

SENATE BILL 138

F3

(PRE-FILED)

1lr1236
CF HB 45

By: **Senator Hettleman**

Requested: October 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Baltimore County Public Library – Collective Bargaining**

3 FOR the purpose of authorizing employees of the Baltimore County Public Library to form,
4 join, and participate in an employee organization and engage in certain other
5 activities related to collective bargaining; specifying the responsibilities of the
6 library and the certified exclusive representative; stating the goal of collective
7 bargaining; requiring the library to recognize certain rights of the certified exclusive
8 representative; requiring the certified exclusive representative to serve as the sole
9 agent for the unit in collective bargaining and represent employees in a certain
10 manner; requiring the library and the certified exclusive representative to enter into
11 a collective bargaining agreement that contains certain provisions; requiring the
12 library to make certain payroll deductions under certain circumstances; requiring
13 that certain dues be remitted to the certified exclusive representative; requiring the
14 library to stop making certain payroll deductions under certain circumstances;
15 specifying when a collective bargaining agreement is effective and when it expires;
16 requiring the library and the certified representative to reach an agreement by a
17 certain date except under certain circumstances; specifying the conditions under
18 which an impasse is reached in collective bargaining negotiations; specifying the
19 procedures, including for mediation, to be followed if an impasse is reached in
20 collective bargaining negotiations; requiring the library, under certain
21 circumstances, to submit certain terms of the collective bargaining agreement to the
22 Baltimore County Public Library Board of Trustees for its acceptance or rejection;
23 requiring the Board to take certain action regarding the terms submitted to it for
24 review; requiring the library and the certified exclusive representative to take
25 certain action if the Board rejects a term; requiring the Board to take certain action
26 if it accepts a term; authorizing the Baltimore County Executive and Baltimore
27 County Council to take certain action regarding certain requests submitted to them
28 for approval; requiring the Baltimore County Executive to take certain action if the
29 Baltimore County Executive accepts a certain request; requiring that the entire
30 collective bargaining agreement be returned to the library system and the certified

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



exclusive representative for renegotiation within certain limits under certain circumstances; requiring that a certain renegotiation be completed within a certain timeline; prohibiting an employer and an employee organization from taking certain actions regarding collective bargaining; providing that this Act and a collective bargaining agreement entered into under this Act supersede certain provisions of law under certain circumstances; providing for the construction of certain provisions of this Act; defining certain terms; and generally relating to collective bargaining for employees of the Baltimore County Public Library.

BY adding to

Article – Education

Section 23–701 through 23–709 to be under the new subtitle “Subtitle 7. Baltimore County Public Library – Collective Bargaining”

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

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

Article – Education

SUBTITLE 7. BALTIMORE COUNTY PUBLIC LIBRARY – COLLECTIVE BARGAINING.

23–701.

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

(B) “BOARD” MEANS THE BALTIMORE COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES.

(C) “CERTIFIED EXCLUSIVE REPRESENTATIVE” MEANS THE EMPLOYEE ORGANIZATION THAT HAS BEEN CERTIFIED AS THE COLLECTIVE BARGAINING AGENT FOR A BARGAINING UNIT.

(D) “COUNTY COUNCIL” MEANS THE BALTIMORE COUNTY COUNCIL.

(E) “COUNTY EXECUTIVE” MEANS THE BALTIMORE COUNTY EXECUTIVE.

(F) “DIRECTOR” MEANS THE DIRECTOR OF THE BALTIMORE COUNTY PUBLIC LIBRARY, OR THE DIRECTOR’S DESIGNEE.

(G) (1) “EMPLOYEE” MEANS A FULL–TIME OR PART–TIME EMPLOYEE OF THE LIBRARY.

