

**Department of Legislative Services**  
Maryland General Assembly  
2021 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 13

(Delegate Luedtke)

Appropriations and Ways and Means

Finance

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**Influence on Collective Bargaining - Prohibition on Use of Public Funds**

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This bill prohibits a unit of State, county, or municipal government from knowingly using public funds to influence the decisions of public employees to (1) support or oppose an employee organization that represents or seeks to represent the employees of the unit or government or (2) become a member of an employee organization, as specified. **The bill takes effect July 1, 2021.**

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**Fiscal Summary**

**State Effect:** The bill does not materially affect State finances.

**Local Effect:** The bill does not materially affect local government finances.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill's prohibition does not apply to activities performed or expenses incurred in connection with:

- addressing a grievance or negotiating or administering a collective bargaining agreement;
- allowing an employee organization or representative access to and use of public facilities or properties;
- performing an activity required by federal or State law or a collective bargaining agreement;

- negotiating, entering into, or carrying out a voluntary recognition agreement with an employee organization; or
- paying wages to a represented employee while the employee is performing duties if the payment is permitted under a collective bargaining agreement.

## **Current Law:**

### *Collective Bargaining*

Title 3 of the State Personnel and Pensions Article establishes statutory collective bargaining rights for a large number of State employees. Maryland's collective bargaining law generally applies to employees of the Executive Branch departments, the Maryland Insurance Administration, the State Department of Assessments and Taxation, the State Lottery and Gaming Control Agency, the University System of Maryland (USM), the Office of the Comptroller, the Maryland Transportation Authority ((MDTA) for those who are not police officers), the State Retirement Agency, the Maryland State Department of Education, Morgan State University (MSU), St. Mary's College of Maryland (SMCM), and Baltimore City Community College (BCCC), along with specified firefighters for the Martin State Airport and all full-time MDTA police officers at the rank of first sergeant and below.

### *Rights of Employees*

Employees subject to the State's collective bargaining law have the right to (1) take part or refrain from taking part in forming, joining, supporting, or participating in any employee organization or its lawful activities; (2) be fairly represented by their exclusive representative, if any, in collective bargaining; and (3) generally, engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

### *Prohibition on Unfair Labor Practices*

Under State law, the State and its officers, employees, agents, or representatives are prohibited from engaging in any unfair labor practices, as specified. These include, but are not limited to, interfering, restraining, or coercing employees in the exercise of their collective bargaining rights; dominating, interfering with, contributing financial or other support to, or assisting in the formation, existence, or administration of any labor organization; discriminating in hiring, tenure, or any term or condition of employment to encourage or discourage membership in an employee organization; engaging in surveillance of union activities; and refusing to bargain in good faith.

### *Labor Relations Boards*

The State Labor Relations Board is a five-member independent unit of State government responsible for administering and enforcing the State's collective bargaining law, particularly the establishment of new collective bargaining units and the certification of exclusive employee representatives for those units. In that capacity, the board holds elections for exclusive employee representatives when petitioned to do so and also adjudicates dispute resolution cases related to the collective bargaining process. The State Higher Education Labor Relations Board is responsible for enforcing collective bargaining laws with respect to employees of USM, MSU, SMCM, and BCCC.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Anne Arundel, Garrett, Howard, and Montgomery counties; Maryland Association of Counties; City of Laurel; Maryland Municipal League; Comptroller's Office; University System of Maryland; Department of Budget and Management; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2021  
rh/mcr Third Reader - March 11, 2021  
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