

SENATE BILL 976

L1, L3, P4

5lr1919

By: **Senator Lam**

Introduced and read first time: January 28, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Collective Bargaining – Local Government Employees and Public Employee**
3 **Relations Act**

4 FOR the purpose of establishing collective bargaining rights for public local employees;
5 applying the Maryland Public Employee Relations Act to county and municipal
6 government employers and their employees; providing that a public employee may
7 be deemed a certain management employee for purposes of establishing collective
8 bargaining rights; establishing impasse procedures for collective bargaining between
9 public local employees and their employers that include binding arbitration;
10 authorizing the governing body of a county or municipality to adopt a local law on
11 labor relations; establishing a process by which the governing body of a county or
12 municipality may petition the Public Labor Relations Board for a determination that
13 its local laws comply with State law for certain purposes; requiring public local
14 employers to provide certain documentation to the Board for publishing on the
15 Board's website; requiring the Board to appoint a deputy director for local
16 government relations; requiring the appropriate deputy director of labor relations to
17 present cases to the Board or the Office of Administrative Hearings if the Board
18 issues a certain complaint; prohibiting a public employee bargaining unit from
19 including both supervisory employees and nonsupervisory employees; providing that
20 certain agreements between a public employer and an exclusive representative may
21 provide for binding arbitration of grievances; and generally relating to collective
22 bargaining rights for public employees in the State.

23 BY adding to
24 Article – Local Government
25 Section 1–2A–01 through 1–2A–07 to be under the new subtitle “Subtitle 2A. Public
26 Local Employee Collective Bargaining”
27 Annotated Code of Maryland
28 (2013 Volume and 2024 Supplement)

29 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – State Government

Section 22–101, 22–102(a), 22–207(b), 22–209(f), 22–305(a), 22–306, 22–307(f),
22–401(c), 22–403, and 22–501

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)

BY adding to

Article – State Government

Section 22–104

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)

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

Article – Local Government

SUBTITLE 2A. PUBLIC LOCAL EMPLOYEE COLLECTIVE BARGAINING.

1–2A–01.

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

(B) “BOARD” MEANS THE PUBLIC EMPLOYEE RELATIONS BOARD
ESTABLISHED UNDER TITLE 22, SUBTITLE 3 OF THE STATE GOVERNMENT ARTICLE.

(C) “COLLECTIVE BARGAINING” MEANS:

(1) GOOD FAITH NEGOTIATIONS BY AUTHORIZED REPRESENTATIVES
OF EMPLOYEES AND THEIR EMPLOYER WITH THE INTENTION OF:

(I) 1. REACHING AN AGREEMENT ABOUT WAGES, HOURS,
AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT; AND

2. INCORPORATING THE TERMS OF THE AGREEMENT IN
A WRITTEN MEMORANDUM OF UNDERSTANDING OR OTHER WRITTEN AGREEMENT;
OR

(II) CLARIFYING TERMS AND CONDITIONS OF EMPLOYMENT;

(2) ADMINISTRATION OF TERMS AND CONDITIONS OF EMPLOYMENT;
OR

1 **(3) THE VOLUNTARY ADJUSTMENT OF A DISPUTE OR DISAGREEMENT**
2 **BETWEEN AUTHORIZED REPRESENTATIVES OF EMPLOYEES AND THEIR EMPLOYER**
3 **THAT ARISES UNDER A MEMORANDUM OF UNDERSTANDING OR OTHER WRITTEN**
4 **AGREEMENT.**

5 **(D) “CONFIDENTIAL EMPLOYEE” MEANS AN EMPLOYEE WHO IS:**

6 **(1) REQUIRED TO DEVELOP OR PRESENT MANAGEMENT POSITIONS**
7 **WITH RESPECT TO EMPLOYER–EMPLOYEE RELATIONS; AND**

8 **(2) WHOSE DUTIES NORMALLY REQUIRE ACCESS TO CONFIDENTIAL**
9 **INFORMATION THAT CONTRIBUTES SIGNIFICANTLY TO THE DEVELOPMENT OF THE**
10 **MANAGEMENT POSITIONS WITH RESPECT TO EMPLOYER–EMPLOYEE RELATIONS.**

11 **(E) “EMPLOYEE ORGANIZATION” HAS THE MEANING STATED IN § 22–101 OF**
12 **THE STATE GOVERNMENT ARTICLE.**

13 **(F) “EXCLUSIVE REPRESENTATIVE” HAS THE MEANING STATED IN § 22–101**
14 **OF THE STATE GOVERNMENT ARTICLE.**

15 **(G) “MANAGEMENT EMPLOYEE” MEANS AN EMPLOYEE WHO GENERALLY**
16 **HAS AUTHORITY AND WHO:**

17 **(1) FORMULATES POLICY THAT IS APPLICABLE THROUGHOUT A**
18 **BARGAINING UNIT;**

19 **(2) HAS A SIGNIFICANT ROLE IN PERSONNEL ADMINISTRATION,**
20 **EMPLOYEE RELATIONS, OR THE PREPARATION AND ADMINISTRATION OF BUDGETS**
21 **FOR THE EMPLOYER; OR**

