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EDUCATION

Subtitle 19. FINANCIAL WELL-BEING PILOT PROGRAM (§§ 11-1901 to 20-102)

Title 16. COMMUNITY COLLEGES (§§ 16-101 to 16-715)

Subtitle 7. COLLECTIVE BARGAINING (§§ 16-701 to 16-715)

Section 16-701. Definitions

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Agreement" means a written contract between a public employer and an employee organization.
- (c) "Arbitration" means a procedure by which parties involved in a grievance submit their differences to an impartial third party for a final and binding decision.
- (d) "Board" means the Public Employee Relations Board.

- (e) "Collective bargaining" has the meaning stated in § 3-101(d) of the State Personnel and Pensions Article.
- (f) "Confidential employee" means a public employee whose unrestricted access to personnel, budgetary, or fiscal data subject to use by the public employer in collective bargaining, or whose close, continuing working relationship with those responsible for negotiating on behalf of the public employer, would make the employee's membership in an employee organization as a rank and file employee incompatible with the employee's duties.
- (g) "Employee organization" has the meaning stated in § 22-101 of the State Government Article.
- (h) "Exclusive representative" has the meaning stated in § 22-101 of the State Government Article.
- (i) "Fact-finding" means a process conducted by the Board that includes:
 - (1) The identification of the major issues in an impasse;
 - (2) The review of the positions of the parties; and
 - (3) A resolution of factual differences by an impartial individual or panel.
- (j)
 - (1) "Faculty" means employees whose assignments involve academic responsibilities, including teachers and department heads.
 - (2) "Faculty" does not include officers, supervisory employees, confidential employees, part-time faculty, or student assistants.
- (k) "Grievance" means a dispute concerning the application or interpretation of the terms of a collective bargaining agreement.
- (l) "Impasse" means a failure by a public employer and an exclusive representative to achieve agreement in the course of negotiations.
- (m) "Officer" means the president, a vice president, a dean, or any other similar official of the community college as appointed by the board of community college trustees.
- (n) "Part-time faculty" means employees whose assignments involve academic responsibilities, including teachers, counselors, and department heads, who are designated with part-time faculty status by the president of the community college.
- (o)
 - (1) "Public employee" means an employee employed by a public employer.
 - (2) "Public employee" includes faculty and part-time faculty at the Baltimore City Community College.
 - (3) "Public employee" does not include:
 - (i) Officers;
 - (ii) Supervisory or confidential employees; or
 - (iii) Student assistants.

(p)

(1) "Public employer" means the board of community college trustees for a community college.

(2) "Public employer" includes the Board of Trustees of Baltimore City Community College for the purposes of collective bargaining with faculty and part-time faculty.

Amended by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Section 16-702. Application of subtitle

(a) It is the intent of the General Assembly that:

(1) The State promote harmonious and cooperative relationships with the public employees of the community college system by encouraging collective bargaining practices, protecting the rights of public employees to associate, organize, and vote for their own exclusive representatives, and recognizing the dignity of labor for all employees of the community college system; and

(2) A delay in implementation of this subtitle shall be to ensure that community colleges are granted sufficient time to plan for potential negotiations and may not be used to plan for, or engage in, activities that would discourage or otherwise coerce employees seeking to hold an election.

(b) This subtitle shall apply:

(1) Beginning on September 1, 2022, to:

- (i) Anne Arundel Community College;
- (ii) Community College of Baltimore County;
- (iii) Frederick Community College;
- (iv) Harford Community College;
- (v) Howard Community College;
- (vi) Montgomery College;
- (vii) Prince George's Community College; and
- (viii) College of Southern Maryland;

(2) Beginning on September 1, 2023, to:

- (i) Allegany College of Maryland;
- (ii) Carroll Community College;
- (iii) Cecil College;
- (iv) Chesapeake College;
- (v) Garrett College;
- (vi) Hagerstown Community College; and
- (vii) Wor-Wic Community College; and

(3) Beginning October 1, 2024, Baltimore City Community College.

(c) Public employees, public employers, and exclusive representatives are subject to the provisions of Title 22 of the State Government Article.

Amended by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Section 16-703. Bargaining units

There may be no more than four bargaining units at each community college including:

- (1) One unit reserved for full-time faculty;
- (2) One unit reserved for part-time faculty; and
- (3) Two units reserved for eligible nonexempt employees, as defined in the federal Fair Labor Standards Act.

Amended by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Section 16-704. Exclusive representative

(a)

(1) Subject to paragraph (2) of this subsection, within 10 days after a new employee's date of hire, for each new public employee in the bargaining unit represented by the exclusive representative, the public employer shall provide the exclusive representative with the information required under § 16-704 of this subtitle.

(2) A public employer shall provide the exclusive representative with the information required under paragraph (1) of this subsection in a searchable and analyzable electronic format.

(b)

(1) Except as provided in paragraphs (2) and (3) of this subsection, an exclusive representative shall consider the information that it receives under this section as confidential and may not disclose the information to any person.

(2) An exclusive representative may authorize third-party contractors to use the information that it receives under this section, as directed by the exclusive representative, to carry out the exclusive representative's statutory duties under this title.

(3) An exclusive representative or an authorized third-party contractor may use the information that it receives under this section for the purpose of maintaining or increasing employee membership in an employee organization.

