

Chapter 806

(House Bill 746)

AN ACT concerning

**Public School Labor Relations Board – Administration and Enforcement –
Revisions**

FOR the purpose of requiring the Attorney General to assign an assistant Attorney General to provide legal services to the Public School Labor Relations Board, the Higher Education Labor Relations Board, and the State Labor Relations Board; providing that, in connection with the Public School Labor Relations Board's administration and enforcement of certain provisions of law, certain references to written communications shall include electronic communications and certain time limits may be extended for good cause; requiring a party subject to an order of the Board to comply with the order without need for judicial enforcement; authorizing a court to grant certain relief and remedies requested by the Board; requiring the chair of the Board to be a certain member of the Board; defining a certain term; and generally relating to the Public School Labor Relations Board.

BY repealing and reenacting, without amendments,

Article – Education

Section 6–401(a) and (b), 6–501(a) through (c), and 6–803(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Education

Section 6–401(b–1) and 6–501(c–1)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 6–803(c), 6–805, and 6–806

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

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

Article – Education

6–401.

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

(b) “Board” means the Public School Labor Relations Board established under Subtitle 8 of this title.

(B-1) “DAY” MEANS A CALENDAR DAY UNLESS OTHERWISE INDICATED.

6-501.

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

(b) “Board” means the Public School Labor Relations Board established under Subtitle 8 of this title.

(c) “Confidential employee” includes an individual whose employment responsibilities require knowledge of the public school employer’s posture in the collective negotiation process, as determined by the public school employer in negotiations with an employee organization that requests negotiation on this issue.

(C-1) “DAY” MEANS A CALENDAR DAY UNLESS OTHERWISE INDICATED.

6-803.

(a) The Board shall consist of the following five members appointed by the Governor, with the advice and consent of the Senate:

(1) One member who:

(i) Represents the public;

(ii) Has experience in labor relations;

(iii) Is not an officer or employee of a board of education or an employee organization representing public school system employees;

(iv) Is not an elected official of the State, a county, or an employee organization representing public school employees; and

(v) Is known for objective and independent judgment;

(2) Two members, including one member chosen from a list of candidates submitted by the organization representing a majority of public school employees in the State for collective bargaining purposes and another member chosen from a list of candidates submitted by a statewide organization representing public school employees in at least one jurisdiction within the State for collective bargaining purposes other than the majority organization under this paragraph, who:

(i) Are not employees of the State or a public school employee organization; and

(ii) Are known for objective and independent judgment; and

(3) Two members chosen from a list of candidates submitted by the Maryland Association of Boards of Education and the State Superintendents Association of Maryland, who:

(i) Are not officers or employees of the State or county or State boards of education and are not officers or employees of employee organizations representing employees of public school systems in Maryland; and

(ii) Are known for objective and independent judgment.

(c) The [Public School Labor Relations Board] **MEMBER LISTED IN SUBSECTION (A)(1) OF THIS SECTION** shall [elect a] chair [from among its members] **THE BOARD.**

6-805.

(A) The Board shall share an executive director with the Higher Education Labor Relations Board and the State Labor Relations Board.

(B) THE ATTORNEY GENERAL SHALL ASSIGN AN ASSISTANT ATTORNEY GENERAL TO PROVIDE LEGAL SERVICES TO THE BOARD, THE HIGHER EDUCATION LABOR RELATIONS BOARD, AND THE STATE LABOR RELATIONS BOARD.

6-806.

(a) **(1)** The Board shall administer and enforce the provisions of Subtitles 4 and 5 of this title.

(2) IN CONNECTION WITH THE ADMINISTRATION AND ENFORCEMENT OF SUBTITLES 4 AND 5 OF THIS TITLE:

(I) REFERENCES TO WRITTEN COMMUNICATIONS, SUCH AS LETTERS AND NOTICES, SHALL INCLUDE ELECTRONIC COMMUNICATIONS, UNLESS OTHERWISE INDICATED BY THE BOARD; AND

(II) THE BOARD MAY EXTEND THE TIME LIMITS SET FORTH IN SUBTITLES 4 AND 5 OF THIS TITLE FOR GOOD CAUSE SHOWN.

(3) (i) UNLESS A COURT HAS ISSUED A STAY, A PARTY SUBJECT TO AN ORDER OF THE BOARD SHALL COMPLY WITH THE ORDER WITHOUT THE NEED FOR JUDICIAL ENFORCEMENT.

(ii) AT THE REQUEST OF THE BOARD, A COURT MAY:

1. GRANT INJUNCTIVE RELIEF TO ENFORCE COMPLIANCE WITH AN ORDER OF THE BOARD; AND

2. GRANT ANY OTHER REMEDY THE COURT DEEMS APPROPRIATE.

(b) The Board may:

(1) Adopt regulations, guidelines, and policies to carry out the rights and responsibilities of the Board under this title; and

(2) Make recommendations for legislative action regarding the operation of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.