

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 904
Appropriations

(Delegate Bridges)

Finance

State Personnel - Collective Bargaining - Exclusive Representative Access to New Employees

This bill alters the means of access and circumstances under which an exclusive representative is required to be permitted access to new employees of the State, the University System of Maryland (USM) system institutions, Morgan State University (MSU), St. Mary's College of Maryland (SMCM), and Baltimore City Community College (BCCC). The bill also alters how the exclusive representative must be notified of a new employee and specifies information that must be provided about each new employee. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: The bill's requirements can generally be handled with existing budgeted resources; however, larger agencies with high turnover rates and critical hires *may* need to divert resources from current priorities. Revenues are not materially affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: An exclusive representative must be permitted to meet with a new employee within the employee's first full pay period, or at a new employee program that occurs within 14 days of the employee's start date. The time an exclusive representative must be permitted to collectively address all new employees is extended from 20 to 30 minutes; a longer time may be negotiated. The meeting must be in person

unless the exclusive representative elects to meet by video or similar technology due to a public health concern. As under current law, attendance must be encouraged, but may not be required, by the employer.

Except under specified circumstances, the employer must provide the exclusive representative at least 10 days' notice of the *start date* of a new employee in the bargaining unit. The notice must be provided electronically within 5 days of the employee's first check-in. It must include the new employee's name, unit, and all employee identification numbers, including Workday numbers. However, it must exclude the new employee's Social Security number. This information must be considered confidential by an exclusive representative. An exclusive representative may not disclose the information in a notice; however, 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.

Current Law: Approximately 30,000 State employees have collective bargaining rights. 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, USM, the Office of the Comptroller, the Maryland Transportation Authority (MDTA) who are not police officers, the State Retirement Agency, the Maryland State Department of Education, MSU, SMCM, and 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.

Certain Executive Branch employees within the State do not have these rights, such as elected government officials, political appointees or employees by special appointment, or any supervisory, managerial, or confidential employees of an Executive Branch department.

The Department of Budget and Management (DBM), USM, MSU, SMCM, and BCCC must provide specified employee information in a searchable and analyzable electronic format to an exclusive representative within 30 days of a new employee's hire and as specified.

Access to New Employees

Each exclusive representative has the right to communicate with the employees that it represents. The State, USM, MSU, SMCM, and BCCC must permit an exclusive representative to 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 and must generally provide the exclusive representative at least 10 days' notice of the program. The new employee program may be a new employee orientation, training, or

other program that the State, USM, MSU, SMCM, or BCCC and an exclusive representative negotiate. The exclusive representative must be permitted 20 minutes, or longer if successfully negotiated, to collectively address all new employees in attendance during a new employee program. The State, USM, MSU, SMCM, and BCCC must encourage an employee to attend the portion of a new employee program designated for an exclusive representative to address new employees, but they may not require an employee to attend if the employee objects to attending.

State Fiscal Effect: DBM advises that the bill increases the workload for agencies by creating additional mandated steps in the hiring process. The bill requires the employer to provide electronic notice to the local president or union designee, which must be done within five days of the employee's first check-in. The notice must include the new employee's name, unit, and all employee identification numbers, including Workday numbers, but must exclude the new employee's Social Security number. The Department of Legislative Services advises these requirements can generally be handled with existing budgeted resources; however, larger agencies with high turnover rates and critical hires *may* need to divert resources from current priorities.

Any additional labor disputes regarding access to employees resulting from this legislation may impact the reimbursable expenditures and revenues of the State labor relations boards. Any such impact is anticipated to be minimal.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 717 (Senator Zucker) - Finance.

Information Source(s): State Higher Education Labor Relation Board; State Labor Relations Board; University System of Maryland; St. Mary's College of Maryland; Department of Budget and Management; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History:
rh/rhh

First Reader - February 24, 2021
Third Reader - March 31, 2021
Revised - Amendment(s) - March 31, 2021
Enrolled - May 7, 2021
Revised - Amendment(s) - May 7, 2021

Analysis by: Caroline L. Boice

Direct Inquiries to:
(410) 946-5510
(301) 970-5510