(4) On written request of a public employee, an exclusive representative shall withhold further communication with a public employee unless otherwise required by law or the written request is revoked by the public employee.

(c)

(1)

(i) A public employer shall provide the exclusive representative with the information described in subsection (a) of this section for each public employee in the bargaining unit represented by the exclusive representative once every 90 days.

(ii) Subject to § 16-706 of this subtitle, a public employer may negotiate with the exclusive representative to provide the information required under this paragraph more frequently than once every 90 days.

(2) A public employer shall provide the exclusive representative with the information described in subsection (a) of this section regardless of whether the newly hired public employee was previously employed by the public employer.

Renumbered from § Education - 16-707 by 2023 Md. Laws, Ch. 114, Sec. 3, eff. 7/1/2023.

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Section 16-705. New employee processing

(a) In this section, "new employee processing" means the process for a newly hired public employee, whether in-person, online, or through other means, in which new public employees are advised of their employment status, rights, benefits, duties, responsibilities, and other employment-related matters.

(b)

(1)

(i) A public employer shall provide the exclusive representative access to new employee processing.

(ii) Except as provided in subparagraph (iii) of this paragraph, a public employer shall provide the exclusive representative at least 10 days' notice in advance of a new employee processing.

(iii) A public employer may provide the exclusive representative with less than 10 days' notice if there is an urgent need critical to the public employer's new employee processing that was not reasonably foreseeable.

(2)

(i) The structure, time, and manner of the access required in paragraph (1) of this subsection shall be determined through negotiations between the public employer and the exclusive representative in accordance with § 16-706 of this subtitle.

(ii) When negotiating access to new employee processing under subparagraph (i) of this paragraph, if any dispute has not been resolved within 45 days after the first meeting of the public employer and the exclusive representative, or within 60 days after an initial request to negotiate, whichever occurs first, either party may request that the Board declare an impasse under § 16-707 of this subtitle.

(iii) In an impasse proceeding under § 16-707 of this subtitle, the mediator or Board shall consider:

1. The ability of the exclusive representative to communicate with the public employees it represents;
2. The legal obligations of the exclusive representative to the public employees;
3. Applicable State, federal, and local laws;
4. Any stipulations of the parties;
5. The interests and welfare of the public employees and the financial condition of the public employer;
6. The structure, time, and manner of access of an exclusive representative to new employee processing in comparable public employers, including the access provisions in other memoranda of understanding or collective bargaining agreements; and
7. Any other facts routinely considered in establishing the structure, time, and manner of access of an exclusive representative to new employee processing.

(3)

(i) A request to negotiate under paragraph (2) of this subsection made between September 1, 2022, and the expiration date of an existing collective bargaining agreement between the parties shall reopen the existing collective bargaining agreement only for the purpose of negotiating the access of the exclusive representative to the public employer's new employee processing.

(ii) Either party may elect to negotiate a separate agreement on the access of the exclusive representative to the public employer's new employee processing in lieu of reopening the existing collective bargaining agreement.

(c) This section does not prohibit a public employer and an exclusive representative from negotiating access to new employee processing that varies from the requirements of this section.

Renumbered from § Education - 16-708 by 2023 Md. Laws, Ch. 114, Sec. 3, eff. 7/1/2023.

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Section 16-706. Collective bargaining

(a) Collective bargaining shall include all matters relating to:

- (1) Wages, hours, and other terms and conditions of employment; and
- (2) The procedures for the employee organization to receive membership dues through payroll deduction.

(b) In the course of collective bargaining, the public employer and the exclusive representative shall:

- (1) Meet at reasonable times; and
- (2) Make every reasonable effort to conclude negotiations with a final written agreement in a timely manner before the budget submission date of the public employer.

(c) An agreement may include a provision for the arbitration of grievances arising under the agreement.

(d)

- (1) An agreement may not include matters relating to the employees' or teachers' retirement or pension systems otherwise covered by the Annotated Code of Maryland.
- (2) Paragraph (1) of this subsection does not prohibit a discussion of the terms of the retirement or pension systems in the course of collective bargaining.

(e) The terms of an agreement shall supersede any conflicting regulations or administrative policies of the public employer.

(f)

(1)

(i) Except as provided in paragraph (2) of this subsection, a request for funds necessary to implement an agreement shall be submitted by the public employer in a timely fashion for consideration in the budget

process of the county.

(ii) Not later than 20 days after final budget action by the governing body of a county, if a request for funds necessary to implement an agreement is reduced, modified, or rejected by the governing body, either party to the agreement may reopen the agreement.

(2) For Baltimore City Community College, in the annual budget bill submitted to the General Assembly, the Governor shall include any amounts in the budget of Baltimore City Community College required to accommodate any additional cost resulting from the negotiations, including the actuarial impact of any legislative changes to any of the State pension or retirement systems that are required, as a result of the negotiations, for the fiscal year beginning the immediately following July 1 if the legislative changes have been negotiated to become effective in that fiscal year.

Renumbered from § Education - 16-709 by 2023 Md. Laws, Ch. 114, Sec. 3, eff. 7/1/2023.

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Section 16-707. Impasse

(a) If in the course of collective bargaining a party determines that an impasse exists, that party may request the services of the Board in mediation or engage another mutually agreeable mediator.