22 **(3) MAY REASONABLY BE REQUIRED TO:**

23 **(I) ASSIST DIRECTLY IN THE PREPARATION FOR AND CONDUCT**
24 **OF COLLECTIVE BARGAINING NEGOTIATIONS ON BEHALF OF THE EMPLOYER; OR**

25 **(II) HAVE A MAJOR ROLE IN THE ADMINISTRATION OF**
26 **RESULTING COLLECTIVE BARGAINING AGREEMENTS.**

27 **(H) (1) “PUBLIC LOCAL EMPLOYEE” MEANS AN INDIVIDUAL WHO IS**
28 **EMPLOYED BY A LOCAL EMPLOYER.**

29 **(2) “PUBLIC LOCAL EMPLOYEE” DOES NOT INCLUDE:**

(I) A CONFIDENTIAL EMPLOYEE; OR

(II) A MANAGEMENT EMPLOYEE.

(I) (1) "PUBLIC LOCAL EMPLOYER" MEANS A COUNTY OR MUNICIPALITY, INCLUDING A UNIT, A DEPARTMENT, OR AN INSTRUMENTALITY OF A COUNTY OR MUNICIPALITY.

(2) "PUBLIC LOCAL EMPLOYER" DOES NOT INCLUDE:

(I) A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS;

(II) THE BOARD OF COMMUNITY COLLEGE TRUSTEES FOR A COMMUNITY COLLEGE, INCLUDING THE BOARD OF TRUSTEES OF BALTIMORE CITY COMMUNITY COLLEGE; OR

(III) A PUBLIC LIBRARY SYSTEM OR THE BOARD OF TRUSTEES FOR THE PUBLIC LIBRARY SYSTEM, INCLUDING THE BALTIMORE COUNTY PUBLIC LIBRARY AND THE BALTIMORE COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES.

(J) "SUPERVISORY EMPLOYEE" MEANS AN EMPLOYEE WHO IS AUTHORIZED TO:

(1) HIRE, TRANSFER, SUSPEND, LAY OFF, RECALL, PROMOTE, DISCHARGE, ASSIGN, REWARD, OR DISCIPLINE EMPLOYEES;

(2) RESPONSIBLY DIRECT EMPLOYEES FOR MORE THAN 50% OF THE EMPLOYEE'S WORKING HOURS; OR

(3) ADDRESS AND RESOLVE THE GRIEVANCES OF EMPLOYEES.

1-2A-02.

(A) (1) THIS SUBTITLE APPLIES TO EACH PUBLIC LOCAL EMPLOYER, PUBLIC LOCAL EMPLOYEE, AND EXCLUSIVE REPRESENTATIVE OF PUBLIC LOCAL EMPLOYEES.

(2) PUBLIC LOCAL EMPLOYEES MAY FORM, JOIN, AND PARTICIPATE IN THE ACTIVITIES OF EMPLOYEE ORGANIZATIONS OF THEIR OWN CHOICE FOR THE PURPOSE OF BEING REPRESENTED IN ALL MATTERS THAT RELATE TO SALARIES, WAGES, HOURS, AND OTHER WORKING CONDITIONS.

1 **(3) PUBLIC LOCAL EMPLOYEES, PUBLIC LOCAL EMPLOYERS, AND**
2 **EXCLUSIVE REPRESENTATIVES ARE SUBJECT TO THE PROVISIONS OF TITLE 22 OF**
3 **THE STATE GOVERNMENT ARTICLE.**

4 **(B) (1) THIS SECTION MAY NOT BE CONSTRUED TO MODIFY OR**
5 **TERMINATE:**

6 **(I) A BARGAINING UNIT THAT WAS RECOGNIZED OR IN**
7 **EXISTENCE ON OR BEFORE JUNE 30, 2025; OR**

8 **(II) A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO ON**
9 **OR BEFORE JUNE 30, 2025.**

10 **(2) (I) A BARGAINING UNIT FOR PUBLIC LOCAL EMPLOYEES MAY**
11 **NOT CONSIST OF BOTH SUPERVISORY EMPLOYEES AND NONSUPERVISORY**
12 **EMPLOYEES.**

13 **(II) IF AN EMPLOYEE ORGANIZATION HAS BEEN CERTIFIED**
14 **UNDER STATE OR LOCAL LAW ON OR BEFORE JUNE 30, 2025, TO BE AN EXCLUSIVE**
15 **REPRESENTATIVE OF PUBLIC LOCAL EMPLOYEES, THE APPLICABLE PUBLIC LOCAL**
16 **EMPLOYER SHALL ACCRETE ALL ELIGIBLE POSITIONS INTO THE EXISTING**
17 **BARGAINING UNIT IN ACCORDANCE WITH THIS SECTION ON REQUEST OF THE**
18 **EXCLUSIVE REPRESENTATIVE.**

19 **(III) AN ACCRETION UNDER THIS SUBSECTION IS SUBJECT TO A**
20 **SHOWING OF INTEREST AND ELECTION BY PUBLIC LOCAL EMPLOYEES IN THE**
21 **ACCREDITED POSITIONS IN ACCORDANCE WITH THE PROCEDURES UNDER § 22-603 OF**
22 **THE STATE GOVERNMENT ARTICLE.**

