

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Independent Agencies**
(DLS Control No. 22-280)

Overview and Legal and Fiscal Impact

The regulations alter references to the term “chairman” of the Public School Labor Relations Board (board) to be “chairperson”, and alter the methods by which certain documents may be filed in proceedings relating to alleged violations of Title 6, Subtitles 4 and 5 of the Education Article.

The regulations present no legal issues of concern.

There is no material fiscal impact on State or local agencies.

Regulations of COMAR Affected

Independent Agencies:

Public School Labor Relations Board: Charge of Statutory Violation:
COMAR 14.34.04.02
Charge of Statutory Violation: COMAR 14.34.04.03
Charge of Statutory Violation: COMAR 14.34.04.06
Charge of Statutory Violation: COMAR 14.34.04.08

Legal Analysis

Summary of Regulations

The regulations alter references to the term “chairman” of the board to be the “chairperson”.

The regulations also alter the methods by which certain documents may be filed in proceedings relating to alleged violations of Title 6, Subtitles 4 and 5 of the Education Article. Under the regulations, the following documents may be filed in person or sent by facsimile, electronic mail, or U.S. mail return receipt requested:

- an original charge alleging a violation of Title 6, Subtitle 4 or 5 of the Education Article that is provided to the executive director of the board and the respondent of the allegation;

- the written answer of the respondent that is provided to the executive director and the charging party; and
- any other motion, response, or other document provided to the executive director or party of record in a matter relating to an alleged violation of Title 6, Subtitles 4 and 5.

The regulations also require the party providing a document (as listed above) to indicate in the document filed with the executive director the name and address, whether electronic or physical, of each party served and the method of service.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The board cites §§ 2-205(e), 6-401 through 6-411, 6-501 through 6-514, 6-806, and 6-807 of the Education Article as statutory authority for the regulations. Title 6, Subtitles 4 and 5 of the Education Article generally relate to the organization of certificated and noncertificated school employees. Section 6-806 requires the board to administer and enforce the provisions of Subtitles 4 and 5 and also authorizes the board to adopt regulations to carry out the rights and responsibilities of the board. Sections 2–205(e) and 6-807 require the board to decide any controversy or dispute arising under Subtitles 4 and 5 and take certain actions when deciding such controversies or disputes.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no material fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations seek to streamline the complaint filing process and provide gender inclusivity. The board advises that the regulations are technical and procedural and, thus, have no fiscal impact. The Department of Legislative Services advises that any fiscal impact due to streamlining the complaint filing process is not material. There is no fiscal impact to provide gender inclusivity in the language.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The board advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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