(b)

(1) By mutual agreement, the parties may engage in mediation.

(2)

(i) If there is not mutual agreement, either party may petition the Board to initiate fact-finding.

(ii)

1. After considering the status of bargaining and the budget schedule of the public employer, the Board may find that an impasse exists and may notify the parties that fact-finding is to be initiated.

2. A public employer and the exclusive representative may select their own fact finder.

3.

A. If the parties have not selected their own fact finder within 5 days after the required notification, the Board shall submit to the parties the names of five qualified individuals.

B. Each party alternately shall strike two names from the list with the remaining individual being the fact finder.

4. The fact finder selected by the parties shall conduct hearings and may administer oaths.
5. The fact finder shall make written findings of fact and recommendations for resolution of the impasse.
6. Not later than 30 days after the date of appointment, the fact finder shall transmit the findings to the public employer, the exclusive representative, and the Board.
7. If the impasse continues 10 days after the report is submitted to the parties, any unresolved noneconomic language items that are subject to fact-finding shall be referred to the Board.

(c) The parties shall bear equally the costs of fact-finding.

(d) The Board, on receipt of the report and certification of unresolved noneconomic language items, shall provide the parties with an opportunity to submit additional position statements and issue a written decision adopting:

- (1) The final proposal of the public employer;
- (2) The final proposal of the exclusive representative; or
- (3) The fact finder's final offer or resolution.

(e) The Board's written decision is final and binding on the public employer and the exclusive representative.

Renumbered from § Education - 16-711 by 2023 Md. Laws, Ch. 114, Sec. 3, eff. 7/1/2023.

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Section 16-708. Right to present grievances

(a) A public employee or group of public employees has the right at any time to:

- (1) Present a grievance arising under the terms of the agreement to the public employer; and
- (2) Have the grievance adjusted without the intervention of the exclusive representative.

(b) The exclusive representative has the right to be present during any meeting involving the presentation or adjustment of a grievance.

(c)

- (1) A public employer shall hear a grievance and participate in the adjustment of the grievance.
- (2) The adjustment of a grievance may not be inconsistent with the terms of the collective bargaining agreement then in effect.

(3) A public employer shall give prompt notice of any adjustment of a grievance to the exclusive representative.

Renumbered from § Education - 16-713 by 2023 Md. Laws, Ch. 114, Sec. 3, eff. 7/1/2023. Amended by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Section 16-709. [Renumbered]

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Section 16-710. [Repealed]

Repealed by 2023 Md. Laws, Ch. 114, Sec. 1, eff. 7/1/2023.

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Section 16-712. [Repealed]

Repealed by 2023 Md. Laws, Ch. 114, Sec. 1, eff. 7/1/2023.

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Section 16-714. [Repealed]

Repealed by 2023 Md. Laws, Ch. 114, Sec. 1, eff. 7/1/2023.

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Section 16-715. [Repealed]

Repealed by 2023 Md. Laws, Ch. 114, Sec. 1, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 1. DEFINITIONS; GENERAL PROVISIONS (§§ 22-101 to 22-103)

Section 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.
- (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.
- (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.

(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.

(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.

(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.

Amended by 2024 Md. Laws, Ch. 52, Sec. 1, eff. 7/1/2024. Amended by 2024 Md. Laws, Ch. 51, Sec. 1, eff. 7/1/2024. Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 1. DEFINITIONS; GENERAL PROVISIONS (§§ 22-101 to 22-103)

Section 22-102.

(a) It is the intent of the General Assembly that it is the public policy of the State to encourage and protect the exercise by public sector employees of the full freedom of association, self-organization, and designation of representatives of

their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

(b) For the advancement of the rights described under subsection (a) of this section and to promote labor peace and the orderly and constructive relationships between all public employers and their employees, the General Assembly has determined that the overall policy may best be accomplished by:

- (1) granting to public employees the right to organize and choose freely their representatives;
- (2) requiring public employers to negotiate and bargain with employee organizations representing public employees and to enter into written agreements evidencing the result of the bargaining; and
- (3) establishing procedures to provide for the protection of the rights of public employees, the public employers, and the public at large.

(c) The law of the State with respect to the labor rights of public sector employees is intended to follow the rights of employees under the federal National Labor Relations Act.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 1. DEFINITIONS; GENERAL PROVISIONS (§§ 22-101 to 22-103)

Section 22-103.

Decisions of the federal National Labor Relations Board may be afforded persuasive weight in any interpretation of this title.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 2. RIGHTS AND DUTIES OF EMPLOYEES, PUBLIC EMPLOYERS, AND EXCLUSIVE REPRESENTATIVES (§§ 22-201 to 22-210)

Section 22-201.

(a) Employees of a public employer have the right to:

- (1) engage in concerted activities for the purposes of mutual aid or protection; and
- (2) refrain from any or all activities described under item (1) of this subsection.

(b) Public employees have the right to:

- (1) form, join and participate in, or to refrain from forming, joining, or participating in, any employee organization of their own choosing;
- (2) be represented by employee organizations, to negotiate collectively with their public employers in the determination of their terms and conditions of employment, and the administration of grievances arising thereunder; and
- (3) be fairly represented by their exclusive representative, if any, in collective bargaining.

