

# **The Maryland Public Employee Relations Act<sup>1</sup>**

## Background

The Maryland Public Employee Relations Act outlines the provisions for collective bargaining for certain employees of community colleges in Maryland. Beginning September 1, 2023, the Act becomes effective for faculty and non-exempt employees at Hagerstown Community College.

## The Newly Formed Public Employee Relations Board

Effective July 1, 2023, the Public Employee Relations Board was established (hereafter PERB), replacing and merging what was formerly three Boards, the State Labor Relations Board, the State Higher Education Labor Board and the Public School Labor Relations Board. The new PERB will meet at least once per month, and will soon appoint three deputy directors.

## The Role of the PERB and the Deputy Directors

The newly formed PERB and corresponding Deputy Directors will have oversight on all matters relating to labor relations, such as petitions, elections, unfair labor practice allegations, impasse proceedings and to ensure compliance with the Public Employee Relations Act.

---

<sup>1</sup> Md. Code, State Gov't §22-601; provisions of the Act are outlined in both State Gov't Title 22 and the Educ. Article, Title 16.

## FAQ- Maryland Public Employee Relations Act

The following are frequently asked questions about the Act, with excerpts from the law provided:

### 1. How many units can be recognized?

There may be no more than four bargaining units at each community college including:

- a. One unit reserved for full-time faculty;
- b. One unit reserved for part-time faculty; and
- c. Two units reserved for eligible nonexempt employees  
*SG §16-703*

Ineligible for representation: Officers, supervisors, student assistants and confidential employees. (See Fact Sheet #2 found on [HR webpage](#))

### 2. What can be negotiated?

Collective bargaining shall include all matters relating to:

- a. Wages, hours, and other terms and conditions of employment; and
- b. The procedures for the employee organization to receive membership dues through payroll deduction.

An agreement may include a provision for the arbitration of grievances arising under the agreement.*SG §16-706*

### 3. What is required for an election to occur?

The PERB shall conduct an election for an exclusive representative of a bargaining unit if:

- a. a valid petition is filed; and
- b. the bargaining unit involved in the petition is determined to be an appropriate bargaining unit.

*SG §22-401*

### 4. What must a valid petition include?

A petition shall:

- a. contain the information the Board requires; and
- b. be accompanied by showing of interest forms from 30% of the employees in the appropriate unit indicating their desire to be exclusively represented by the exclusive representative named in the petition for the purpose of collective bargaining.*SG § 22-402*

**5. What information must an employer provide to the employee organization and the PERB after the petition has been filed?**

The employer shall provide to the PERB and the employee organization an alphabetical list of employees in each bargaining unit within 2 days after a petition is filed including for each employee on the payroll for the last pay period before a petition for election is filed, the public employee's:

- a. name;
  - b. position classification;
  - c. home/work site addresses where the employee receives mail
  - d. home/work site telephone numbers
  - e. personal cell phone number
  - f. work e-mail address
  - g. each public employee that should be excluded with the reason
- SG §22-402*

**6. Can an employee organization have access to the employer's property for campaigning?**

Yes; within 7 days after a valid election has been scheduled, the employer shall allow employees and employee organizations to access the employer's property and facilities, including grounds, rooms, bulletin boards, interoffice mail, and other common areas for campaign activities for the election.*SG§22-210*

**7. How is the election conducted?**

The PERB shall conduct the election by secret ballot and may be done by in-person voting, mail, or an electronic voting system, allowing for 10 days of voting, and shall certify as exclusive representative the employee organization receiving the votes in an election from a majority of the employees voting in the election.

*SG § 22-405/§22-406*

**8. Can an employee organization be selected without the election?**

Yes. The PERB shall certify the employee organization as the exclusive representative without an election if:

- a. a petition for an exclusive representative has been filed for a bargaining unit;
- b. the PERB finds that a majority of the employees in the bargaining unit have signed valid authorizations designating the employee organization as their exclusive representative; and
- c. no other employee organization is currently certified or recognized as the exclusive representative of the bargaining unit. *SG § 22-406/ SG §22-402(majority defined as over 50%)*