

HB 3170 B STAFF MEASURE SUMMARY

Carrier: Sen. Linthicum, Sen. Kruse

Senate Committee On Education

Minority Report

Action Date: 06/01/17

Action: Do pass with different amendments to the A-Eng bill. (Printed B-Eng.) Minority

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Report Signers: Sen. Jeff Kruse, Sen. Dennis Linthicum

Prepared By: Lisa Gezelter, LPRO Analyst

WHAT THE MEASURE DOES:

Extends collective bargaining rights to certain public university faculty members whose duties have an academic rather than administrative focus. Applies to bargaining units certified or recognized on or after effective date. Prohibits Employment Relations Board from designating a bargaining unit as appropriate if the bargaining unit includes a supervisory faculty member and the faculty member(s) they supervise, unless a labor organization and public employer agree otherwise.

Allows faculty members to choose whether to join labor organizations recognized as the exclusive representative of faculty members in an appropriate bargaining unit. Requires faculty members who desire to join labor organizations to provide written consent. Exempts faculty members who do not provide written consent from paying dues, fees, assessments, or other charges regularly required of members. Exempts labor organizations from providing services to faculty members who do not provide written consent.

Applies to bargaining units certified or recognized on or after effective date.

ISSUES DISCUSSED:

- Whether employee is a supervisor determined on case-by-case basis
- How to classify research faculty who "supervise" lab employees and students
- Prior legislation allowing firefighters and nurses, who have some supervisory duties, to be included in collective bargaining unit

EFFECT OF AMENDMENT:

Prohibits Employment Relations Board from designating a bargaining unit as appropriate if the bargaining unit includes a supervisory faculty member and the faculty member(s) they supervise, unless a labor organization and public employer agree otherwise. Removes references to bargaining agreements entered into on or after effective date. Applies to bargaining units certified or recognized on or after effective date.

Allows faculty members to choose whether to join labor organizations recognized as the exclusive representative of faculty members in an appropriate bargaining unit. Requires faculty members who desire to join labor organizations to provide written consent. Exempts faculty members who do not provide written consent from paying dues, fees, assessments, or other charges regularly required of members. Exempts labor organizations from providing services to faculty members who do not provide written consent.

BACKGROUND:

The Public Employee Collective Bargaining Act (PECBA), enacted in 1973, codifies the laws governing employment relations and public employers and employees in the state, counties, cities, school districts, transportation districts and other local governments, as well as private employers not subject to the jurisdiction of the National Labor

This Summary has not been adopted or officially endorsed by action of the committee.

HB 3170 B STAFF MEASURE SUMMARY

Relations Board. Employees who are not covered under the PECBA and who are prohibited from organizing include elected officials, persons appointed to serve on boards or commissions, certain incarcerated persons or persons who are confidential employees, supervisory employees or managerial employees.

In 2014, Senate Bill 1518 was enacted to modify the definition of "supervisory employee" to exclude firefighters who are prohibited from striking and who assign, transfer or direct the work of others but lack authority to hire, fire or impose economic discipline. Nurses and charge nurses have long been considered non-supervisory under PECBA and are therefore able to organize and collectively bargain.

House Bill 3170-MRB excludes from the definition of "supervisory employee" those faculty members of public universities who are not high-level administrators or who have a reasonable expectation of teaching, research or other scholarly accomplishments. By excluding them from the definition of "supervisory employee," faculty members with an academic focus would be permitted to organize under PECBA.