(c) Except as provided in subsection (d) of this section, an employee organization may establish reasonable:

- (1) restrictions as to who may join; and
- (2) provisions for the dismissal of individuals from membership.

(d) An employee organization may not establish restrictions and provisions under subsection (c) of this section that discriminate with regard to the terms or conditions of membership because of:

- (1) age;
- (2) ancestry;
- (3) color;
- (4) creed;
- (5) gender identity;
- (6) marital status;
- (7) mental or physical disability;
- (8) national origin;
- (9) race;
- (10) religious affiliation, belief, or opinion;
- (11) sex; or
- (12) sexual orientation.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 2. RIGHTS AND DUTIES OF EMPLOYEES, PUBLIC EMPLOYERS, AND EXCLUSIVE REPRESENTATIVES (§§ 22-201 to 22-210)

Section 22-202.

A public employer shall extend to an exclusive representative the right to:

(1) represent public employees in:

(i) negotiations notwithstanding the existence of an agreement with an employee organization that is no longer certified or recognized; and

(ii) the settlement of grievances;

(2)

(i) on request, information from a public employer relevant to the administration and negotiation of an agreement or the proper performance of the employee organization's duties as the public employees' representative; and

(ii) have the information requested under item (i) of this item made available as soon as practicable, but not later than 30 days after the public employer receives the request; and

(3) communicate with its members and elected officials, in a manner and at times at its discretion, concerning issues relevant to the administration and negotiation of an agreement.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 2. RIGHTS AND DUTIES OF EMPLOYEES, PUBLIC EMPLOYERS, AND EXCLUSIVE REPRESENTATIVES (§§ 22-201 to 22-210)

Section 22-203.

(a) On written request of an exclusive representative for each employee in the bargaining unit represented by the exclusive representative, the public employer, as appropriate, shall provide the exclusive representative with the employee's:

(1) name;

(2) position classification;

(3) unit;

(4) home and work site addresses where the employee receives interoffice or United States mail;

(5) home and work site telephone numbers;

(6) work e-mail address; and

(7) position identification number.

(b) The public employer, as appropriate, shall provide the exclusive representative with the requested information in a searchable and analyzable electronic format.

(c) Names or lists of employees provided to the Board in connection with an election under this title are not subject to disclosure in accordance with Title 4 of the General Provisions Article.

(d)

(1) Except as provided in paragraphs (2) and (3) of this subsection, an exclusive representative shall consider the information that it receives under this section as confidential and may not release the information to any person.

(2) An exclusive representative may authorize third party contractors to use the information that it receives under this section, as directed by the exclusive representative, to carry out the exclusive representative's statutory duties under this title.

(3) An exclusive representative or an authorized third party contractor may use the information that it receives under this section for the purpose of maintaining or increasing employee membership in an employee organization.

(4) On written request of an employee, an exclusive representative shall withhold further communication with the employee unless otherwise required by law or the written request is revoked by the employee.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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STATE GOVERNMENT

Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 2. RIGHTS AND DUTIES OF EMPLOYEES, PUBLIC EMPLOYERS, AND EXCLUSIVE REPRESENTATIVES (§§ 22-201 to 22-210)

Section 22-204.

(a) Except as provided in subsection (b) of this section, a public employer has the right to:

(1) determine how the statutory mandate and goals of the public employer, including the functions and programs of the public employer, its overall budget, and its organizational structure, are to be carried out; and

(2) direct employees of the public employer.

(b) The State, through its appropriate officers and employees, has the right to:

(1)

(i) determine the mission, budget, organization, numbers, types and grades of employees assigned, the work projects, tours of duty, methods, means, and personnel by which its operations are to be conducted, technology needed, internal security practices, and relocation of its facilities; and

(ii) maintain and improve the efficiency and effectiveness of governmental operations;

(2) determine the:

- (i) services to be rendered, operations to be performed, and technology to be used; and
 - (ii) overall methods, processes, means, and classes of work or personnel by which governmental operations are to be conducted;
 - (3) hire, direct, supervise, and assign employees;
 - (4)
 - (i) promote, demote, discipline, discharge, retain, and lay off employees; and
 - (ii) terminate employment because of lack of funds, lack of work, under conditions where the employer determines continued work would be inefficient or nonproductive, or for other legitimate reasons;
 - (5) set the qualifications of employees for appointment and promotion, and set standards of conduct;
 - (6) adopt State or Department rules, regulations, or procedures;
 - (7) provide a system of merit employment according to the standard of business efficiency; and
 - (8) take actions not otherwise specified in this section to carry out the mission of the employer.
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Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 2. RIGHTS AND DUTIES OF EMPLOYEES, PUBLIC EMPLOYERS, AND EXCLUSIVE REPRESENTATIVES (§§ 22-201 to 22-210)

Section 22-205.

- (a) A public employer is prohibited from engaging in a lockout.
 - (b) Public employees are prohibited from engaging in a strike.
 - (c) A public employer or an employee organization may not interfere with, intimidate, restrain, coerce, or discriminate against a public employee because the public employee exercises rights granted under this title.
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Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 2. RIGHTS AND DUTIES OF EMPLOYEES, PUBLIC EMPLOYERS, AND EXCLUSIVE REPRESENTATIVES (§§ 22-201 to 22-210)

Section 22-206.

