



Karen B. Salmon, Ph.D.  
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • msde.maryland.gov

**TO:** Members of the State Board of Education  
**FROM:** Karen B. Salmon, Ph.D. *KBS/clw*  
**DATE:** August 23, 2016  
**SUBJECT:** Code of Maryland Regulations (COMAR) 13A.02.08 Recognition of Employee Organizations (REPEAL)

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**PURPOSE:**

The purpose of this item is to request repeal of COMAR 13A.02.08 concerning the recognition of employee organizations.

**REGULATION PROMULGATION REVIEW PROCESS:**

In accordance with the Regulator Review and Evaluation Act, State Government Article §§10-130– 10-139, Annotated Code of Maryland, the Maryland State Department of Education (MSDE) periodically schedules regulations for review to evaluate the need to retain, amend, or repeal any provisions. The purpose of this review is to determine whether the regulations: 1) continue to be necessary for the public interest; 2) continue to be supported by statutory authority and judicial opinion; and 3) are obsolete or otherwise appropriate for amendment or repeal.

**BACKGROUND/HISTORICAL PERSPECTIVE:**

In 2010, the Maryland General Assembly created the Public School Labor Relations Board and gave the Board the authority to recognize employee organizations. Education Article §§6-801 – 6-807. The State Board of Education’s regulations concerning the recognition of employee organizations are no longer needed since the Public School Labor Relations Board now has jurisdiction over this activity. The Public School Labor Relations Board has adopted regulations to carry out this activity. COMAR 34.14.34.01.

**EXECUTIVE SUMMARY:**

The existing regulations for recognition of employee organizations are no longer needed as the Public School Labor Relations Board now has jurisdiction over this function and the Board has adopted regulations to carry out this activity.

Members of the State Board of Education  
August 23, 2016  
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**ACTION:**

I request permission to publish the proposed repeal of COMAR 13A.02.08 for public comment.

Attachment

# **Title 13A STATE BOARD OF EDUCATION**

## **Subtitle 02 LOCAL SCHOOL ADMINISTRATION**

### **Chapter 08 Recognition of Employee Organizations**

**Authority: Education Article, Title 6, Subtitles 4 and 5, Annotated Code of Maryland**

13A.02.08.01

#### **[.01 Certification of Eligible Representative or Organizations.**

**A. Units Where There is an Incumbent Exclusive Representative.**

**(1) Written Petition.**

(a) All public school employees who desire a representation election shall advise, by written petition to the local superintendent of schools (Form 1) signed by more than 20 percent of the public school employees in the unit, of this desire not later than May 15 (in Baltimore City, October 15). Form 1 may be submitted in single card or multiple signature petition format, or a combination of both.

(b) A public school employee's signature on the written petition may afterwards be revoked in writing (Form 2). Revocation shall be submitted to the public school employer not later than May 15 (in Baltimore City, October 15). However, after executing a written revocation, the public school employee may not once again sign the written petition.

(c) Once filed with the public school employer, the written petition may not be available for inspection or copying. The public school employer shall immediately notify the State Superintendent of Schools of the filing of the petition. The State Superintendent of Schools shall promptly appoint an election judge, who will meet with representatives of the public school employer, the incumbent exclusive representative, and any other employee organization which has previously filed Form 4, in order to select an appropriate election date.

(d) The public school employer shall compare the signatures and Social Security numbers on the written petition with the employer's payroll records and shall, on or before May 25, verify to the election judge that the written petition contains valid signatures from the requisite number of public school employees specified in §A(1)(a) of this regulation. The public school employer shall simultaneously submit to the election judge the original of the petition, as well as the originals of any revocations which have been filed. The election judge shall determine the validity of the revocations and their effect upon the petition.

(e) A petition under this regulation may not be considered valid if it is filed during the first year of a 2-year, or during the first or second year of a 3-year, written agreement between a public school employer and an incumbent exclusive representative. However, this paragraph may not be used in combination with any other law or regulation to bar an election for more than 3 consecutive calendar years.

