

MARYLAND PERB VIRTUAL PUBLIC MEETING
Minutes

July 16, 2024, Noon

In attendance: Chair Hayes, Board Members Cooperman, Steyer, Ohman, and Rivlin.

Staff attendance: Executive Director Snipes, Assistant Attorney General Franzoni, Deputy Director William Suggs

I. Approval of Minutes of June 26 In-Person Public Meeting

H. Cooperman moved that the minutes be approved, L. Ohman seconded the motion. All remaining Members and Chair voted in favor.

II. New Business: Discussion of Possible Proposals to Revise Statutes that Govern PERB

Chair Hayes provided some background information on the process of changing statutory language, and the reasons behind the need for changes in general.

The Chair asked Member Cooperman to provide the proposed changes that the Board would take under consideration. Executive Director Snipes shared her screen to show the public in attendance.

Changes to Title 22 discussed/voted on by the Board:

§22-207 – Communications with employees; new employees

(4)(ii)) An exclusive representative may choose to meet with a new employee by video or similar technology ~~if public health concerns necessitate that a meeting be conducted remotely.~~

Approved as written to be proposed by PERB.

§ 22-209. Dues deductions

Termination

(d)(1) The right of an employee organization to membership dues deduction shall remain in full force and effect until:

(iv) the employee organization ceases to be the certified exclusive representative of the bargaining unit employees.

Note: Board voted to approve. But because, as stated in the Question and Answer (see below), this has been contended to be inconsistent with SPP Sec. 2-403, this will be discussed again at the August 21, 2024 meeting.

§ 22-305. Deputy directors

Appointment

(a) The Board shall appoint: up to three deputy directors.

~~(1) a deputy director primarily responsible for Executive Branch labor relations;~~

~~(2) a deputy director primarily responsible for public school labor relations; and~~

~~(3) a deputy director primarily responsible for public higher education labor relations.~~

In general

(b) The deputy directors:

(1) are responsible to and serve at the pleasure of the Board;

(2) must have knowledge of and experience with labor issues ~~and the subject matter area associated with their positions;~~ and

(3) are entitled to the salary provided in the State budget.

Remove term “appropriate” when referencing deputy directors throughout statute

Note: Approved as written to be proposed by PERB.

~~§ 22-401. Elections for exclusive representatives~~

~~In existence on June 30, 2023~~

~~(c)(1) An exclusive representative or a bargaining unit in existence on June 30, 2023:~~

~~(i) shall continue without the requirement of an election and certification until a question concerning representation is raised under this title; or~~

~~(ii) until the Board finds the unit not to be appropriate after challenge by the public employer, a member of the unit, or an employee organization.~~

~~(2)(i) The appropriateness of the unit may not be challenged until the expiration of any collective bargaining agreement in effect on June 30, 2023.~~

~~(ii) The Board may not modify any bargaining unit determined under existing law.~~

Note: Board majority did not approve, so PERB won't propose.

§ 22-402. Petition for election

Immediate recognition

~~(d) If a petition is supported by more than 50% of the public employees in the bargaining unit, upon the Board's determination of the appropriateness of the bargaining unit, the public employer shall immediately recognize the employee organization as the exclusive representative and afford to the exclusive representative and its members all rights due under this title.~~

Note: Board majority did not approve, so PERB won't propose.

§ 22-401. Elections for exclusive representatives

~~—Proposals were made to amend the language at:~~

~~“(2)(i) The appropriateness of the unit may not be challenged until the expiration of any collective bargaining agreement in effect on June 30, 2023.~~

~~(ii) The Board may not modify any bargaining unit determined under existing law.”~~

Note: Board majority did not approve, so PERB won’t propose.

§ 22-405. Conduct of election

In general

(c)(1)(i) The Board shall conduct the election:

1. by secret ballot; and
2. subject to subparagraph (ii) of this paragraph, in whole or in part by in-person voting, mail, or an electronic voting system.

(ii) The Board may designate the time period for in-person voting under subparagraph (iii) of this paragraph only after consulting with the public employer and employee organizations on the ballot.

(iii) 1. The Board shall allow at least 10 days of voting for an election conducted by mail or an electronic voting system under subparagraph (i) of this paragraph, unless an employee organization on the ballot requests an extension.

Note: Approved as written to be proposed by PERB.

~~§ 22-406. Certification as exclusive representative~~

~~Certification without election~~

~~(c) Notwithstanding any other provision of this subtitle, the Board shall certify the employee organization as the exclusive representative without an election if:~~

~~(1) a petition for an exclusive representative has been filed for a bargaining unit;~~

~~(2) the Board finds that a majority of the employees in the bargaining unit have signed valid authorizations designating the employee organization as their exclusive representative; and~~

~~(3) no other employee organization is currently certified or recognized as the exclusive representative of the bargaining unit.~~

~~(4) the Board has determined that the bargaining unit designated in the petition is appropriate.~~

Note: Board majority did not approve, so PERB won't propose.

State Personnel & Pensions Article

Title 3 – Collective Bargaining

Subtitle 5: Collective Bargaining Process

§ 3-501. Nature of collective bargaining negotiations

Note: No language for this was proposed; Member Cooperman raised it as a topic for future consideration.

III. Question & Answer

David Maher – KSC law

- proposed amendment in 22-209 (dues deduction) conflicts with State Personnel & Pensions Article 2-403, asks that the Board review that provision and reconsider amendment

J. Rivlin asks if there are changes to these proposals, must Board discuss at a public meeting? Other Board members say yes.

IV. Adjournment

H. Cooperman moves to adjourn. J. Rivlin seconds.

MEETING ADJOURNED at 1:20 p.m.