(a) A public employer and its officers, employees, agents, or representatives are prohibited from engaging in any unfair labor practice, including:

- (1) interfering with, restraining, or coercing employees in the exercise of their rights under this title;
- (2) dominating, interfering with, contributing financial or other support to, or assisting in the formation, existence, or administration of any employee organization;
- (3) granting administrative leave to employees to attend employer sponsored or supported meetings or events relating to an election under Subtitle 4 of this title, unless the public employer grants employees at least the same amount of administrative leave to attend labor organization sponsored or supported meetings or employee meetings;
- (4) discriminating in hiring, tenure, or any term or condition of employment to encourage or discourage membership in an employee organization;
- (5) discharging or discriminating against an employee because of the signing or filing of an affidavit, petition, or complaint, or giving information or testimony in connection with matters under this title;
- (6) failing to provide all employee organizations involved in an election the same rights of access as required by the Board through regulation;
- (7) engaging in surveillance of union activities;
- (8) refusing to bargain in good faith;
- (9) failing to meet an established negotiation deadline, unless a written agreement between the public employer and the exclusive representative provides otherwise;
- (10) engaging in a lockout; or
- (11) spending public money to contract with, using public resources to contract with, or providing assistance to an individual or group for a negative campaign against efforts by employees of a public employer or an employee organization to:
 - (i) gain or retain collective bargaining rights; or
 - (ii) certify an employee organization as an exclusive representative.

(b) Employee organizations and their agents or representatives are prohibited from engaging in any unfair labor practice, including:

- (1) interfering with, restraining, or coercing employees in the exercise of their rights under this title;
- (2) causing or attempting to cause a public employer to discriminate in hiring, tenure, or any term or condition of employment to encourage or discourage membership in an employee organization;
- (3) engaging in, inducing, or encouraging any person to engage in a strike;
- (4) interfering with the statutory duties of the State or a public employer;

(5) refusing to bargain in good faith; or

(6) not fairly representing employees in collective bargaining or in any other matter in which the employee organization has the duty of fair representation.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 2. RIGHTS AND DUTIES OF EMPLOYEES, PUBLIC EMPLOYERS, AND EXCLUSIVE REPRESENTATIVES (§§ 22-201 to 22-210)

Section 22-207.

(a) Each exclusive representative has the right to communicate with the employees that it represents.

(b)

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

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

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

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

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

(4)

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

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

(5) A public employer and an exclusive representative may negotiate a period of time that is more than 30 minutes 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.

(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.

(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 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.

Amended by 2024 Md. Laws, Ch. 52, Sec. 1, eff. 7/1/2024. Amended by 2024 Md. Laws, Ch. 51, Sec. 1, eff. 7/1/2024. Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Subtitle 2. RIGHTS AND DUTIES OF EMPLOYEES, PUBLIC EMPLOYERS, AND EXCLUSIVE REPRESENTATIVES (§§ 22-201 to 22-210)

Section 22-208.

An employee organization certified as the exclusive representative shall:

- (1) serve as the sole and exclusive bargaining agent for all employees in the bargaining unit;
 - (2) represent fairly and without discrimination all employees in the bargaining unit, whether or not the employees are members of the employee organization or are paying dues or other contributions to it or participating in its affairs; and
 - (3) promptly file with the Board all changes and amendments to the organization's governing documents.
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Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 2. RIGHTS AND DUTIES OF EMPLOYEES, PUBLIC EMPLOYERS, AND EXCLUSIVE REPRESENTATIVES (§§ 22-201 to 22-210)

Section 22-209.

(a) An employee organization is entitled to membership dues deduction, on presentation by the employee organization of:

- (1) dues deduction authorization cards;
- (2) electronic membership application; or
- (3) other method by which an employee has manifested assent for membership dues deduction.

(b)

(1) A public employer shall commence making dues deductions as soon as practicable, but not later than 30 days after receiving the proof presented under subsection (a) of this section.

(2) A public employer shall transmit membership dues to the employee organization within 30 days after the deductions are made.

(3) A public employer shall accept an authorization to deduct from the salary of a public employee an amount for the payment of dues in any format authorized under § 21-106 of the Commercial Law Article.

(c) This section may not be construed to require an employee to become a member of an employee organization.

(d)

(1) The right of an employee organization to membership dues deduction shall remain in full force and effect until:

- (i) an employee revokes membership in accordance with a collective bargaining agreement or the membership application;
- (ii) the employee cancels membership dues deduction under § 2-403 of the State Personnel and Pensions

Article; or

(iii) subject to paragraph (2) of this subsection, the employee is no longer employed by the public employer.

(2) If within a period of 1 year, the employee is employed by the same public employer in a position represented by the same exclusive representative, the right to membership dues deduction shall be automatically reinstated.

(e) If the employee who has consented to dues deduction is either removed from a public employer's payroll or otherwise placed on an involuntary or voluntary leave of absence, whether paid or unpaid, the public employee's membership dues deduction authorization shall:

(1) remain effective; and

(2) be continued on the public employee's return to the payroll or restoration to active employment from a leave of absence.

(f) If an authorization for a public employer to make membership dues deduction was in effect on June 30, 2023:

(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.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 2. RIGHTS AND DUTIES OF EMPLOYEES, PUBLIC EMPLOYERS, AND EXCLUSIVE REPRESENTATIVES (§§ 22-201 to 22-210)

Section 22-210.

