

MARYLAND PERB VIRTUAL PUBLIC MEETING AGENDA

April 10, 2024

Noon

12:04 pm

Present: Chair M. Hayes, Board Members H. Cooperman, L. Ohman, J. Rivlin, and R. Steyer, plus staff members Executive Director E. Snipes, AAG C. Franzoni, and Deputy Directors H. Heilman & W. Suggs

- I. Approval of Minutes of March 20 Virtual Public Meeting
Motion to approve - M. Hayes
Second – J. Rivlin
All in favor - All

II. Updates: If any party wants to personally deliver something to us, please e-mail Executive Director E. Snipes to make arrangements.

A. New website: As at other recent meetings, Executive Director E. Snipes shared the most recent and upcoming developments.

B. Bills amending PERA were signed by the Governor yesterday, April 9, and will be in effect July 1, 2024. Most notably, these amendments include more flexibility for the Deputy Directors to work on/investigate any type of jurisdictional area ULP filed with the Board. Also these bills amend when new employee information is provided to the union – within 5 days of any “check in” event. Prior language was vague.

A couple other bills that relate to PERB: state government employee supervisors (some) will be allowed to collectively bargain—in effect October 1.

Public Library collective bargaining – will likely become law in one

way or another. PERB does not have jurisdiction, even though there are traditional ULPs listed in that law.

C. In the meantime, written PERB decisions are being posted on the existing website.

III. Regulations – Chair Hayes asks attendees to save questions until the question/answer period.

A. Discussion of Possible Revisions to Regulations proposed in January 2024 Maryland Register, in Response to Comments on those Regulations.

J. Rivlin – presented the regulations in numerical sequence based on guidance from AAG C. Franzoni.

1. 14.30.01.01.B(7) – Negotiability dispute. J. Rivlin says she would not make the change, just deal with this on a case-by-case basis. All Board members agree.

14.30.08.09 – non lawyers may not represent before the Board
Can't have this, it's against the law. All Board members agree.

14.30.08.16.B(1) – not make the proposed change. All Board members agree.

14.30.08.21 – leave as is, not accept the change. All Board members agree.

14.30.08.26.B – leave as is, not accept the change. All Board members agree.

R. Steyer – Board must be a party to any case that goes up to the circuit court. No opportunity for the Board to decline. Asks AAG C. Franzoni to comment on this. C. Franzoni noted that the Board is not

a party to appealed cases—the party that was successful with PERB would represent PERB’s position on the case.

14.30.09.02 (C(1) and D((1)) – Recommend we not make the change, as it’s already happening based on a later section, and Board has essentially adopted the practice. It should not be a requirement, can do on a case by case basis. All Board members agree.

14.30.09.02 – Recommend we don’t make change re Deputy Directors. All Board members agree.

14.30.12.01.A – would make this change, not properly drafted in the first place, non-substantive. All Board members agree to make this change.

14.30.12.01.C(3) – change to add the words “if available” – J. Rivlin suggests we accept the change. All Board members agree. Non-substantive.

14.30.12.02.A – Rivlin suggests we delete this regulation, because it deals with classification. In the end, the statute governs. Deletion is a substantive change. Discussion ensued, after which all Board members agree they would delete.

14.30.13.01A(1) – Rivlin suggests we delete the item that requires the parties to establish ground rules; should be permissive, let the parties decide for themselves. This is also substantive; all Board members agree.

14.30.13.01D – either clarify or delete this section. J. Rivlin would err on the side of not changing it. M. Hayes says we could delete it—it dates back to Gov. Glendenning’s executive order. Non substantive. Board members agree to delete.

14.30.14.02.A(2) – impasse notice within five days; Rivlin suggests

we reject the proposed change. All board members agree.

In addition, Chair Hayes suggests

- change ULP “complaint” to “charge” in the two areas “complaint” is used—this is consistent with the Statute. Board members agree.
- Adding “job classifications” in 14.30.12.01(A) is fine, nonsubstantive change
- Issue of deleting the language regarding unit clarification petitions for units that existed prior to July 1, 2023, agrees that this would be substantive.

No comments were made by any attendees.

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B. After the Above Discussion is Completed, Discussion. Rivlin moves and Steyer seconds to vote to approve those Proposed Regulations that were previously published and not the subject of comments. All Board Members vote in favor.

C. J. Rivlin moves that those regulations discussed at this meeting, as referenced above, be approved consistent with the Board’s discussion recorded above, except for the two with substantive changes -14.30.12.02.A and 14.30.13.01A(1) - that must be re-published for comment. Cooperman seconds.

All Board members in favor.

IV. Question & Answer – none presented

Board adjourned public meeting at approximately 1:10 p.m.