

# HOUSE BILL 504

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2lr2164

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By: **Delegate Acevero**

Introduced and read first time: January 21, 2022

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Collective Bargaining – Public School Employees – Authorization to Strike**

3 FOR the purpose of authorizing certain public school employees to engage in a strike; and  
4 generally relating to collective bargaining for public school employees and the ability  
5 to engage in a strike.

6 BY repealing and reenacting, without amendments,  
7 Article – Education  
8 Section 6–401(a) and (e) and 6–501(a) and (g)  
9 Annotated Code of Maryland  
10 (2018 Replacement Volume and 2021 Supplement)

11 BY repealing  
12 Article – Education  
13 Section 6–410 and 6–513  
14 Annotated Code of Maryland  
15 (2018 Replacement Volume and 2021 Supplement)

16 BY adding to  
17 Article – Education  
18 Section 6–410 and 6–513  
19 Annotated Code of Maryland  
20 (2018 Replacement Volume and 2021 Supplement)

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

23 **Article – Education**

24 6–401.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (e) (1) “Public school employee” means a certificated professional individual  
3 who is employed by a public school employer or an individual of equivalent status in  
4 Baltimore City, except for a county superintendent or an individual designated by the  
5 public school employer to act in a negotiating capacity as provided in § 6–408(c) of this  
6 subtitle.

7 (2) In Montgomery County, “public school employees” include:

8 (i) Certificated and noncertificated substitute teachers employed by  
9 the public school employer for at least 7 days before March 1 of the school fiscal year ending  
10 June 30, 1978, and each year after; and

11 (ii) Home and hospital teachers employed by the public school  
12 employer for at least 7 days before March 1 of the school fiscal year ending June 30, 2000,  
13 and each year after.

14 (3) In Baltimore County, “public school employee” includes a secondary  
15 school nurse, an elementary school nurse, and a special school nurse.

16 (4) In Frederick County, “public school employee” includes a social worker  
17 employed by a public school employer.

18 (5) In Prince George’s County, “public school employee” includes home and  
19 hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.

20 (6) In Baltimore County, Calvert County, Charles County, and Garrett  
21 County, “public school employee” includes Junior Reserve Officer Training Corps (JROTC)  
22 instructors.

23 (7) In Carroll County, “public school employee” includes:

24 (i) A registered nurse;

25 (ii) Supervisory noncertificated employees as defined under §  
26 6–501(i) of this title; and

27 (iii) Junior Reserve Officer Training Corps (JROTC) instructors.

28 [6–410.

29 (a) An employee organization may not call or direct a strike.

30 (b) (1) Any employee organization designated as an exclusive representative  
31 that violates any provision of this section shall have its designation as exclusive  
32 representative revoked by the public school employer and the employee organization and

1 any other employee organization that violates any provision of this section is ineligible to  
2 be designated as exclusive representative for a period of 2 years after the violation.

3 (2) If an employee organization violates any provision of this section, the  
4 public school employer shall stop making payroll deductions for dues of the organization  
5 for 1 year after the violation.]

6 **6-410.**

7 **PUBLIC SCHOOL EMPLOYEES MAY ENGAGE IN A STRIKE.**

8 6-501.

9 (a) In this subtitle the following words have the meanings indicated.

10 (g) (1) "Public school employee" means a noncertificated individual who is  
11 employed for at least 9 months a year on a full-time basis by a public school employer.

12 (2) "Public school employee" includes a noncertificated employee in  
13 Baltimore City notwithstanding that the noncertificated employee does not work for at  
14 least 9 months a year on a full-time basis.

15 (3) "Public school employee" does not include:

16 (i) Management personnel;

17 (ii) A confidential employee; or

18 (iii) Any individual designated by the public school employer to act in  
19 a negotiating capacity as provided in § 6-510(c) of this subtitle.

20 **[6-513.**

21 (a) An employee organization may not call or direct a strike.

22 (b) (1) Any employee organization designated as an exclusive representative  
23 that violates any provision of this section shall have its designation as exclusive  
24 representative revoked by the public school employer and the employee organization and  
25 any other employee organization that violates any provision of this section is ineligible to  
26 be designated as exclusive representative for a period of 2 years after the violation.

27 (2) If an employee organization violates any provision of this section, the  
28 public school employer shall stop making payroll deductions for dues of the organization  
29 for 1 year after the violation.]

30 **6-513.**

1           **PUBLIC SCHOOL EMPLOYEES MAY ENGAGE IN A STRIKE.**

2           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
3 1, 2022.