23 **1-2A-03.**

24 **(A) A PUBLIC LOCAL EMPLOYEE WHO MAY EFFECTIVELY RECOMMEND AN**
25 **ACTION LISTED IN § 1-2A-01(G) OF THIS SUBTITLE MAY BE DEEMED A MANAGEMENT**
26 **EMPLOYEE IF THE PUBLIC LOCAL EMPLOYEE'S EXERCISE OF THE AUTHORITY**
27 **REQUIRES THE EXERCISE OF INDEPENDENT JUDGMENT AND IS NOT MERELY OF A**
28 **ROUTINE OR CLERICAL NATURE.**

29 **(B) THE EXERCISE OF ANY SINGLE FUNCTION LISTED IN § 1-2A-01(G) OF**
30 **THIS SUBTITLE MAY NOT NECESSARILY REQUIRE THE CONCLUSION THAT THE**
31 **INDIVIDUAL EXERCISING THAT FUNCTION IS IN FACT A MANAGEMENT EMPLOYEE**
32 **WITHIN THE DEFINITION.**

(C) IN DIFFERENTIATING A MANAGEMENT EMPLOYEE FROM A NONMANAGEMENT EMPLOYEE:

(1) A CLASS TITLE ALONE MAY NOT BE THE BASIS FOR DETERMINATION; AND

(2) THE NATURE OF THE MANAGEMENT EMPLOYEE'S WORK, INCLUDING WHETHER A SIGNIFICANT PORTION OF THE MANAGEMENT EMPLOYEE'S WORKING TIME IS SPENT AS PART OF A TEAM THAT INCLUDES NONMANAGEMENT EMPLOYEES, SHALL BE CONSIDERED.

1-2A-04.

(A) IF, ON THE REQUEST OF EITHER PARTY, THE BOARD DETERMINES THAT AN IMPASSE IS REACHED IN NEGOTIATIONS BETWEEN A PUBLIC LOCAL EMPLOYER AND AN EXCLUSIVE REPRESENTATIVE, WITHIN 10 DAYS AFTER THE DETERMINATION IS MADE, THE BOARD SHALL:

(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, REQUEST LAST AND BEST OFFERS FROM THE PUBLIC LOCAL EMPLOYER AND EXCLUSIVE REPRESENTATIVE; AND

(2) ORDER THE PUBLIC LOCAL EMPLOYER AND EMPLOYEE ORGANIZATION TO COMMENCE ARBITRATION WITHIN 14 DAYS AFTER THE BOARD'S DETERMINATION THAT AN IMPASSE HAS BEEN REACHED.

(B) THE LAST AND BEST OFFERS SUBMITTED UNDER SUBSECTION (A)(1) OF THIS SECTION:

(1) SHALL LIST SEPARATELY:

(I) EVERY TERM OR CONDITION OF EMPLOYMENT IN DISPUTE;
AND

(II) THE DEMANDS OF THE PARTY MAKING THE LAST AND BEST OFFER; AND

(2) MAY NOT CONTAIN ITEMS OR TOPICS NOT PREVIOUSLY RAISED IN THE BARGAINING PROCESS.

(C) WITHIN 5 DAYS AFTER AN ORDER TO ARBITRATE, THE PARTIES SHALL SELECT AN ARBITRATOR BY:

1 **(1) AGREEMENT; OR**

2 **(2) ALTERNATELY STRIKING FROM A LIST OF SEVEN NEUTRAL**
3 **PARTIES PROVIDED BY:**

4 **(I) THE FEDERAL MEDIATION AND CONCILIATION SERVICE;**
5 **OR**

6 **(II) THE AMERICAN ARBITRATION ASSOCIATION.**

7 **(D) THE ARBITRATOR SHALL CONCLUDE THE ARBITRATION WITHIN 30 DAYS**
8 **AFTER CONVENING THE FIRST ARBITRATION SESSION.**

9 **(E) (1) SUBJECT TO SUBSECTION (F) OF THIS SECTION, IF THE PUBLIC**
10 **EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE DO NOT REACH AGREEMENT**
11 **BEFORE CONCLUDING THE ARBITRATION, THE ARBITRATOR SHALL ISSUE A FINAL**
12 **WRITTEN AWARD THAT SHALL BE BINDING ON BOTH PARTIES.**

13 **(2) THE ARBITRATOR SHALL ISSUE A STATEMENT OF REASONS FOR**
14 **THE FINAL WRITTEN AWARD.**

15 **(F) THE ARBITRATOR'S AWARD SHALL CONSIDER:**

16 **(1) THE WAGES, HOURS, WORKING CONDITIONS, OR OTHER TERMS**
17 **AND CONDITIONS OF EMPLOYMENT OF SIMILAR EMPLOYEES IN:**

