

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Independent Agencies**  
(DLS Control No. 23-304)

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## **Overview and Legal and Fiscal Impact**

The purpose of this action is to repeal the regulations of the former Public School Labor Relations Board, as that body no longer exists, and its jurisdiction has been absorbed by the Public Employee Relations Board.

These regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

## **Regulations of COMAR Affected**

### **Independent Agencies:**

Public School Labor Relations Board:

Recognition of Employee Organizations: COMAR 14.34.01

Negotiability Dispute: COMAR 14.34.02

Impasse Determination: COMAR 14.34.03

Charge of Statutory Violation: COMAR 14.34.04

Public Information Act Requests: COMAR 14.34.05

Attendance, Recording, Photographing, and Broadcasting of Open Sessions:  
COMAR 14.34.06

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## **Legal Analysis**

### **Background**

Chapter 114 of 2023, the Public Employees Relations Act, restructured the State's rules, procedures, processes, rights, and prohibitions regarding collective bargaining by public employees, including certificated and noncertificated school employees, State employees, and employees of community colleges. Different collective bargaining laws were consolidated 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. Along with this consolidation, the State Labor Relations Board, the State Higher Education Labor Relations Board, and the Public School Labor Relations Board, were repealed, and instead the Public Employee Relations Board was established to oversee collective bargaining for all public employees.

## **Summary of Regulations**

The purpose of this action is to repeal the regulations of the former Public School Labor Relations Board, since the Public School Labor Relations Board no longer exists, and its jurisdiction has been absorbed by the newly established Public Employee Relations Board. The regulations that are repealed pertain to all operations of the former board, including: recognizing employee organizations; negotiating disputes; impasse determinations; charges relating to statutory violations; Public Information Act requests; and attending, recording, photographing, and broadcasting open sessions.

## **Legal Issues**

These regulations present no legal issue of concern.

## **Statutory Authority and Legislative Intent**

The Public Employee Relations Board cites § 22-306(e) of the State Government Article as statutory authority for the regulations. Section 22-306(e) requires the board to adopt and enforce regulations, guidelines, and policies to carry out the title on public employee relations.

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

## **Special Notes**

The provisions of the Public Employees Relations Act are more expansive and proscriptive than the laws that governed the Public School Labor Relations Board. Nevertheless, concurrent with the repeal of these regulations, new regulations are being proposed under COMAR 14.30 which currently apply to the regulations of the State Higher Education Labor Relations Board, which was also repealed by the Act.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The Public Employee Relations Act (Chapter 114 of 2023) repealed the State Labor Relations Board, as well as the State Higher Education Labor Relations Board, and the Public School Labor Relations Board (PSLRB), and instead established the Public Employee Relations Board (PERB) to oversee collective bargaining for all public employees. The board (PERB) advises that repealing the regulations promulgated by PSLRB has no impact on State or local governments. The Department of Legislative Services concurs that repealing the regulations promulgated by PSLRB has no fiscal impact, as PSLRB was repealed in statute and any costs

associated with repealing PSLRB were accounted for in the fiscal and policy note for House Bill 984 of 2023 (enacted as Chapter 114). The board advises that it is in the process of developing regulations to establish the procedures for PERB.

### **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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