

MARYLAND PERB MEETING MINUTES

September 27, 2023

Noon – Zoom Virtual Format

Present: Chair Hayes, Members Cooperman, Steyer, Rivlin, and Ohman, as well as staff, AED Snipes, and AAG Franzoni

I. Introduction:

Chair Hayes opened the meeting at approximately noon on 9.27.2023, and noted the following:

A. 2023 statute created this combined Public Employee Relations Board, or PERB. Previously 3 Labor Relations Board for State Government employees, Public School Employees, and Public Higher Education Employees, including community colleges

B. Public Employee Relations Act (PERA) Statute requires at least one public meeting a month. Some will be online like this one, some will be at 45 Calvert Street in Annapolis.

C. Boards had an Executive Director; the new statute requires us to hire Deputy Directors to conduct investigations. The Board will shortly hire two; would need more funding to hire the third as the statute envisioned.

Chair Hayes noted that we are close to getting approval for the two Deputy Directors to be hired this fiscal year, and hopes to have those people in place by the end of October at the latest.

D. PERB will have public hearings in unfair labor practice and representation cases, and will post announcements of such hearings, as we already do for elections, on Board website.

Chair Hayes noted that there are new determinations for PERB to make...including access to new employees, and whether certain matters are negotiable.

E. Each Board Member will introduce themselves.

Chair Hayes introduced himself, shared some of his background, then invited other members to do the same. Board members did so in the following order: Cooperman, Ohman, Rivlin, Steyer.

Chair thanked the members for introducing themselves, noted that he was honored to be serving with these well experienced members.

II. Question & Answer

David Wright asks about regulations.

Chair Hayes notes that we have a task force to develop these. He said that the Statute mentioned five areas of law to have regulations about, which we will do. We are currently looking at a draft, and the task force will be meeting (Hayes, Rivlin, Snipes, Franzoni) to discuss and edit. When we have a final draft, we will go to the full Board in a public meeting to present the final draft of the regulations for adoption, and then put them through the regulatory process, which is slow.

Todd Reynolds asks about deputy directors.

Chair Hayes notes we have done interviews, we are in a position to hire likely next week, and onboarding will likely be done by the end of October.

David Wright asks about pending cases – what to do, what order.

Erica Snipes answers that election matters are going forward, ULPs will go to Deputies.

David Wright asks about docketing system – OAH does not have electronic docketing, is frustrating. Do we have plans to have one? Chair Hayes states that board members and staff have discussed this, but notes that PERB still can refer cases to OAH, so parties will still be there and have to deal with OAH processes. Chair Hayes says that we are looking into IT issues to figure out the best process. Expenditures and budget are an issue for this process.

Keith Zimmerman asks about arbitration and impasse procedures. Chair Hayes notes that the new statute didn't change anything about these procedures, and indicates that the community colleges are different. We can't add any steps.

Zimmerman notes that the PSLRB hearing on these issues never asked for evidence. Will PERB be doing the same?

Hayes asks that evidence issues be considered by the full Board

There were no further questions presented, and the public meeting adjourned at 12:30 p.m, after which the Board moved to Executive Session for case deliberations, legal guidance and advice.