(2) "EMPLOYEE" DOES NOT INCLUDE AN EMPLOYEE:

(I) WHO, AS A FUNCTIONAL RESPONSIBILITY, ACTS IN A CONFIDENTIAL CAPACITY TO ASSIST THE BALTIMORE COUNTY PUBLIC LIBRARY OFFICIALS WHO FORMULATE, DETERMINE, AND EFFECTUATE POLICIES IN THE FIELD OF EMPLOYEE RELATIONS; OR

(II) WHO, IN THE INTEREST OF THE EMPLOYER, HAS:

1. AUTHORITY TO TRANSFER, SUSPEND, LAY OFF, RECALL, PROMOTE, DISCHARGE, ASSIGN, REWARD, OR DISCIPLINE OTHER EMPLOYEES;

2. RESPONSIBILITY TO DIRECT OTHER EMPLOYEES FOR MORE THAN 50% OF THE EMPLOYEE'S WORKING HOURS; OR

3. AUTHORITY TO ADDRESS AND RESOLVE EMPLOYEE GRIEVANCES.

(H) "EMPLOYEE ORGANIZATION" MEANS AN ORGANIZATION THAT ADMITS EMPLOYEES OF THE EMPLOYER AS MEMBERS AND HAS AS A PRIMARY PURPOSE THE REPRESENTATION OF THE EMPLOYEES IN THEIR RELATIONS WITH THE EMPLOYER.

(I) "EMPLOYER" MEANS THE BALTIMORE COUNTY PUBLIC LIBRARY.

23-702.

EMPLOYEES OF THE EMPLOYER MAY:

(1) FORM, JOIN, AND PARTICIPATE IN AN EMPLOYEE ORGANIZATION;

(2) BARGAIN COLLECTIVELY THROUGH A CERTIFIED EXCLUSIVE REPRESENTATIVE OF THEIR CHOICE;

(3) ENGAGE IN LAWFUL CONCERTED ACTIVITIES FOR THEIR MUTUAL AID AND PROTECTION; AND

(4) REFRAIN FROM ANY ACTIVITY COVERED UNDER ITEMS (1) THROUGH (3) OF THIS SECTION.

23-703.

(A) THE EMPLOYER AND THE CERTIFIED EXCLUSIVE REPRESENTATIVE HAVE A RESPONSIBILITY TO ENGAGE IN GOOD FAITH BARGAINING OVER MATTERS REQUIRED BY LAW.

(B) THE EMPLOYER AND THE CERTIFIED EXCLUSIVE REPRESENTATIVE JOINTLY SHALL BE RESPONSIBLE FOR FOSTERING A POSITIVE LABOR RELATIONS ENVIRONMENT BASED ON MUTUAL TRUST, RESPECT, COMMUNICATION, AND COOPERATION.

(C) THE GOAL OF COLLECTIVE BARGAINING IS THE DELIVERY OF QUALITY PUBLIC SERVICES TO THE RESIDENTS OF THE STATE IN A MANNER THAT IS CONSISTENT AND COMPLIANT WITH LAW.

23-704.

(A) THE EMPLOYER SHALL RECOGNIZE THE RIGHT OF THE CERTIFIED EXCLUSIVE REPRESENTATIVE TO REPRESENT THE EMPLOYEES IN THE UNIT IN COLLECTIVE BARGAINING AND IN THE SETTLEMENT OF GRIEVANCES.

(B) THE CERTIFIED EXCLUSIVE REPRESENTATIVE OF A UNIT SHALL:

(1) SERVE AS THE SOLE AGENT FOR THE UNIT IN COLLECTIVE BARGAINING; AND

(2) REPRESENT ALL EMPLOYEES IN THE UNIT FAIRLY AND IN GOOD FAITH, IN A MANNER THAT IS NOT ARBITRARY OR DISCRIMINATORY.

23-705.