(f) All forms referenced in this chapter and set forth in it are mandatory. All appropriate blanks contained in the forms shall be completed before filing in order for the form, or signature, as appropriate, to be valid.

(2) Not later than May 20 (in Baltimore City, October 20), the public school employer shall give reasonable notice (Form 3) to all public school employees as defined in Education Article, §6-401(c) or 6-501(c), Annotated Code of Maryland, as to the unit or units in which the subsequent election shall be held and the date of the election. A copy of the notice shall be sent to the State Superintendent of Schools.

(3) Not later than May 25 (in Baltimore City, October 25), all organizations, other than the incumbent exclusive representative, wishing to be the exclusive representative of the public school employees in a specified unit shall file with the public school employer a written certification of membership of at least 10 percent of the public school employees in the specified unit as of June 1 (Form 4). The election judge shall examine the records of any organization filing this certification and shall verify that the organization has as members the requisite number of public school employees as specified in this subsection in accordance with that organization's membership requirements.

(4) The incumbent exclusive representative shall be automatically placed on the ballot.

#### B. Units Where There is No Exclusive Representative.

(1) Original requests for exclusive recognition shall be filed with the public school employer no later than May 25 (in Baltimore City, October 25), by any employee organization certifying that it has at least 30 percent of the public school employees in a given unit as of June 1 (Form 5). When an organization makes an original request for exclusive recognition and has filed Form 5, all other employee organizations wishing a representation election shall file with the public school employer a written certificate of membership of at least 10 percent of the public school employees in the specified unit as of June 1 (Form 6). This form shall be submitted no later than May 28 (in Baltimore City, October 28). Subject to §B(2) of this regulation, if one or more organizations of public school employees certifies a membership of public school employees, pursuant to this section, the public school employer shall, no later than May 31 (in Baltimore City, October 31), give reasonable notice (Form 3) to all public school employees as to the unit or units in which the subsequent election shall be held and the date of the election.

(2) If no organization certifies a 10 percent membership under §B(1) of this regulation by May 28 (in Baltimore City, October 28), the organization which has certified 30 percent membership may petition by May 31 (in Baltimore City, October 31) that it has a membership enrollment of the majority of the public school employees in the unit in the county or Baltimore City (Form 7). In this event, an election may not be held and the public school employer shall designate the employee organization as the exclusive representative of all public school employees in the unit in the county or Baltimore City (Form 8).

C. Elections may be held on any working day for public school employees no earlier than June 1 (in Baltimore City, November 1), and no later than June 15 (in Baltimore City, November 15), except for the last working day in any school system.

D. Immediately following the tabulation of the election results, the election judge shall certify the results of the election to the State Superintendent of Schools by certified mail (see Form 9).

E. No later than June 15 (in Baltimore City, November 15) the public school employer in accordance with the provisions of Education Article, Title 6, Subtitle 4 or 5, Annotated Code of Maryland, and the regulations of the State Board of Education, shall designate the exclusive representative of all public school employees in a given unit and so notify the appropriate organizations (Form 8).

13A.02.08.02

## **.02 Conduct of Elections.**

A. Subsequent to the filing of a 10 percent certification in accordance with Regulation .01A(3) or B(1) of this chapter, the local superintendent of schools shall assign reasonable bulletin board space and other display areas in all

school facilities to all qualifying competing organizations of public school employees. Each organization shall be provided with equal space.

B. Each competing organization shall be permitted to use whatever distribution systems are normally available through the local board of education in accordance with its existing policies.

C. Materials from representatives of the competing organizations shall be appropriately distributed to all affected employees.

D. Representatives of competing organizations shall be permitted to meet with employees, individually and in groups, on school premises but the meetings may not interfere in any way with work schedules, but shall be permitted during nonduty breaks or immediately preceding or following the work day.

E. Voting without intimidation, duress, or coercion will take place within every school facility where eligible public school employees normally work. A person may not be in the vicinity of the balloting box when voting is taking place, except those permitted to vote, the clerk, and the designated challengers or the election judge. The polling place location shall be posted on the school bulletin board at the same time as the election notice is posted. The designation of the polling place in each facility shall be the responsibility of the local superintendent of schools. The polling facilities will be designed to assure a secret ballot for each voter.

