARGAINING UNIT HAVE SELECTED AN EXCLUSIVE
4 REPRESENTATIVE FOR PURPOSES OF COLLECTIVE BARGAINING; AND

5 2. ORDER THAT AN EMPLOYER BARGAIN WITH THAT
6 EXCLUSIVE BARGAINING REPRESENTATIVE;

7 (III) ORDER THAT AN EMPLOYER BARGAIN WITH AN EXCLUSIVE
8 BARGAINING REPRESENTATIVE AND OTHERWISE DECIDE UNFAIR LABOR
9 PRACTICES;

10 (IV) ORDER THAT AN EMPLOYER SUBMIT TO BINDING
11 ARBITRATION TO ASSIST THE PARTIES IN FINALIZING NEGOTIATIONS FOR A
12 COLLECTIVE BARGAINING AGREEMENT IF:

13 1. THE NLRB OR THE BOARD HAS CERTIFIED AN
14 EXCLUSIVE BARGAINING REPRESENTATIVE; OR

15 2. AN EMPLOYER HAS VOLUNTARILY RECOGNIZED THE
16 EXCLUSIVE BARGAINING REPRESENTATIVE OF A GROUP OF PRIVATE EMPLOYEES
17 AND MORE THAN 6 MONTHS HAVE PASSED WITHOUT THE PARTIES AGREEING ON AND
18 EXECUTING A COLLECTIVE BARGAINING AGREEMENT;

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

23 (VI) OTHERWISE DECIDE ALLEGATIONS OF UNFAIR LABOR
24 PRACTICES.

25 (2) (I) SELECTION OF AN EXCLUSIVE REPRESENTATIVE FOR
26 PURPOSES OF PARAGRAPH (1)(II)1 OF THIS SUBSECTION MAY BE DEMONSTRATED
27 THROUGH:

28 1. A PREVIOUS CERTIFICATION BY ANOTHER STATE OR
29 FEDERAL AGENCY;

30 2. AN ELECTION;

31 3. A WRITTEN DESIGNATION; OR

1 4. ANOTHER PROCESS RECOGNIZED BY THE BOARD OR
2 THE NLRB AT THE TIME THE SELECTION IS MADE.

3 (II) A PENDING OBJECTION OR VOTER ELIGIBILITY CHALLENGE
4 IN AN ELECTION PREVIOUSLY PENDING WITH THE NLRB MAY BE RESOLVED BY THE
5 BOARD IN THE EXERCISE OF AUTHORITY UNDER PARAGRAPH (1)(II) OF THIS
6 SUBSECTION.

7 ~~(H)~~ (F) TO RESOLVE A MATTER BROUGHT BEFORE THE BOARD UNDER
8 THIS SECTION, THE BOARD:

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

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

14 22-2A-04.

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

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

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

25 ~~Article State Personnel and Pensions~~

26 ~~2-201.~~

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

30 ~~(B) A UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT MAY NOT~~
31 ~~PETITION OR APPLY TO THE FEDERAL GOVERNMENT FOR A WAIVER OF ANY~~

~~PROVISION OF THE FEDERAL FAIR LABOR STANDARDS ACT THAT IS APPLICABLE TO
THE UNIT, EVEN IF THE WAIVER IS OTHERWISE AUTHORIZED UNDER FEDERAL LAW.~~

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Section 2 of this Act is contingent on:

(1) the federal National Labor Relations Act being entirely repealed or rendered entirely null and void; or

(2) the National Labor Relations Board expressly ceding jurisdiction to the State regarding any employer, employees, trade, industry, or labor dispute covered under the federal National Labor Relations Act.

(b) (1) The Maryland Department of Labor shall monitor action by the federal government to determine whether the contingency described under subsection (a) of this section is met.

(2) If the Maryland Department of Labor determines the contingency described under subsection (a) of this section is met, the Secretary of Labor shall notify the Department of Legislative Services within 30 days after the determination is made.

(c) If the Department of Legislative Services receives notice from the Maryland Department of Labor as described under subsection (b)(2) of this section, Section 2 of this Act shall take effect on the date the notice is received by the Department of Legislative Services.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect June 1, 2026.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.