(A) IF AN EXCLUSIVE REPRESENTATIVE IS CERTIFIED UNDER BALTIMORE COUNTY COLLECTIVE BARGAINING LAW, THE EMPLOYER AND THE CERTIFIED EXCLUSIVE REPRESENTATIVE SHALL ENTER INTO A COLLECTIVE BARGAINING AGREEMENT THAT CONTAINS PROVISIONS REGARDING:

(1) WAGES, HOURS, AND TERMS AND CONDITIONS OF EMPLOYMENT;

(2) THE ORDERLY PROCESSING AND SETTLEMENT OF GRIEVANCES REGARDING THE INTERPRETATION AND IMPLEMENTATION OF THE COLLECTIVE BARGAINING AGREEMENT; AND

(3) OTHER TOPICS THAT THE PARTIES MAY MUTUALLY AGREE TO THAT WERE SUITABLE FOR BARGAINING.

(B) (1) THE EMPLOYER AUTOMATICALLY SHALL DEDUCT FROM THE PAYCHECK OF AN EMPLOYEE, WHO IS A MEMBER OF THE BARGAINING UNIT REPRESENTED BY THE CERTIFIED EXCLUSIVE REPRESENTATIVE, DUES AUTHORIZED AND OWED BY THE EMPLOYEE TO THE CERTIFIED EXCLUSIVE REPRESENTATIVE IF THE EMPLOYEE SUBMITS TO THE EMPLOYER A DUES DEDUCTION AUTHORIZATION CARD THAT HAS BEEN DULY EXECUTED BY THE EMPLOYEE.

(2) ANY DUES DEDUCTED FROM PAYCHECKS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REMITTED TO THE CERTIFIED EXCLUSIVE REPRESENTATIVE.

(3) THE EMPLOYER AUTOMATICALLY SHALL STOP MAKING PAYROLL DEDUCTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION ON BEHALF OF A CERTIFIED EXCLUSIVE REPRESENTATIVE IF:

(I) THE CERTIFIED EXCLUSIVE REPRESENTATIVE IS DECERTIFIED;

(II) THE CERTIFIED EXCLUSIVE REPRESENTATIVE'S RIGHT TO DUES IS REVOKED; OR

(III) THE EMPLOYEE CEASES TO BE A MEMBER OF THE BARGAINING UNIT REPRESENTED BY THE CERTIFIED EXCLUSIVE REPRESENTATIVE.

(C) THIS SECTION MAY NOT BE CONSTRUED TO:

(1) AUTHORIZE OR OTHERWISE ALLOW AN EMPLOYEE TO ENGAGE IN A STRIKE AS DEFINED IN § 3-303 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; OR

(2) RESTRICT THE AUTHORITY OF THE COUNTY EXECUTIVE OR THE COUNTY COUNCIL TO DETERMINE THE BUDGET OF THE EMPLOYER.

(D) (1) A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL BE EFFECTIVE ON RATIFICATION BY THE MAJORITY OF VOTES CAST BY THE EMPLOYEES IN THE BARGAINING UNIT AND APPROVAL BY THE DIRECTOR AND BOARD.

(2) A SINGLE YEAR OR MULTIYEAR COLLECTIVE BARGAINING AGREEMENT SHALL EXPIRE AT THE CLOSE OF BALTIMORE COUNTY'S FISCAL YEAR.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE EMPLOYER AND THE CERTIFIED EXCLUSIVE REPRESENTATIVE SHALL REACH AN AGREEMENT BY MARCH 1 OF THE YEAR IN WHICH A COLLECTIVE BARGAINING AGREEMENT WILL EXPIRE.

(2) THE EMPLOYER AND THE CERTIFIED EXCLUSIVE REPRESENTATIVE MUTUALLY MAY AGREE TO EXTEND NEGOTIATIONS FOR A PERIOD NOT TO EXTEND PAST JUNE 30 OF THE YEAR IN WHICH A COLLECTIVE BARGAINING AGREEMENT WILL EXPIRE.