F. Lists of eligible voters for each polling place shall be provided by the local superintendent of schools to all competing organizations. Only regularly employed school personnel shall be eligible to vote.

G. The local board of education shall designate at least one election clerk for each polling place. Except in cases of emergency, as determined by the election judge, or upon mutual agreement of the competing organizations, election clerks shall be persons who are not eligible to vote in any public school employee representative election under the provisions of Education Article, Title 6, Subtitle 4 or 5, Annotated Code of Maryland. This person shall have custody of all ballots and eligibility lists, shall determine the eligibility of each voter, shall issue a ballot (Form 10) to each eligible voter, and shall require the voter to sign the eligibility list. At the close of the polls, the election clerk shall return the ballot box, the unused ballots, and the voters' lists to the central tabulating station.

H. The State Superintendent of Schools shall appoint for each election an election judge who shall have the responsibility and authority to resolve any matters in dispute regarding the election. The election judge may not be a member of or an employee of the local board of education or of any organization seeking exclusive representation in that school system.

I. A "notice of election" shall be posted in each school facility before election day. This notice of election shall designate the employee unit, date, time, place of election in each school facility, and instructions to voters (see Form 3).

J. The local board of education shall establish an office for the election judge. All competing organizations shall be notified of the location and telephone numbers of the election office.

K. The local board of education shall designate a central location for the collection and tabulation of ballots following the election. Competing organizations shall be notified of the location of this tabulation center.

L. Election hours shall be during the regular working hours for the employees in the unit for which the election is held. The local superintendent of schools, with the concurrence of representatives of the organizations who will appear on the ballot, or, if the superintendent has failed to act, the election judge shall determine the hours during which the polls will be open at each school. Except as otherwise determined by the election judge, the polls at each school shall be open for an amount of time at least equal to the number of eligible voters multiplied by 5 minutes, but this may not exceed the working day.

M. Absentee ballots shall be made available by the election judge only to those otherwise eligible voters who are away from their assigned work locations on the day of the election at the direction of the public school employer.

N. Each organization may have an observer at each polling place during the election. At the conclusion of the election, the observers may accompany the election clerk in the return of the ballot box to the central tabulating office. Two observers from each competing organization may be present during the counting and tabulating of ballots. If it is necessary to employ substitutes for employees who are serving as observers, the competing organizations shall pay the necessary compensation.

O. A ballot box shall be provided by the local board of education for each polling place. The ballot boxes shall be of such construction as to safeguard the secrecy of the ballots and their security. Slots in the ballot boxes shall be sealed before the opening of the polls. The election clerk shall break the seals and examine the boxes, in the presence of the observers, if any, when the polls are opened. The election clerks shall reseal the slots at the close of the polls in such a manner that the ballots within are absolutely secure. The seal on the ballot box shall be signed by the election clerk and the observers, if any, and examined by the election judge before opening the ballot box for tabulation.

P. Ballot boxes shall be distributed to the polling places by a procedure established by the election judge.

Q. Printed paper ballots shall be furnished by the local board of education in accordance with the attached recommended form (see Form 10).

R. Placement of the exact official names of organizations on the ballots shall be determined by the election judge after discussion with the competing organizations.

S. Every eligible voter shall be notified by the local board of education that he or she shall be required to show some form of identification, such as social security card, driver's license, charge plate, credit card, or other document to which his or her signature is affixed in order to obtain an official ballot and vote in the election. Organizational or membership cards may not be accepted as identification, even if the signature appears on it. If the voter does not have proper identification and if the observers from the organizations listed on the ballot agree to the voter's eligibility, the voter may vote a regular ballot. Otherwise, a challenge ballot shall be used.

T. A challenge ballot shall be a regular ballot which is folded, placed first in an unmarked envelope, which is in turn placed in an envelope clearly marked with the word "challenge". The "challenge" envelope shall be signed by the voter, sealed by the election clerk, with the reason for the challenge noted, and placed in the ballot box.