(a) A public employer or its officers, or an agent of the public employer, may not spend public money, use public resources, or provide assistance to an individual or group for a negative campaign against efforts by employees of a public employer or an employee organization to:

(1) gain or retain collective bargaining rights; or

(2) certify an employee organization as an exclusive representative.

(b)

(1) Within 7 days after a valid election has been scheduled under Subtitle 4 of this title, the public employer shall allow public employees and employee organizations to access the employer's property and facilities, including grounds, rooms, bulletin boards, interoffice mail, and other common areas for campaign activities for the election.

(2) The public employer may not:

(i) limit the amount of time a public employee has access to the public employer's property and facilities during an election under this section; or

(ii) alter or revise existing rules or regulations to unfairly limit or prohibit public employees or employee organizations from exercising their rights under this title.

(3) This subsection may not be construed to allow campaign activities to interfere with a public employer's operations.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 3. PUBLIC EMPLOYEE RELATIONS BOARD (§§ 22-301 to 22-309)

Section 22-301.

There is a Public Employee Relations Board established as an independent unit of State government.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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STATE GOVERNMENT

Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 3. PUBLIC EMPLOYEE RELATIONS BOARD (§§ 22-301 to 22-309)

Section 22-302.

(a) The Board consists of the following five members:

(1) a chair appointed by the Governor with the advice and consent of the Senate, representing the public;

(2) two members chosen from a list of candidates submitted by each exclusive representative, appointed by the Governor with due regard for any candidates who have majority or plurality support from exclusive representatives, with the advice and consent of the Senate; and

(3) two members chosen from a list of candidates submitted by public employers, appointed by the Governor with the advice and consent of the Senate.

(b) Each member of the Board:

(1) must have knowledge of and experience with labor law, labor mediation, or labor negotiations;

(2) may not be officers or employees of a public employer, or of an employee organization; and

(3) must be known for objective and independent judgment.

(c) Before taking office, each member shall take the oath required by Article I, § 9 of the Maryland Constitution.

(d)

(1) The term of a member is 6 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 2023.

(3) A vacancy shall be filled for an unexpired term in the same manner as an original appointment.

(4) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) The Governor may remove a member only for incompetence or misconduct.

(f) In making appointments to the Board, the Governor shall ensure, to the extent practicable, that the ratio of male to female members and the racial makeup of the Board is reflective of the general population of the State.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 3. PUBLIC EMPLOYEE RELATIONS BOARD (§§ 22-301 to 22-309)

Section 22-303.

(a)

(1) A majority of the voting members shall constitute a quorum for:

(i) the transaction of any business; or

(ii) the exercise of any power or the performance of any duty authorized or imposed by law.

(2) Formal action may not be taken by the Board without the approval of a majority of the voting members of the Board.

(b) The Board shall set the times and places of its meetings, but shall meet at least once per month.

(c)

(1) An appointed member of the Board is entitled to:

(i) the compensation provided in the State budget; and

(ii) reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(2) The chair of the Board shall give full time to the duties of chair and is entitled to a salary as provided in the State budget.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

Maryland Code

STATE GOVERNMENT

Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 3. PUBLIC EMPLOYEE RELATIONS BOARD (§§ 22-301 to 22-309)

Section 22-304.

(a)

(1) The Board shall appoint an Executive Director of the Board.

(2) The Executive Director:

(i) is responsible to and serves at the pleasure of the Board;

(ii) must have knowledge of and experience with labor issues; and

(iii) is entitled to the salary provided in the State budget.

(b) The Executive Director shall perform the duties that the Board assigns, including:

(1) operating the office of the Board; and

(2) keeping the official records of the Board.

(c) The Executive Director may hire any staff necessary to carry out the provisions of this title.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 3. PUBLIC EMPLOYEE RELATIONS BOARD (§§ 22-301 to 22-309)

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.

(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.

Amended by 2024 Md. Laws, Ch. 52, Sec. 1, eff. 7/1/2024. Amended by 2024 Md. Laws, Ch. 51, Sec. 1, eff. 7/1/2024. Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 3. PUBLIC EMPLOYEE RELATIONS BOARD (§§ 22-301 to 22-309)

Section 22-306.

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

(1) this title;

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

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

(4) Title 3 of the State Personnel and Pensions Article.

(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 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.

(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.

Amended by 2024 Md. Laws, Ch. 52, Sec. 1, eff. 7/1/2024. Amended by 2024 Md. Laws, Ch. 51, Sec. 1, eff. 7/1/2024. Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 3. PUBLIC EMPLOYEE RELATIONS BOARD (§§ 22-301 to 22-309)

Section 22-307.

(a)

(1) If a party has been charged with engaging 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 stated in the 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.

(b) The Board may not issue a complaint under subsection (a)(2)(i) of this section if the unfair labor practice occurred more than 6 months before the filing of the charge.

(c)

(1) The deputy directors shall endeavor at all times to seek informal resolution of charges or complaints.

(2) The Board and the appropriate deputy director shall make all practical and reasonable efforts to resolve charges and complaints of unfair labor practices in a swift manner.