(B) AN IMPASSE IS REACHED DURING THE NEGOTIATIONS BETWEEN THE EMPLOYER AND THE CERTIFIED EXCLUSIVE REPRESENTATIVE IF THE EMPLOYER AND THE CERTIFIED EXCLUSIVE REPRESENTATIVE DO NOT REACH AN AGREEMENT BY:

(1) MARCH 1 OF THE YEAR IN WHICH A COLLECTIVE BARGAINING AGREEMENT WILL EXPIRE; OR

(2) IF NEGOTIATIONS WERE EXTENDED, THE DATE TO WHICH NEGOTIATIONS WERE EXTENDED UNDER SUBSECTION (A)(2) OF THIS SECTION.

(C) (1) IF AN IMPASSE IS REACHED UNDER SUBSECTION (B) OF THIS SECTION, THE EMPLOYER AND THE CERTIFIED EXCLUSIVE REPRESENTATIVE SHALL SUBMIT A FINAL OFFER TO THE OTHER PARTY WITHIN 24 HOURS AFTER THE IMPASSE IS REACHED.

(2) UNLESS THE IMPASSE REACHED UNDER SUBSECTION (B) OF THIS SECTION HAS BEEN RESOLVED, THE DISPUTE AND THE FINAL OFFERS SHALL BE SUBMITTED TO THE FEDERAL MEDIATION AND CONCILIATION SERVICE WITHIN 5 DAYS AFTER THE IMPASSE IS REACHED.

(D) (1) WITHIN 30 DAYS AFTER THE DISPUTE IS SUBMITTED TO THE FEDERAL MEDIATION AND CONCILIATION SERVICE UNDER SUBSECTION (C)(2) OF THIS SECTION, A MEDIATOR APPOINTED BY THE FEDERAL MEDIATION AND CONCILIATION SERVICE SHALL:

(I) MEET WITH THE DIRECTOR AND THE CERTIFIED EXCLUSIVE REPRESENTATIVE; AND

(II) MAKE WRITTEN FINDINGS OF FACT AND RECOMMENDATIONS FOR THE RESOLUTION OF THE DISPUTE.

1 **(2) COPIES OF THE MEDIATOR'S WRITTEN FINDINGS AND**
2 **RECOMMENDATIONS SHALL BE SUBMITTED TO THE DIRECTOR AND THE CERTIFIED**
3 **EXCLUSIVE REPRESENTATIVE.**

4 **(3) ANY COSTS ASSOCIATED WITH THIS SUBSECTION SHALL BE**
5 **SHARED EQUALLY BY THE EMPLOYER AND THE CERTIFIED EXCLUSIVE**
6 **REPRESENTATIVE.**

7 **(E) (1) THE DIRECTOR AND CERTIFIED EXCLUSIVE REPRESENTATIVE**
8 **SHALL MEET WITHIN 5 DAYS AFTER THE CONCLUSION OF MEDIATION HELD UNDER**
9 **SUBSECTION (D) OF THIS SECTION TO REACH A VOLUNTARY RESOLUTION OF THE**
10 **DISPUTE.**

11 **(2) IF THE DIRECTOR AND THE CERTIFIED EXCLUSIVE**
12 **REPRESENTATIVE DO NOT REACH A VOLUNTARY RESOLUTION OF THE DISPUTE**
13 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PARTIES SHALL ADOPT THE**
14 **FINDINGS AND RECOMMENDATIONS OF THE MEDIATOR AND SUBMIT THEM TO THE**
15 **BOARD FOR FINAL APPROVAL.**

16 **23-707.**

17 **(A) THE EMPLOYER SHALL SUBMIT TO THE BOARD A TERM OF A**
18 **COLLECTIVE BARGAINING AGREEMENT ENTERED INTO UNDER § 23-705 OF THIS**
19 **SUBTITLE IF THE TERM:**

20 **(1) REQUIRES AN APPROPRIATION OF FUNDS; OR**

21 **(2) HAS OR MAY HAVE A FISCAL IMPACT ON THE EMPLOYER.**

22 **(B) THE EMPLOYER SHALL MAKE A GOOD FAITH EFFORT TO HAVE THE**
23 **BOARD APPROVE ALL TERMS OF A COLLECTIVE BARGAINING AGREEMENT THAT THE**
24 **EMPLOYER IS REQUIRED TO SUBMIT TO THE BOARD FOR REVIEW.**

