

HB 3170 C STAFF MEASURE SUMMARY

Carrier: Sen. Linthicum

Senate Committee On Rules

Minority Report

Action Date: 06/14/17

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

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Report Signers: Sen. Brian Boquist, Sen. Ted Ferrioli

Prepared By: Cherie Stone, LPRO Analyst

WHAT THE MEASURE DOES:

Extends collective bargaining rights to certain public university faculty members whose duties have academic rather than administrative focus. Prohibits Employment Relations Board (ERB) from designating bargaining unit as appropriate if bargaining unit includes supervisory faculty member and faculty member(s) they supervise, unless labor organization and public employer agree otherwise. Allows faculty members to choose whether to join labor organizations recognized as exclusive representative of faculty members in appropriate bargaining unit. Requires faculty members who desire to join labor organization 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:

- Amendments adopted in Senate Education Committee

EFFECT OF AMENDMENT:

Allows faculty members to choose whether to join labor organization certified by ERB or recognized as exclusive representative of faculty members in appropriate bargaining unit. Requires faculty members who desire to join labor organization 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.

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 Relations Board. Employees 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. However, nurses and charge nurses have long been considered non-supervisory under the PECBA and are therefore able to organize and collectively bargain.

House Bill 3170-MRC 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. In addition, the measure allows faculty

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members to choose whether to join a labor organization certified by ERB or recognized as an exclusive representative of faculty members in an appropriate bargaining unit. Faculty members who choose to join a labor organization must provide written consent. House Bill 3170-MRC applies to bargaining units certified or recognized on or after the effective date.