

HOUSE BILL 507

F2, L6

7lr1928

By: **Delegate Luedtke**

Introduced and read first time: January 27, 2017

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Community Colleges and Local Governments – Use of Public Funds to Influence**
3 **Collective Bargaining Rights – Prohibition**

4 FOR the purpose of prohibiting community college trustees and employees and public
5 officials and employees of a county or municipality from knowingly using certain
6 funds to influence certain decisions of certain employees relating to collective
7 bargaining; establishing the liability of a certain trustee, public official, or employee
8 for a violation of this Act; providing for the application of this Act; and generally
9 relating to the use of public funds to influence decisions of employees relating to
10 collective bargaining.

11 BY adding to
12 Article – Education
13 Section 16–420
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2016 Supplement)

16 BY adding to
17 Article – Local Government
18 Section 1–1312
19 Annotated Code of Maryland
20 (2013 Volume and 2016 Supplement)

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

23 **Article – Education**

24 **16–420.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(A) A TRUSTEE OF THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE OR AN EMPLOYEE OF A COMMUNITY COLLEGE MAY NOT KNOWINGLY USE PUBLIC FUNDS TO INFLUENCE THE DECISIONS OF COMMUNITY COLLEGE EMPLOYEES, INCLUDING FACULTY, TO:

(1) SUPPORT OR OPPOSE AN EMPLOYEE ORGANIZATION THAT REPRESENTS OR SEEKS TO REPRESENT THE EMPLOYEES OF THE COMMUNITY COLLEGE; OR

(2) BECOME A MEMBER OF AN EMPLOYEE ORGANIZATION.

(B) A TRUSTEE OR AN EMPLOYEE OF A COMMUNITY COLLEGE WHO VIOLATES SUBSECTION (A) OF THIS SECTION SHALL BE LIABLE TO THE COMMUNITY COLLEGE FOR THE AMOUNT OF PUBLIC FUNDS USED IN VIOLATION OF SUBSECTION (A) OF THIS SECTION.

(C) THIS SECTION DOES NOT APPLY TO AN ACTIVITY PERFORMED OR TO AN EXPENSE INCURRED IN CONNECTION WITH:

(1) ADDRESSING A GRIEVANCE OR NEGOTIATING OR ADMINISTERING A COLLECTIVE BARGAINING AGREEMENT;

(2) ALLOWING AN EMPLOYEE ORGANIZATION OR A REPRESENTATIVE OF AN EMPLOYEE ORGANIZATION ACCESS TO A COMMUNITY COLLEGE'S FACILITIES OR PROPERTIES;

(3) PERFORMING AN ACTIVITY REQUIRED BY FEDERAL OR STATE LAW OR A COLLECTIVE BARGAINING AGREEMENT; OR

(4) NEGOTIATING, ENTERING INTO, OR CARRYING OUT A VOLUNTARY RECOGNITION AGREEMENT WITH AN EMPLOYEE ORGANIZATION.

Article – Local Government

1–1312.

(A) A PUBLIC OFFICIAL OR AN EMPLOYEE OF A COUNTY OR MUNICIPALITY MAY NOT KNOWINGLY USE PUBLIC FUNDS TO INFLUENCE THE DECISIONS OF COUNTY OR MUNICIPALITY EMPLOYEES TO:

(1) SUPPORT OR OPPOSE AN EMPLOYEE ORGANIZATION THAT REPRESENTS OR SEEKS TO REPRESENT THE EMPLOYEES OF THE COUNTY OR MUNICIPALITY; OR

1 **(2) BECOME A MEMBER OF AN EMPLOYEE ORGANIZATION.**

2 **(B) A PUBLIC OFFICIAL OR AN EMPLOYEE OF A COUNTY OR MUNICIPALITY**
3 **WHO VIOLATES SUBSECTION (A) OF THIS SECTION SHALL BE LIABLE TO THE COUNTY**
4 **OR MUNICIPALITY FOR THE AMOUNT OF PUBLIC FUNDS USED IN VIOLATION OF**
5 **SUBSECTION (A) OF THIS SECTION.**

6 **(C) THIS SECTION DOES NOT APPLY TO AN ACTIVITY PERFORMED OR TO AN**
7 **EXPENSE INCURRED IN CONNECTION WITH:**

8 **(1) ADDRESSING A GRIEVANCE OR NEGOTIATING OR ADMINISTERING**
9 **A COLLECTIVE BARGAINING AGREEMENT;**

10 **(2) ALLOWING AN EMPLOYEE ORGANIZATION OR A REPRESENTATIVE**
11 **OF AN EMPLOYEE ORGANIZATION ACCESS TO A COUNTY'S OR MUNICIPALITY'S**
12 **FACILITIES OR PROPERTIES;**

13 **(3) PERFORMING AN ACTIVITY REQUIRED BY FEDERAL OR STATE LAW**
14 **OR A COLLECTIVE BARGAINING AGREEMENT; OR**

15 **(4) NEGOTIATING, ENTERING INTO, OR CARRYING OUT A VOLUNTARY**
16 **RECOGNITION AGREEMENT WITH AN EMPLOYEE ORGANIZATION.**

17 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
18 **October 1, 2017.**