18 **(I) SURROUNDING JURISDICTIONS; AND**

19 **(II) COMPARABLE JURISDICTIONS OUTSIDE THE STATE; AND**

20 **(2) THE ABILITY OF THE PUBLIC LOCAL EMPLOYER AND ANY FUNDING**
21 **BODY OF THE LOCAL GOVERNMENT TO PAY, INCLUDING:**

22 **(I) THEIR EXISTING RESOURCES; AND**

23 **(II) THE COSTS OF THE AWARD.**

24 **(G) THE PUBLIC LOCAL EMPLOYER AND EXCLUSIVE REPRESENTATIVE**
25 **SHALL SHARE THE COSTS OF THE HEARING EQUALLY.**

26 **(H) EACH NEGOTIATED PROVISION OR AWARD IS SUBJECT TO ANY OTHER**
27 **PROVISIONS OF THIS ARTICLE CONCERNING THE FISCAL RELATIONSHIP BETWEEN**
28 **THE PUBLIC EMPLOYER AND A FUNDING BODY OF THE LOCAL GOVERNMENT.**

1 **1-2A-05.**

2 (A) SUBJECT TO THE LIMITATIONS OF THIS SUBTITLE AND TITLE 22 OF THE
3 STATE GOVERNMENT ARTICLE, THE GOVERNING BODY OF A COUNTY OR
4 MUNICIPALITY MAY ADOPT A LOCAL LAW REGARDING LABOR RELATIONS OF PUBLIC
5 LOCAL EMPLOYEES.

6 (B) A LOCAL LAW ADOPTED UNDER THIS SECTION MAY NOT RESTRICT OR
7 WEAKEN THE RIGHTS PROVIDED TO PUBLIC LOCAL EMPLOYEES AND EMPLOYEE
8 ORGANIZATIONS UNDER THIS SUBTITLE AND TITLE 22 OF THE STATE GOVERNMENT
9 ARTICLE.

10 **1-2A-06.**

11 EACH PUBLIC LOCAL EMPLOYER SHALL SUBMIT TO THE BOARD A COPY OF
12 EACH CONTRACT, MEMORANDUM OF UNDERSTANDING, OR SIMILAR WRITTEN
13 AGREEMENT ENTERED INTO WITH THE EMPLOYEE REPRESENTATIVES PROVIDING
14 LABOR RELATION SERVICES.

15 **1-2A-07.**

16 (A) IN THIS SECTION, "EXEMPT LOCAL GOVERNMENT" MEANS THE
17 GOVERNING BODY OF A COUNTY OR MUNICIPALITY THAT HAS A PETITION UNDER
18 SUBSECTION (B) OF THIS SECTION GRANTED.

19 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE GOVERNING BODY
20 OF A COUNTY OR MUNICIPALITY MAY PETITION THE BOARD FOR A DETERMINATION
21 THAT ITS LOCAL LAWS COMPLY WITH THIS TITLE AND TITLE 22 OF THE STATE
22 GOVERNMENT ARTICLE.

23 (C) (1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE
24 BOARD SHALL:

25 (I) DETERMINE WHETHER THE PETITIONING COUNTY'S OR
26 MUNICIPALITY'S LAWS COMPLY WITH THIS TITLE; AND

27 (II) CONSIDER WHETHER GRANTING THE PETITION WOULD
28 BEST EFFECTUATE THE PURPOSES OF THIS TITLE AND TITLE 22 OF THE STATE
29 GOVERNMENT ARTICLE.

1 **(2) THE BOARD SHALL ALLOW INTERESTED EMPLOYEE**
2 **ORGANIZATIONS TO PARTICIPATE IN THE CONSIDERATION OF A PETITION UNDER**
3 **THIS SUBSECTION IN A MANNER DETERMINED BY THE BOARD.**

4 **(D) (1) IF THE BOARD GRANTS A PETITION UNDER SUBSECTION (B) OF**
5 **THIS SECTION, THE EXEMPT LOCAL GOVERNMENT SHALL:**

6 **(I) EXCEPT AS PROVIDED IN PARAGRAPH (2)(II) OF THIS**
7 **SUBSECTION, BE EXEMPT FROM THE REQUIREMENTS OF §§ 22-205(A), 22-403, AND**
8 **22-502 OF THE STATE GOVERNMENT ARTICLE; AND**

9 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ADOPT**
10 **A LOCAL LAW GOVERNING:**

11 **1. THE COMPOSITION OF BARGAINING UNITS; AND**

12 **2. THE CALENDAR TIMELINE FOR COLLECTIVE**
13 **BARGAINING, INCLUDING IMPASSE PROCEDURES.**

14 **(2) (I) A LOCAL LAW ADOPTED BY AN EXEMPT LOCAL**
15 **GOVERNMENT THAT PROVIDES FOR THE COMPOSITION OF BARGAINING UNITS MAY**
16 **NOT EXCLUDE PUBLIC LOCAL EMPLOYEES FROM A BARGAINING UNIT OTHER THAN**
17 **AS ALLOWED UNDER THIS SUBTITLE AND TITLE 22 OF THE STATE GOVERNMENT**
18 **ARTICLE.**