(d) For the purposes of examination and the right to copy, the Board and the deputy directors shall at all reasonable times have access to evidence of a person being investigated or proceeded against that relates to a matter under investigation or in question under this section.

(e)

(1) If there is a charge of an unfair labor practice resulting from a party's conduct in collective bargaining and that is alleged to have an effect on the course of collective bargaining:

(i) the appropriate deputy director shall determine whether there is probable cause for the Board to issue a complaint;

(ii) if the deputy director determines there is probable cause, the Board shall issue a complaint within 30 days after the filing of the charge; and

(iii) if a complaint is issued, the Board shall resolve the complaint and issue a final decision within 90 days after the filing of the charge.

(2) The Board may accelerate the time to resolve charges and complaints in exigent circumstances under regulations adopted by the Board.

(f) The appropriate deputy director shall provide relevant information gathered in the investigation of a charge of unfair labor practices to the Board .

(g) The charging party has the right to participate in any hearing before the Board or the Office of Administrative Hearings.

(h) The Board shall accept documents filed by e-mail.

Amended by 2024 Md. Laws, Ch. 52, Sec. 1, eff. 7/1/2024. Amended by 2024 Md. Laws, Ch. 51, Sec. 1, eff. 7/1/2024. Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 3. PUBLIC EMPLOYEE RELATIONS BOARD (§§ 22-301 to 22-309)

Section 22-308.

- (a) If a person fails to comply with an order issued by the Board, a member of the Board may petition the circuit court to order the person to comply with the Board's order.
 - (b) The Board may not be required to post bond in an action under subsection (a) of this section.
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Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 3. PUBLIC EMPLOYEE RELATIONS BOARD (§§ 22-301 to 22-309)

Section 22-309.

- (a) The Board is not bound by any prior regulation, order, or action of the State Labor Relations Board, the Public School Labor Relations Board, or the State Higher Education Labor Relations Board, except for decisions regarding unit composition under § 22-403(c) of this title.
 - (b) The Board is bound by prior opinions and decisions of a labor board listed under subsection (a) of this section.
 - (c) A prior order or action of a labor board listed under subsection (a) of this section or any other body may be considered for its persuasive value.
 - (d) The Board shall be bound by judicial orders regarding the scope of bargaining under Title 6, Subtitles 4 and 5 of the Education Article.
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Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 4. ELECTIONS AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVES (§§ 22-401 to 22-407)

Section 22-401. Election

- (a) Except as otherwise provided in this subtitle, the Board shall conduct an election for an exclusive representative of a bargaining unit if:
 - (1) a valid petition is filed in accordance with § 22-402 of this subtitle; and
 - (2) the bargaining unit involved in the petition is determined to be an appropriate bargaining unit under § 22-403 of this subtitle.

(b) The Board may not conduct an election for an exclusive representative of a bargaining unit if the Board has conducted an election or certified an exclusive representative for that bargaining unit within the immediately preceding 12 months.

(c)

(1) An exclusive representative or a bargaining unit in existence on June 30, 2023:

(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 June 30, 2023.

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

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 4. ELECTIONS AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVES (§§ 22-401 to 22-407)

Section 22-402. Petition for election

(a) A petition for the election of an exclusive representative of a bargaining unit may be filed with the Board by:

(1) an employee organization seeking certification as an exclusive representative; or

(2) an employee, a group of employees, or an employee organization seeking a new election to determine an exclusive representative.

(b) A petition shall:

(1) contain the information the Board requires; and

(2) be accompanied by showing of interest forms from 30% of the employees in the appropriate unit indicating their desire to be exclusively represented by the exclusive representative named in the petition for the purpose of collective bargaining.

(c) If the Board determines that a required showing of interest is not adequate, the Board:

(1) shall allow at a minimum an additional 30 days for the petitioner to submit additional showing of interest forms after the petitioner is notified of the determination; and

(2) may, for good cause, provide additional time to the petitioner to provide additional forms.

(d) If a petition is supported by more than 50% of the public employees in the bargaining unit, the public employer shall immediately recognize the employee organization as the exclusive representative and afford to the exclusive representative and its members all rights due under this title.

(e)

(1) A petition filed under subsection (a) of this section shall include showing of interest forms provided to the Board from an employee organization.

(2) The Board shall accept a showing of interest form whether or not the signatures on the form are electronic or handwritten.

(3)

(i) For an election that is conducted to determine whether an exclusive representative should represent a unit, a showing of interest form is valid if the signatures were collected within the 18-month period immediately preceding the date on which a petition for the election is filed.

(ii) For an election that is conducted to determine whether an exclusive representative should no longer represent a unit, a showing of interest form is valid if the signatures were collected within the 9-month period immediately preceding the date on which the petition for election is filed.

(4) A showing of interest form may be used by a public employee for each public employer that employs the public employee.

(f)

(1) Subject to paragraph (2) of this subsection, a public employer shall provide to the Board and the employee organization an alphabetical list of public employees in each bargaining unit within 2 days after a petition for an election is filed.

(2) The list required to be provided under paragraph (1) of this subsection shall:

(i) include for each public employee on the payroll for the last pay period before a petition for election is filed, the public employee's:

1. name;
2. position classification;
3. home and work site addresses where the employee receives interoffice or United States mail;
4. home and work site telephone numbers;
5. personal cell phone number; and
6. work e-mail address; and

(ii) identify each public employee that should be excluded as an eligible voter with a statement explaining the reason for the exclusion.