25 **(C) (1) THE BOARD SHALL STATE IN WRITING WHETHER IT WILL**
26 **REQUEST THAT THE COUNTY EXECUTIVE APPROPRIATE FUNDS FOR OR OTHERWISE**
27 **IMPLEMENT THE ITEMS THAT REQUIRE BOARD REVIEW:**

28 **(I) ON OR BEFORE MAY 1 OF THE YEAR IN WHICH A**
29 **COLLECTIVE BARGAINING AGREEMENT WILL EXPIRE; OR**

30 **(II) WITHIN 30 DAYS OF RECEIVING THE TERMS SUBMITTED**
31 **FOR REVIEW UNDER SUBSECTION (A) OF THIS SECTION IF NEGOTIATIONS ARE**
32 **EXTENDED BEYOND MAY 1 UNDER § 23-706(A)(2) OF THIS SUBTITLE.**

1 **(2) IF THE BOARD INTENDS NOT TO REQUEST AN APPROPRIATION OF**
2 **FUNDS FOR OR OTHERWISE IMPLEMENT A TERM, OR PART OF A TERM, THE BOARD**
3 **SHALL INCLUDE THE REASON FOR THE REJECTION IN THE WRITTEN STATEMENT**
4 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

5 **(D) (1) IF THE BOARD REJECTS A TERM SUBMITTED FOR BOARD REVIEW,**
6 **THE EMPLOYER AND THE CERTIFIED EXCLUSIVE REPRESENTATIVE SHALL:**

7 **(I) MEET AS SOON AS POSSIBLE TO NEGOTIATE AN AGREEMENT**
8 **ACCEPTABLE TO THE BOARD; AND**

9 **(II) SUBMIT TO THE BOARD THE RESULTS OF THE NEGOTIATION**
10 **ON OR BEFORE MAY 15 OF THE YEAR IN WHICH A COLLECTIVE BARGAINING**
11 **AGREEMENT WILL EXPIRE.**

12 **(2) THE BOARD SHALL CONSIDER THE AGREEMENT SUBMITTED**
13 **UNDER PARAGRAPH (1) OF THIS SUBSECTION AND ISSUE A STATEMENT AS**
14 **REQUIRED UNDER SUBSECTION (C) OF THIS SECTION REGARDING THE NEW TERM.**

15 **(3) IF THE EMPLOYER OR THE CERTIFIED EXCLUSIVE**
16 **REPRESENTATIVE DECLARES THAT AN IMPASSE EXISTS, THE DISPUTE SHALL BE**
17 **SUBMITTED FOR MEDIATION IN ACCORDANCE WITH § 23-706 OF THIS SUBTITLE.**

18 **(E) (1) (I) IF THE BOARD ACCEPTS A TERM SUBMITTED FOR BOARD**
19 **REVIEW THAT REQUIRES ADDITIONAL FUNDING, THE BOARD SHALL SUBMIT A**
20 **REQUEST TO THE COUNTY EXECUTIVE WITHIN THE TIME PERIOD PROVIDED IN THE**
21 **COLLECTIVE BARGAINING AGREEMENT.**

22 **(II) THE COUNTY EXECUTIVE MAY APPROVE OR REJECT A**
23 **REQUEST FOR ADDITIONAL FUNDING, IN WHOLE OR IN PART.**

24 **(III) IF THE COUNTY EXECUTIVE APPROVES A REQUEST UNDER**
25 **SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COUNTY EXECUTIVE SHALL SUBMIT**
26 **THE REQUEST TO THE COUNTY COUNCIL.**