19 **(II) A LOCAL LAW ADOPTED BY AN EXEMPT LOCAL**
20 **GOVERNMENT SHALL ESTABLISH IMPASSE PROCEDURES FOR EACH BARGAINING**
21 **UNIT AUTHORIZED UNDER THE LOCAL LAW THAT:**

22 **1. ALLOW PUBLIC LOCAL EMPLOYEES OF THE EXEMPT**
23 **LOCAL GOVERNMENT TO STRIKE ON THE DECLARATION OF AN IMPASSE BY EITHER**
24 **PARTY; OR**

25 **2. A. ALLOW THE PARTIES TO APPOINT A NEUTRAL**
26 **ARBITRATOR WHO ISSUES A FINAL BINDING DECISION THAT IS TO BE IMPLEMENTED**
27 **AS A PART OF THE IMMEDIATELY FOLLOWING FISCAL YEAR'S BUDGET PROCESS; AND**

28 **B. CONSIDER THE FACTORS ESTABLISHED UNDER §**
29 **1-2A-04(B)(6) OF THIS SUBTITLE WHEN MAKING THE FINAL BINDING DECISION.**

30 **(E) THE BOARD SHALL RETAIN JURISDICTION OVER QUESTIONS OF**
31 **CERTIFICATIONS AS EXCLUSIVE REPRESENTATIVES AND UNFAIR LABOR PRACTICES**
32 **FOR EXEMPT LOCAL GOVERNMENTS, PUBLIC LOCAL EMPLOYEES, AND EMPLOYEE**

1 ORGANIZATIONS AS PROVIDED UNDER THIS SUBTITLE AND TITLE 22 OF THE STATE
2 GOVERNMENT ARTICLE.

3 (F) TO THE EXTENT AUTHORIZED UNDER AN APPLICABLE LAW IN EFFECT
4 ON OR BEFORE JUNE 30, 2025, AN EMPLOYEE MAY NOT BE DETERMINED TO BE A
5 PUBLIC LOCAL EMPLOYEE UNDER THIS SUBTITLE OR A PUBLIC EMPLOYEE UNDER
6 TITLE 22 OF THE STATE GOVERNMENT ARTICLE SOLELY ON THE BASIS OF BEING
7 CONSIDERED A SUPERVISORY EMPLOYEE UNDER THE APPLICABLE LAW.

8 Article – State Government

9 22–101.

10 (a) In this title the following words have the meanings indicated.

11 (b) “Board” means the Public Employee Relations Board.

12 (c) “CONFIDENTIAL EMPLOYEE” MEANS AN INDIVIDUAL:

13 (1) WHO IS REQUIRED TO DEVELOP OR PRESENT MANAGEMENT
14 POSITIONS WITH RESPECT TO EMPLOYER–EMPLOYEE RELATIONS; AND

15 (2) WHOSE DUTIES REQUIRE ACCESS TO CONFIDENTIAL
16 INFORMATION THAT CONTRIBUTES SIGNIFICANTLY TO THE DEVELOPMENT OF THE
17 MANAGEMENT POSITIONS WITH RESPECT TO EMPLOYER–EMPLOYEE RELATIONS.

18 (D) Unless specifically provided otherwise, “day” means a calendar day.

19 [(d)] (E) “Employee organization” means a labor organization in which public
20 employees participate and that has as one of its primary purposes representing public
21 employees.

22 [(e)] (F) “Exclusive representative” means an employee organization that has
23 been certified by the Board as an exclusive representative under Subtitle 4 of this title.

24 [(f)] (G) “Interested employee organization” means:

25 (1) an employee organization already representing employees in a
26 bargaining unit; or

27 (2) a petitioner who has met the showing of interest requirement under §
28 22–402 of this title.

29 [(g)] (H) “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.

(I) "MANAGEMENT EMPLOYEE" MEANS AN EMPLOYEE WHO GENERALLY HAS AUTHORITY AND WHO:

(1) FORMULATES POLICY THAT IS APPLICABLE THROUGHOUT A BARGAINING UNIT;

(2) HAS A SIGNIFICANT ROLE IN PERSONNEL ADMINISTRATION, EMPLOYEE RELATIONS, OR THE PREPARATION AND ADMINISTRATION OF BUDGETS FOR THE EMPLOYER; OR

(3) MAY REASONABLY BE REQUIRED TO:

(I) ASSIST DIRECTLY IN THE PREPARATION FOR AND CONDUCT OF COLLECTIVE BARGAINING NEGOTIATIONS ON BEHALF OF THE EMPLOYER; OR

(II) HAVE A MAJOR ROLE IN THE ADMINISTRATION OF RESULTING COLLECTIVE BARGAINING AGREEMENTS.

[h] (J) (1) "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:

(I) Title 3 of the State Personnel and Pensions Article [or];

(II) TITLE 1, SUBTITLE 2A OF THE LOCAL GOVERNMENT ARTICLE;

(III) Title 6, Subtitle 4 or 5 [or] OF THE EDUCATION ARTICLE; OR

(IV) Title 16, Subtitle 7 of the Education Article.

(2) "PUBLIC EMPLOYEE" DOES NOT INCLUDE:

(I) A CONFIDENTIAL EMPLOYEE; OR

(II) A MANAGEMENT EMPLOYEE.

