

Chapter 51

(House Bill 144)

AN ACT concerning

Public Employee Relations Act – Alterations

FOR the purpose of altering certain provisions of the Public Employee Relations Act, including adding the definition of interested employee organization, altering the timing of exclusive representative access to new employees, clarifying the responsibilities of certain deputy directors, and clarifying the process for certain investigations of unfair labor practices; and generally relating to alterations to the Public Employee Relations Act.

BY repealing and reenacting, with amendments,

Article – State Government

Section 22–101, 22–207(c), 22–305, 22–306(b), and 22–307(a) and (f)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 22–405(a)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
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 a labor organization in which public employees participate and that has as one of its primary purposes representing public employees.

(e) “Exclusive representative” means an employee organization that has been certified by the Board as an exclusive representative under Subtitle 4 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.

[(f)] (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.

[(g)] (H) “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.

[(h)] (I) “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.

[(i)] (J) (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.

[(j)] (K) (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.

22–207.

(c) (1) Except as provided in paragraph (2) of this subsection and subject to paragraph (3) of this subsection, a public employer shall provide the exclusive representative at least 10 days’ notice of the start date of a new employee in a bargaining unit represented by the exclusive representative.

(2) A public employer may provide the exclusive representative with less than 10 days’ notice if there is an urgent need critical to the employer that was not reasonably foreseeable.

(3) The notice required under paragraph (1) of this subsection shall:

(i) be provided electronically to the local president or exclusive representative designee within 5 days of the [employee’s first check–in] **START OF ANY CHECK–IN EVENT THE EMPLOYER OBLIGATES THE EMPLOYEE TO ATTEND;**

(ii) except as provided in item (iii) of this paragraph, include the new employee’s name, unit, and all employee identification numbers, including Workday numbers;

(iii) exclude the new employee’s Social Security number; and

(iv) be considered confidential by an exclusive representative.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, an exclusive representative may not disclose the information in a notice.

(ii) The exclusive representative may authorize a third–party contractor to use the information in a notice, as directed by the exclusive representative, to fulfill the exclusive representative’s statutory duties.

22–305.

(a) The Board shall appoint:

- (1) a deputy director **PRIMARILY RESPONSIBLE** for Executive Branch labor relations;
- (2) a deputy director **PRIMARILY RESPONSIBLE** for public school labor relations; and
- (3) a deputy director **PRIMARILY RESPONSIBLE** for public higher education labor relations.

(b) The deputy directors:

- (1) are responsible to and serve at the pleasure of the Board;
- (2) must have knowledge of and experience with labor issues and the subject matter area associated with their positions; and
- (3) are entitled to the salary provided in the State budget.

22–306.

(b) In addition to any other powers or duties provided for elsewhere in this title, Title 6, Subtitle 4 or 5 of the Education Article, Title 16, Subtitle 7 of the Education Article, and Title 3 of the State Personnel and Pensions Article, the Board may:

- (1) establish procedures for, supervise the conduct of, and resolve disputes about elections for exclusive representatives;
- (2) establish procedures for and resolve disputes about petitions for bargaining unit clarification;
- (3) establish procedures for and resolve disputes about petitions and elections for decertification of an exclusive representative;
- (4) investigate and take appropriate action in response to [complaints] **CHARGES** of unfair labor practices, including strikes and lockouts;
- (5) establish procedures for and resolve disputes about the negotiability of bargaining subjects;
- (6) on application by an employee organization or public employer, determine that the applicant shall be designated as a joint public employer of public employees in an employer–employee bargaining unit determined in accordance with

Subtitle 4 of this title when such determination would best effectuate the purposes of this subtitle; and

(7) resolve matters as provided in §§ 6–406, 6–507, and 16–707 of the Education Article.

22–307.

(a) (1) If a party has been charged with engaging in [or has engaged in] an unfair labor practice, the appropriate deputy director shall investigate the charge.

(2) If the Board, through the deputy director’s investigation, finds that probable cause exists to support the charge of an unfair labor practice, the Board shall:

(i) issue a complaint against the party [stating] **STATED IN** the [charges] **CHARGE**; and

(ii) not less than 15 days after issuing the complaint, issue a notice of a hearing before the Board or the Office of Administrative Hearings.

(f) The appropriate deputy director shall provide relevant information gathered in the investigation of a charge [or complaint] of unfair labor practices to the Board [and the Office of Administrative Hearings].

22–405.

(a) (1) Within 5 days after determining that a valid petition has been submitted under § 22–402 of this subtitle, the Board shall notify interested employee organizations of the pending election petition.

(2) Within 10 days after determining that a valid petition has been submitted under § 22–402 of this subtitle, the public employer, as appropriate, shall make available to all interested employee organizations reasonable and equivalent means to communicate by mail and in person with each employee in the appropriate bargaining unit for the purpose of soliciting the employee’s vote in an election held under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, April 9, 2024.