(3) A public employer may not challenge the eligibility of a public employee's vote in an election if the employer fails to explain as required under paragraph (2) of this subsection the reason for excluding a public employee under this subsection.

(4) On application by a public employer or an employee organization, the Board may determine that a public employer shall be designated as a joint public employer of a public employee within a bargaining unit under this subtitle when the designation would best effectuate the purposes of this title.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

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STATE GOVERNMENT

Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 4. ELECTIONS AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVES (§§ 22-401 to 22-407)

Section 22-403. Determination of appropriateness

(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, 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 may consist only of public employees.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

Maryland Code

STATE GOVERNMENT

Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 4. ELECTIONS AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVES (§§ 22-401 to 22-407)

Section 22-404. Filing requirements

Each employee organization that seeks certification as an exclusive representative shall file with the Board:

(1) a copy of the employee organization's governing documents that:

- (i) give individual members the right to participate in activities of the organization;
- (ii) require periodic elections by secret ballot that are conducted with recognized safeguards to ensure the equal rights of all members to nominate, seek office, and vote in the elections; and
- (iii) direct full and accurate accounting of all income and expenses using standard accounting methods; and

(2) a certification that the employee organization accepts members without regard to any characteristic listed in § 22-201(d) of this title.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

Maryland Code

STATE GOVERNMENT

Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 4. ELECTIONS AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVES (§§ 22-401 to 22-407)

Section 22-405. Notification

(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.

(b) An election shall be held in a bargaining unit within 90 days after the filing of a valid petition for election in the bargaining unit in accordance with guidelines established by the Board.

(c)

(1)

(i) The Board shall conduct the election:

- 1. by secret ballot; and

2. subject to subparagraph (ii) of this paragraph, in whole or in part by in-person voting, mail, or an electronic voting system.

(ii) The Board may designate the time period for in-person voting under subparagraph (iii) of this paragraph only after consulting with the public employer and employee organizations on the ballot.

(iii)

1. The Board shall allow at least 10 days of voting for an election conducted under subparagraph (i) of this paragraph, unless an employee organization on the ballot requests an extension.

2. If the voting system is inoperable, the Board may extend the time period for voting.

(2)

(i) An employee organization on a ballot may request a preferred method of voting at the time a petition for election is filed with the Board.

(ii) Except as provided in subparagraph (iii) of this paragraph, the Board shall designate the method of voting based on the requests of the employee organizations on the ballot.

(iii) If there is a dispute between two or more employee organizations on the ballot over the method of voting, the Board may designate the method of voting.

(3) The Board shall place the following choices on the ballot:

(i) the name of the exclusive representative, if any;

(ii) the name of the employee organization designated in the petition filed under § 22-402 of this subtitle with respect to an appropriate bargaining unit;

(iii) the name of each employee organization designated in a petition filed with the Board, within 15 days of notice of the pending election petition, that includes the signatures of at least 10% of the employees in the appropriate bargaining unit; and

(iv) a provision for "no exclusive representative".

(d) If none of the choices on a ballot receives a majority of the votes cast in an election, the Board shall conduct a runoff election between the choices that received the two highest number of votes in the election.

Amended by 2024 Md. Laws, Ch. 52, Sec. 1, eff. 7/1/2024. Amended by 2024 Md. Laws, Ch. 51, Sec. 1, eff. 7/1/2024. Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

Maryland Code

STATE GOVERNMENT

Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 4. ELECTIONS AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVES (§§ 22-401 to 22-407)

Section 22-406. Certification

(a) Except as provided in subsection (b) of this section, the Board shall certify as exclusive representative the employee organization receiving the votes in an election from a majority of the employees voting in the election.

(b) After notice and an opportunity for a hearing, the Board may deny or revoke certification as exclusive representative of an employee organization for willful failure to comply with this title.

(c) Notwithstanding any other provision of this subtitle, the Board shall certify the employee organization as the exclusive representative without an election if:

- (1) a petition for an exclusive representative has been filed for a bargaining unit;
- (2) the Board finds that a majority of the employees in the bargaining unit have signed valid authorizations designating the employee organization as their exclusive representative; and
- (3) no other employee organization is currently certified or recognized as the exclusive representative of the bargaining unit.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

Maryland Code

STATE GOVERNMENT

Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 4. ELECTIONS AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVES (§§ 22-401 to 22-407)

Section 22-407. Nondisclosure

Names or lists of employees provided to the Board in connection with an election under this subtitle are not subject to disclosure in accordance with Title 4 of the General Provisions Article.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

Maryland Code

STATE GOVERNMENT

Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 5. COLLECTIVE BARGAINING (§§ 22-501 to 22-501)

Section 22-501. Meetings

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.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

Maryland Code

STATE GOVERNMENT

Title 22. PUBLIC EMPLOYEE RELATIONS (§§ 22-101 to 22-601)

Subtitle 6. SHORT TITLE (§§ 22-601 to 22-601)

Section 22-601. Short title

This title may be cited as the Maryland Public Employee Relations Act.

Added by 2023 Md. Laws, Ch. 114, Sec. 4, eff. 7/1/2023.

General Information