1 **[(i)] (K)** “Public employer” means:

2 (1) the State, including any unit, department, or instrumentality of the
3 State;

4 (2) **A PUBLIC LOCAL EMPLOYER, AS DEFINED IN § 1-2A-01 OF THE**
5 **LOCAL GOVERNMENT ARTICLE;**

6 (3) a community college listed under § 16-702(b) of the Education Article;
7 and

8 **[(3)] (4)** a county board of education or the Baltimore City Board of School
9 Commissioners.

10 **(L) “PUBLIC LOCAL EMPLOYEE” HAS THE MEANING STATED IN § 1-2A-01**
11 **OF THE LOCAL GOVERNMENT ARTICLE.**

12 **[(j)] (M)** (1) “Showing of interest form” means a written statement from a
13 public employee who wishes to be represented by a petitioning employee organization for
14 the purpose of collective bargaining.

15 (2) “Showing of interest form” includes:

16 (i) a union authorization card; or

17 (ii) a union membership card.

18 **[(k)] (N)** (1) “Strike” means any concerted action to impede the full and
19 proper performance of employment duties in order to induce, influence, coerce, or enforce
20 demands for a change in wages, hours, terms, or other conditions of employment.

21 (2) “Strike” includes a total or partial:

22 (i) refusal or failure to report to work;

23 (ii) refusal or failure to perform employment duties;

24 (iii) withdrawal from work;

25 (iv) work stoppage; or

26 (v) work slowdown.

27 **(O) “SUPERVISORY EMPLOYEE” MEANS AN EMPLOYEE WHO IS AUTHORIZED**
28 **TO:**

1 **(1) HIRE, TRANSFER, SUSPEND, LAY OFF, RECALL, PROMOTE,**
2 **DISCHARGE, ASSIGN, REWARD, OR DISCIPLINE EMPLOYEES;**

3 **(2) RESPONSIBLY DIRECT EMPLOYEES FOR MORE THAN 50% OF THE**
4 **EMPLOYEE'S WORKING HOURS; OR**

5 **(3) ADDRESS AND RESOLVE THE GRIEVANCES OF EMPLOYEES.**

6 22-102.

7 (a) It is the intent of the General Assembly that it is the public policy of the State
8 to encourage and protect:

9 **(1) the exercise by public sector employees of the full freedom of**
10 **association, self-organization, and designation of representatives of their own choosing, for**
11 **the purpose of negotiating the terms and conditions of their employment or other mutual**
12 **aid or protection; AND**

13 **(2) THE RIGHTS DESCRIBED IN ITEM (1) OF THIS SUBSECTION FOR**
14 **EMPLOYEES OF THE COUNTIES, MUNICIPALITIES, AND UNITS AND**
15 **INSTRUMENTALITIES OF STATE AND LOCAL GOVERNMENTS EXCLUDED FROM THE**
16 **APPLICATION OF THE FEDERAL NATIONAL LABOR RELATIONS ACT.**

17 22-104.

18 **(A) AN EMPLOYEE WHO MAY EFFECTIVELY RECOMMEND ANY ACTION**
19 **LISTED IN § 22-101(I) OF THIS SUBTITLE MAY BE DEEMED A MANAGEMENT**
20 **EMPLOYEE IF THE EMPLOYEE'S EXERCISE OF THE AUTHORITY REQUIRES THE**
21 **EXERCISE OF INDEPENDENT JUDGMENT AND IS NOT MERELY OF A ROUTINE OR**
22 **CLERICAL NATURE.**

23 **(B) THE EXERCISE OF ANY SINGLE FUNCTION LISTED IN § 22-101(I) OF THIS**
24 **SUBTITLE MAY NOT NECESSARILY REQUIRE THE CONCLUSION THAT THE**
25 **INDIVIDUAL EXERCISING THAT FUNCTION IS A MANAGEMENT EMPLOYEE WITHIN**
26 **THE DEFINITION.**

27 **(C) IN DIFFERENTIATING A MANAGEMENT EMPLOYEE FROM A**
28 **NONMANAGEMENT EMPLOYEE:**

29 **(1) A CLASS TITLE ALONE MAY NOT BE THE BASIS FOR**
30 **DETERMINATION; AND**

31 **(2) THE NATURE OF THE MANAGEMENT EMPLOYEE'S WORK,**
32 **INCLUDING WHETHER A SIGNIFICANT PORTION OF THE MANAGEMENT EMPLOYEE'S**

1 **WORKING TIME IS SPENT AS PART OF A TEAM THAT INCLUDES NONMANAGEMENT**
2 **EMPLOYEES, SHALL BE CONSIDERED.**

3 22–207.

4 (b) (1) Public employers shall allow an exclusive representative to:

5 (i) meet with a new employee in a bargaining unit represented by
6 the exclusive representative within the first full pay period of the new employee's start
7 date; or

8 (ii) attend and participate in a new employee program that includes
9 one or more employees who are in a bargaining unit represented by the exclusive
10 representative.