U. Eligible voters not appearing on the voting lists shall vote a challenge ballot. The election judge shall determine the eligibility of the voter casting such a challenged ballot and the election judge's determination shall be final.

V. Signed ballots and those bearing written comments shall be declared void. The election judge shall determine the validity of all other ballots, and the election judge's determination shall be final.

W. On election day, campaigning may not be allowed in the building or within 75 feet of the entrance to the building where voting takes place. Membership buttons may be worn.

**Form 1**  
*Request for Representation Election*  
*Must be Signed by More Than 20 Percent of Public*  
*School Employees in a Unit*

(Must be filed prior to the Close of Business on May 15)

(or October 15 in Baltimore City)  
(Year)

Pursuant to the provisions of Education Article, Title 6, Subtitle 4 (or Subtitle 5), Annotated Code of Maryland, the undersigned employee(s) of the \_\_\_\_\_<sup>1</sup> unit of employees of the Board of Education of \_\_\_\_\_ hereby request(s) that an election be held in June (or November in Baltimore City) (Year) to designate an exclusive bargaining representative for the aforesaid unit.

**NOTE: ALL ITEMS MUST BE  
COMPLETED IN ORDER FOR YOUR  
SIGNATURE TO BE VALID**

Printed Name of Public School Employee	Signature of Public School Employee	Social § No. of Public School Employee	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

<sup>1</sup> (e.g., professional, administrative, or classified unit)

**Form 2**

*Revocation of Signature on Form 1*

I hereby revoke my prior signature on the election petition known as the "Request for Representation Election". I understand that by revoking this signature I am waiving my right to once again sign the petition during the present school year.

**NOTE: ALL ITEMS MUST BE  
COMPLETED IN ORDER FOR THIS  
REVOCATION TO BE VALID**

Printed Name of Public School Employee	Signature of Public School Employee	Social § No. of Public School Employee	Date
_____	_____	_____	_____

**Form 3**  
*Notice of Election*

Date, Time, and Place of Election

Date: \_\_\_\_\_

Time: Regular working day for employees

Place: Each school or educational facility

*Secret Ballot*

Voting will take place within every school or facility where eligible public school employees normally work. The designation of the polling place in each facility shall be determined by the election judge in consultation with the person in charge of each school or facility. The polling place shall permit each individual to vote free from observation by other individuals.

*Authorized Observers*

Each organization may have an observer at each polling place during the duration of the election. At the conclusion of the election the observers may accompany the election clerk to the central tabulating office.

*Tally*

A ballot box shall be provided by the local board of education for each polling place. The ballot boxes shall be of such construction as to safeguard the secrecy of the ballots and their security. Slots in the ballot boxes shall be sealed before the opening of the polls. The boxes shall be unsealed and examined by the election clerks, in the presence of the observers, if any, when the polls are opened. The slots shall be resealed by the election clerks at the close of the polls in such a manner that the ballots within are absolutely secure. The seal on the ballot box shall be signed by the election clerk and the observers, if any, and examined by the election judge before opening the ballot box for tabulation.

*Identification*

Every eligible voter shall be required to show some form of identification, such as driver's license, charge plate, credit card, or other document to which the voter's signature is affixed in order to obtain an official ballot and vote in the election. Organizational or membership cards may not be accepted as identification. If the voter does not have proper identification and if the observers from the organizations listed on the ballot agree to the voter's eligibility, the voter may vote a regular ballot. Otherwise, a challenge ballot shall be used.

*Challenge Ballots*

A challenge ballot shall be a regular ballot cast, which is folded, placed first in an unmarked envelope, which is in turn placed in an envelope clearly marked with the word "challenge". The "challenge" envelope shall be signed by the voter, sealed by the election clerk, with the reason for the challenge noted, and placed in the ballot box.

Eligible voters not appearing on the voting lists shall cast a challenge ballot.



*Validity of Ballots*

Signed ballots and those bearing written comments shall be declared void. The election judge shall determine the validity of all other ballots.

