

Chapter 24

(House Bill 1017)

AN ACT concerning

**State Personnel – Collective Bargaining – Exclusive Representative Access to
New Employee ~~Orientation~~ Program**

FOR the purpose of requiring the Department of Budget and Management, University System of Maryland system institutions, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to provide certain information on certain employees to certain exclusive representatives within a certain time period; altering a certain list of items that the Department, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College are required to provide to certain exclusive representatives; requiring an exclusive representative to withhold certain communication with an employee under certain circumstances; altering a certain limitation on the number of times a year an exclusive representative may request certain information; requiring the Department, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to provide certain information in a certain format; authorizing the Department, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College and certain exclusive representatives to negotiate to provide certain information in a certain manner; repealing certain employee notification requirements and notification process requirements; repealing certain prohibitions against providing certain employee information under certain circumstances; repealing a certain prohibition against incumbent exclusive representatives requesting or receiving certain employee information; repealing an authorization for a certain employer to charge a certain fee for certain purposes; altering certain provisions regarding the use of certain information for certain purposes by certain exclusive representatives and certain third party contractors; establishing a certain right for certain exclusive representatives; requiring the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to permit certain exclusive representatives to attend and participate in certain new employee ~~orientations~~ programs; requiring that an exclusive representative be permitted a certain amount of time to address certain employees during a new employee ~~orientation~~ program; authorizing the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College and an exclusive representative to negotiate a certain period of time in accordance with certain provisions of law; requiring the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to encourage a certain employee to attend a certain portion of a certain new employee program; prohibiting the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College from requiring an employee to attend a certain portion of a certain new employee program under certain circumstances; requiring

the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College to provide certain notice to the exclusive representative in advance of a new employee ~~orientation program~~; providing a certain exception to a certain notice requirement under certain circumstances; ~~declaring the intent of the General Assembly~~; and generally relating to collective bargaining for State employees and access by an exclusive representative to a new employee ~~orientation program~~.

BY repealing and reenacting, with amendments,
 Article – State Personnel and Pensions
 Section 3–208, 3–2A–08, and 3–502(a)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2017 Supplement)

BY adding to
 Article – State Personnel and Pensions
 Section 3–307
 Annotated Code of Maryland
 (2015 Replacement Volume and 2017 Supplement)

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

Article – State Personnel and Pensions

3–208.

(a) On written request of an exclusive representative, **AND WITHIN 30 DAYS OF A NEW EMPLOYEE'S DATE OF HIRE**, for each employee in the bargaining unit represented by the exclusive representative, the Department 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; [and]
- (5) home and work site telephone numbers;
- (6) ~~WORK AND PERSONAL E-MAIL ADDRESSES~~ **E-MAIL ADDRESS; AND**
- (7) **POSITION IDENTIFICATION NUMBER.**

(b) ~~Am~~ **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN** exclusive representative may present a request for employee information, as provided under subsection (a) of this section, [twice every calendar year] ~~AT LEAST ONCE EVERY~~ **120 DAYS.**

(c) **THE DEPARTMENT SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE REQUESTED INFORMATION IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT.**

(d) **THE DEPARTMENT MAY NEGOTIATE WITH THE EXCLUSIVE REPRESENTATIVE TO PROVIDE:**

(1) **THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION MORE FREQUENTLY THAN ONCE EVERY 120 DAYS; AND**

(2) **MORE DETAILED INFORMATION THAN PROVIDED IN SUBSECTION (A) OF THIS SECTION.**

[(c)] (e) 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) Thirty days before providing an employee's name, addresses, telephone numbers, and work information to an exclusive representative, the employer shall notify the employee of the provisions of this section.

(2) The employee may, within 15 days of the employer's notice under paragraph (1) of this subsection, notify the employer that the employee does not want the employee's name, addresses, telephone numbers, or work information to be provided to an exclusive representative.

(3) If an employee provides timely notification to the employer under paragraph (2) of this subsection, the employer may not provide the employee's name, addresses, telephone numbers, or work information.

(4) The notification of an employee to the employer under paragraph (2) of this subsection shall remain in effect until the employee otherwise notifies the employer.

(e) An incumbent exclusive representative for a bargaining unit that is the subject of an election under § 3-405 of this title may not request or receive any employee information as provided under subsections (a) and (b) of this section.

(f) An employer may charge an exclusive representative a fee not to exceed the actual cost of providing a list of employees' names, addresses, telephone numbers, and work information to the exclusive representative.

(g) (F) (1) Except as provided in [paragraph] 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.

[(h) (1)] (3) An exclusive representative **OR AN AUTHORIZED THIRD PARTY CONTRACTOR** may [not] 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 AN EMPLOYEE UNLESS OTHERWISE REQUIRED BY LAW OR THE WRITTEN REQUEST IS REVOKED BY THE EMPLOYEE.

[(2) An exclusive representative may use the information that it receives under this section only to carry out its statutory duties under this title.]

3-2A-08.