11 (2) The new employee program described in paragraph (1)(ii) of this
12 subsection may be a new employee orientation, training, or other program that the public
13 employer and an exclusive representative negotiate in accordance with:

14 (I) Title 6, Subtitle 4 or 5 of the Education Article[.];

15 (II) Title 16, Subtitle 7 of the Education Article[, or];

16 (III) Title 3 of the State Personnel and Pensions Article;

17 (IV) **TITLE 1, SUBTITLE 2A OF THE LOCAL GOVERNMENT**
18 **ARTICLE; OR**

19 (V) **A LOCAL LAW THE BOARD APPROVES IN A PETITION FILED**
20 **IN ACCORDANCE WITH § 1–2A–07 OF THE LOCAL GOVERNMENT ARTICLE.**

21 (3) Except as provided in paragraph (5) of this subsection, the exclusive
22 representative shall be allowed at least 30 minutes to meet with the new employee or to
23 collectively address all new employees in attendance during a new employee program.

24 (4) (i) Except as provided in subparagraph (ii) of this paragraph, a
25 meeting between the new employee and the exclusive representative shall be in person.

26 (ii) An exclusive representative may choose to meet with a new
27 employee by video or similar technology if public health concerns necessitate that a meeting
28 be conducted remotely.

29 (5) A public employer and an exclusive representative may negotiate a
30 period of time that is more than 30 minutes in accordance with:

31 (I) Title 6, Subtitle 4 or 5 of the Education Article[.];

(II) Title 16, Subtitle 7 of the Education Article[, or];

(III) Title 3 of the State Personnel and Pensions Article;

(IV) **TITLE 1, SUBTITLE 2A OF THE LOCAL GOVERNMENT
ARTICLE; OR**

(V) **A LOCAL LAW THE BOARD APPROVES IN A PETITION FILED
IN ACCORDANCE WITH § 1-2A-07 OF THE LOCAL GOVERNMENT ARTICLE.**

(6) A public employer:

(i) shall encourage an employee to meet with the exclusive representative or attend the portion of a new employee program designated for an exclusive representative to address new employees; and

(ii) may not require an employee to meet with an exclusive representative or attend the portion of a new employee program designated for an exclusive representative to address new employees if the employee objects to attending.

22-209.

(f) If an authorization for a public employer to make membership dues deduction was in effect on June 30, 2023, **OR, FOR A PUBLIC LOCAL EMPLOYER, JUNE 30, 2025:**

(1) the right of the employee organization to membership dues deduction shall continue unless the right is terminated under subsection (d) of this section; and

(2) the employee organization may not be required to present new authorization under subsection (a) of this section.

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; **AND**

1 **(4) A DEPUTY DIRECTOR PRIMARILY RESPONSIBLE FOR LOCAL**
2 **GOVERNMENT LABOR RELATIONS.**

3 22–306.

4 (a) The Board is responsible for administering and enforcing provisions of:

5 (1) this title;

6 (2) Title 6, Subtitles 4 and 5 of the Education Article;

7 (3) Title 16, Subtitle 7 of the Education Article; [and]

8 (4) Title 3 of the State Personnel and Pensions Article; **AND**

9 **(5) TITLE 1, SUBTITLE 2A OF THE LOCAL GOVERNMENT ARTICLE.**

10 (b) In addition to any other powers or duties provided for elsewhere in this title,
11 Title 6, Subtitle 4 or 5 of the Education Article, Title 16, Subtitle 7 of the Education Article,
12 [and], Title 3 of the State Personnel and Pensions Article, **AND TITLE 1, SUBTITLE 2A**
13 **OF THE LOCAL GOVERNMENT ARTICLE**, the Board may:

14 (1) establish procedures for, supervise the conduct of, and resolve disputes
15 about elections for exclusive representatives;

16 (2) establish procedures for and resolve disputes about petitions for
17 bargaining unit clarification;

18 (3) establish procedures for and resolve disputes about petitions and
19 elections for decertification of an exclusive representative;

20 (4) investigate and take appropriate action in response to charges of unfair
21 labor practices, including strikes and lockouts;

22 (5) establish procedures for and resolve disputes about the negotiability of
23 bargaining subjects;

24 (6) on application by an employee organization or public employer,
25 determine that the applicant shall be designated as a joint public employer of public
26 employees in an employer–employee bargaining unit determined in accordance with
27 Subtitle 4 of this title when such determination would best effectuate the purposes of this
28 subtitle; and

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

(c) The Board shall have broad discretion to take and order remedial actions when it finds that a party has committed an unfair labor practice, including the restoration of any right, pay, status, or benefit lost by a public employee or group of public employees, due to violations of this title.

(d) To enforce the provisions of this subtitle, the Board may:

(1) issue subpoenas; and

(2) administer oaths and affirmations, examine witnesses, and receive evidence.

(e) (1) Except as provided in paragraph (2) of this subsection, the Board shall adopt and enforce regulations, guidelines, and policies to carry out this title.

(2) The Board may not adopt any regulation, guideline, or policy that:

(i) unnecessarily delays the resolution of disputes over elections, unfair labor practices, or any other matter under this title; or

(ii) restricts or weakens the protections provided to public employees and employee organizations under this title or under regulations.