27 **(2) THE COUNTY COUNCIL MAY APPROVE OR REJECT A REQUEST FOR**
28 **ADDITIONAL FUNDING, IN WHOLE OR IN PART.**

29 **(3) (I) IF ANY PART OF A REQUEST FOR ADDITIONAL FUNDING**
30 **SUBMITTED TO THE COUNTY EXECUTIVE OR COUNTY COUNCIL UNDER THIS**
31 **SUBSECTION IS REJECTED, THE ENTIRE COLLECTIVE BARGAINING AGREEMENT**
32 **SHALL BE RETURNED TO THE EMPLOYER AND THE CERTIFIED EXCLUSIVE**

1 REPRESENTATIVE FOR RENEGOTIATION WITHIN THE LIMITS OF THE FUNDING
2 ALLOCATED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL.

3 (II) THE RENEGOTIATION SHALL BE COMPLETED WITHIN A
4 TIMETABLE ESTABLISHED BY THE COUNTY EXECUTIVE.

5 (III) 1. IF AN IMPASSE IS REACHED, THE EMPLOYER AND THE
6 CERTIFIED EXCLUSIVE REPRESENTATIVE SHALL SUBMIT A FINAL OFFER, WITHIN
7 THE LIMITS OF THE FUNDING ALLOCATED BY THE COUNTY EXECUTIVE AND COUNTY
8 COUNCIL, FOR THE REVIEW OF THE COUNTY EXECUTIVE.

9 2. THE COUNTY EXECUTIVE SHALL SELECT ONE OF THE
10 OFFERS SUBMITTED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.

11 3. THE SELECTION OF THE COUNTY EXECUTIVE IS
12 BINDING.

13 23-708.

14 (A) THE EMPLOYER MAY NOT:

15 (1) INTERFERE WITH, COERCE, UNDULY INFLUENCE, OR RESTRAIN
16 AN EMPLOYEE'S EXERCISE OF RIGHTS UNDER THIS SUBTITLE;

17 (2) DOMINATE, INTERFERE WITH, ASSIST IN THE FORMATION,
18 ADMINISTRATION, OR EXISTENCE OF, OR CONTRIBUTE FINANCIAL ASSISTANCE OR
19 OTHER SUPPORT TO AN EMPLOYEE ORGANIZATION;

20 (3) ENCOURAGE OR DISCOURAGE MEMBERSHIP IN AN EMPLOYEE
21 ORGANIZATION BY DISCRIMINATING AGAINST AN EMPLOYEE THROUGH HIRING,
22 TENURE, PROMOTION, OR OTHER CONDITIONS OF EMPLOYMENT; OR

23 (4) REFUSE TO BARGAIN IN GOOD FAITH WITH AN EMPLOYEE
24 ORGANIZATION THAT IS THE EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES.

25 (B) AN EMPLOYEE ORGANIZATION MAY NOT:

26 (1) INTERFERE WITH, COERCE, UNDULY INFLUENCE, OR RESTRAIN
27 AN EMPLOYEE'S EXERCISE OF RIGHTS UNDER THIS SUBTITLE;

28 (2) CAUSE OR ATTEMPT TO CAUSE THE EMPLOYER TO DISCRIMINATE
29 AGAINST AN EMPLOYEE BECAUSE THE EMPLOYEE EXERCISES A RIGHT UNDER THIS
30 SUBTITLE; OR

1 **(3) REFUSE TO BARGAIN IN GOOD FAITH WITH THE EMPLOYER OR TO**
2 **PARTICIPATE IN GOOD FAITH IN A PROCEDURE UNDER THIS SUBTITLE.**

3 **23-709.**

4 **EXCEPT AS OTHERWISE PROVIDED BY LAW, IF EMPLOYEES HAVE ENTERED**
5 **INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE EMPLOYER UNDER THIS**
6 **SUBTITLE, THE COLLECTIVE BARGAINING AGREEMENT ENTERED INTO SUPERSEDES**
7 **ANY CONFLICTING REGULATION OR ADMINISTRATIVE POLICY OF THE EMPLOYER.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2021.