(a) On written request of an exclusive representative, **AND WITHIN 30 DAYS OF A NEW EMPLOYEE'S DATE OF HIRE**, for each employee in the bargaining unit represented by the exclusive representative, the University System of Maryland system institutions, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College 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; [and]
- (5) home and work site telephone numbers; **AND**
- (6) **WORK AND PERSONAL E-MAIL ADDRESSES E-MAIL ADDRESS.**

(b) ~~Am~~ **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN** exclusive representative may present a request for employee information, as provided under subsection (a) of this section, [twice every calendar year] ~~AT LEAST ONCE EVERY~~ **120 DAYS.**

(C) THE EMPLOYER SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE REQUESTED INFORMATION IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT.

(D) THE EMPLOYER MAY NEGOTIATE WITH THE EXCLUSIVE REPRESENTATIVE TO PROVIDE:

(1) THE INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION MORE FREQUENTLY THAN ONCE EVERY 120 DAYS; AND

(2) MORE DETAILED INFORMATION THAN PROVIDED IN SUBSECTION (A) OF THIS SECTION.

[(c)] (E) 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)] Thirty days before providing an employee's name, addresses, telephone numbers, and work information to an exclusive representative, the employer shall notify the employee of the provisions of this section.

(2) The employee may, within 15 days of the employer's notice under paragraph (1) of this subsection, notify the employer that the employee does not want the employee's name, addresses, telephone numbers, or work information to be provided to an exclusive representative.

(3) If an employee provides timely notification to the employer under paragraph (2) of this subsection, the employer may not provide the employee's name, addresses, telephone numbers, or work information.

(4) The notification of an employee to the employer under paragraph (2) of this subsection shall remain in effect until the employee otherwise notifies the employer.

(e) An incumbent exclusive representative for a bargaining unit that is the subject of an election under § 3-405 of this title may not request or receive any employee information as provided under subsections (a) and (b) of this section.

(f) An employer may charge an exclusive representative a fee not to exceed the actual cost of providing a list of employees' names, addresses, telephone numbers, and work information to the exclusive representative.

(g) (F) (1) Except as provided in [paragraph] 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.

[(h) (1)] (3) An exclusive representative **OR AN AUTHORIZED THIRD PARTY CONTRACTOR** may [not] 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 AN EMPLOYEE UNLESS OTHERWISE REQUIRED BY LAW OR THE WRITTEN REQUEST IS REVOKED BY THE EMPLOYEE.

[(2) An exclusive representative may use the information that it receives under this section only to carry out its statutory duties under this title.]

3-307.

(A) EACH EXCLUSIVE REPRESENTATIVE HAS THE RIGHT TO COMMUNICATE WITH THE EMPLOYEES THAT IT REPRESENTS.

(B) (1) THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE SHALL PERMIT AN EXCLUSIVE REPRESENTATIVE TO ATTEND AND PARTICIPATE IN A NEW EMPLOYEE ~~ORIENTATION~~ PROGRAM THAT INCLUDES ~~AN EMPLOYEE WHO IS~~ ONE OR MORE EMPLOYEES WHO ARE IN A BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE REPRESENTATIVE.

(2) THE NEW EMPLOYEE PROGRAM IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE A NEW EMPLOYEE ORIENTATION, TRAINING, OR OTHER PROGRAM THAT THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE AND AN EXCLUSIVE REPRESENTATIVE NEGOTIATE IN ACCORDANCE WITH § 3-501 OF THIS TITLE.

~~(2)~~ **(3)** EXCEPT AS PROVIDED IN PARAGRAPH ~~(3)~~ **(4)** OF THIS SUBSECTION, THE EXCLUSIVE REPRESENTATIVE SHALL BE PERMITTED ~~AT LEAST 25~~ **20** MINUTES TO COLLECTIVELY ADDRESS A NEW EMPLOYEE ~~ALL NEW EMPLOYEES IN ATTENDANCE~~ DURING A NEW EMPLOYEE ~~ORIENTATION~~ PROGRAM.

~~(3)~~ **(4)** THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE AND AN EXCLUSIVE REPRESENTATIVE MAY NEGOTIATE A PERIOD OF TIME THAT IS MORE THAN ~~25~~ **20** MINUTES IN ACCORDANCE WITH § 3-501 OF THIS TITLE.

(5) THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE:

(I) SHALL ENCOURAGE AN EMPLOYEE TO 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 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, THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE AT LEAST 10 DAYS’ NOTICE IN ADVANCE OF A NEW EMPLOYEE ~~ORIENTATION~~ PROGRAM.

(2) THE STATE, A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY’S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE MAY PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH LESS THAN 10 DAYS’ NOTICE IF THERE IS AN URGENT NEED CRITICAL TO THE EMPLOYER’S NEW EMPLOYEE ~~ORIENTATION~~ PROGRAM THAT WAS NOT REASONABLY FORESEEABLE.

3-502.

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

(1) wages, hours, and other terms and conditions of employment; AND

(2) THE TIME AND MANNER OF ACCESS TO A NEW EMPLOYEE ~~ORIENTATION~~ PROGRAM AS REQUIRED UNDER § 3-307 OF THIS TITLE.

~~SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, on request from an employee at any time, an exclusive representative shall stop contacting the employee.~~

SECTION ~~2.~~ ~~3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 5, 2018.