(F) THE BOARD ANNUALLY SHALL PUBLISH THE DOCUMENTS REQUIRED UNDER § 1-2A-06 OF THE LOCAL GOVERNMENT ARTICLE ON THE BOARD'S WEBSITE.

22-307.

(f) [The] IF THE BOARD ISSUES A COMPLAINT UNDER THIS SECTION, THE appropriate deputy director shall [provide relevant information gathered in the investigation of a charge of unfair labor practices] PRESENT THE CASE to the Board OR THE OFFICE OF ADMINISTRATIVE HEARINGS.

22-401.

(c) (1) An exclusive representative or a bargaining unit in existence on June 30, 2023, **OR, FOR A BARGAINING UNIT FOR PUBLIC LOCAL EMPLOYEES, IN EXISTENCE ON JUNE 30, 2025:**

(i) shall continue without the requirement of an election and certification until a question concerning representation is raised under this title; or

(ii) until the Board finds the unit not to be appropriate after challenge by the public employer, a member of the unit, or an employee organization.

(2) (i) The appropriateness of the unit may not be challenged until the expiration of any collective bargaining agreement in effect on:

1. June 30, 2023; OR

2. FOR PUBLIC LOCAL EMPLOYEES, JUNE 30, 2025.

(ii) The Board may not modify any bargaining unit determined under existing law.

22-403.

(a) (1) Except as otherwise provided in this title, Title 6, Subtitle 4 or 5 of the Education Article, Title 16, Subtitle 7 of the Education Article, [or] Title 3 of the State Personnel and Pensions Article, **TITLE 1, SUBTITLE 2A OF THE LOCAL GOVERNMENT ARTICLE, OR A LOCAL LAW THE BOARD APPROVES IN A PETITION FILED IN ACCORDANCE WITH § 1-2A-07 OF THE LOCAL GOVERNMENT ARTICLE**, the Board shall determine the appropriateness of each bargaining unit.

(2) If there is no dispute about the appropriateness of the establishment of the bargaining unit, the Board shall issue an order defining an appropriate bargaining unit.

(3) If there is a dispute about the appropriateness of the establishment of the bargaining unit, the Board shall:

(i) conduct a hearing; and

(ii) issue an order defining an appropriate bargaining unit.

(b) If the appropriate bargaining unit as determined by the Board differs from the bargaining unit described in the petition, the Board may:

(1) dismiss the petition; or

(2) direct an election in the appropriate bargaining unit if at least 30% of the signatures included in the petition are of employees in the appropriate bargaining unit.

(c) A bargaining unit:

(1) may consist only of public employees; AND

(2) MAY NOT INCLUDE BOTH NONSUPERVISORY EMPLOYEES AND SUPERVISORY EMPLOYEES.

22-501.

(A) Representatives of public employers and exclusive representatives shall meet at reasonable times and engage in collective bargaining in good faith and to conclude a written memorandum of understanding or other negotiated agreement in accordance with Title 6, Subtitle 4 or 5 of the Education Article, Title 16, Subtitle 7 of the Education Article, [or] Title 3 of the State Personnel and Pensions Article, **TITLE 1, SUBTITLE 2A OF THE LOCAL GOVERNMENT ARTICLE, OR A LOCAL LAW THE BOARD APPROVES IN A PETITION FILED IN ACCORDANCE WITH § 1-2A-07 OF THE LOCAL GOVERNMENT ARTICLE.**

(B) **A MEMORANDUM OF UNDERSTANDING OR OTHER NEGOTIATED AGREEMENT ENTERED INTO IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION MAY PROVIDE FOR BINDING ARBITRATION OF GRIEVANCES ARISING UNDER THE AGREEMENT THAT THE PARTIES HAVE AGREED TO BE SUBJECT TO ARBITRATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) In this section, “local government” means Anne Arundel County, Baltimore City, Baltimore County, Harford County, Howard County, Montgomery County, Prince George’s County, the City of Annapolis, the City of Bowie, the City of Cumberland, the City of College Park, the City of Hagerstown, the City of Rockville, the City of Salisbury, and the City of Takoma Park.

(b) It is the intent of the General Assembly that a delay in the implementation of Section 1 of this Act for a local government shall ensure the harmonious continuation of existing collective bargaining relationships without interruption and allow local governments with existing collective bargaining legislation to resolve a petition filed under § 1-2A-07 of the Local Government Article, as enacted by Section 1 of this Act, and may not be used to plan for or engage in activities that would discourage or otherwise coerce employees seeking to hold an election.

(c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, Section 1 of this Act does not apply to a local government before July 1, 2026.

(ii) Beginning on the effective date of this Act, a local government may file a petition with the Public Employee Relations Board in accordance with § 1-2A-07 of the Local Government Article, as enacted by Section 1 of this Act.

(2) Section 1 of this Act shall apply to a local government on or after July 1, 2026.

SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application of any provision of this Act to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid

1 provision or application, and for this purpose the provisions of this Act are declared
2 severable.

3 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2025.