*Campaigning*

On election day, campaigning may not be allowed in the building or within 75 feet of the entrance to the building where voting takes place. Membership buttons may be worn. If a voter presents himself wearing anything which appears to be of a campaigning nature, the election clerk shall request the voter to remove it.

**Form 4**

*Request for Exclusive Representation  
by an Organization Certifying at Least 10 Percent of the  
Public School Employees of a Designated Unit*

(Must be filed prior to the Close of Business on May 25)  
(or October 25 in Baltimore City) (Year)

Pursuant to the provisions of Education Article, Title 6, Subtitle 4 (or Subtitle 5), Annotated Code of Maryland, \_\_\_\_\_<sup>1</sup> hereby certifies to \_\_\_\_\_<sup>2</sup> through its duly authorized agents that it is a public school employee organization which has a member enrollment of at least 10 percent of the total number of public school employees in \_\_\_\_\_<sup>3</sup> as of June 1, (Year) and requests that an election be held, in which the public school employees in this unit shall be offered a choice among all qualifying employee organizations as the exclusive representative of all public school employees in the unit or of no exclusive representation.

By this certification and request it is hereby agreed by the above stated public school employee organization that the State Board of Education may at any reasonable time and in any reasonable manner verify the facts of membership certified to in this request before the designation of an exclusive representative, if any, as requested.

Witness our hands and seals as the duly authorized representatives of the above named public school employee organization this \_\_\_\_\_ day of May (or October in Baltimore City) (Year).

\_\_\_\_\_  
Name of Organization

By: \_\_\_\_\_  
Signature of Authorized  
Representative

By: \_\_\_\_\_  
Signature of Authorized  
Representative

\_\_\_\_\_  
Official Organization  
Position

\_\_\_\_\_  
Official Organization  
Position

\_\_\_\_\_

\_\_\_\_\_

Date Signed

Date Signed

<sup>1</sup> Public school employee organization

<sup>2</sup> Local school board

<sup>3</sup> Designated public school employee unit

**Form 5**

(Only to be filed where there is no incumbent exclusive representative)

*Request for Exclusive Representation*

*by an Organization Certifying at Least 30 Percent of the Public School Employees of a Designated Unit*

(Must be filed prior to the Close of Business on May 25, or October 25 in Baltimore City) (Year)

Pursuant to the provisions of Education Article, Title 6, Subtitle 4 (or Subtitle 5), Annotated Code of Maryland, \_\_\_\_\_<sup>1</sup> hereby certifies to \_\_\_\_\_<sup>2</sup> through its duly authorized agents that it is a public school employee organization which has a member enrollment of at least 30 percent of the total number of public school employees in \_\_\_\_\_<sup>3</sup> as of June 1, (Year) and hereby states that this certification shall constitute a request for recognition as exclusive representative for all public school employees in this unit.

By this certification and request it is hereby agreed by the above stated public school employee organization that the State Board of Education may at any reasonable time and in any reasonable manner verify the facts of membership certified to in this request before the designation of an exclusive representative, if any, as requested.

Witness our hands and seals as the duly authorized representatives of the above named public school employee organization this \_\_\_\_\_ day of May (or October in Baltimore City) (Year).

\_\_\_\_\_  
Name of Organization

By: \_\_\_\_\_  
Signature of Authorized Representative

By: \_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Official Organization Position

\_\_\_\_\_  
Official Organization Position

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

<sup>1</sup> Public school employee organization

<sup>2</sup> Local school board

<sup>3</sup> Designated public school employee unit

**Form 6**

(Only to be filed if Form 5 is filed)

*Request for Exclusive Representation  
by an Organization Certifying at Least 10 Percent of the  
Public School Employees of a Designated Unit (where Form 5 is filed)  
(Must be filed prior to the Close of Business on May 28)  
(or October 28 in Baltimore City) (Year)*

Pursuant to the provisions of Education Article, Title 6, Subtitle 4 (or Subtitle 5), Annotated Code of Maryland, \_\_\_\_\_<sup>1</sup> hereby certifies to \_\_\_\_\_<sup>2</sup> through its duly authorized agents that it is a public school employee organization which has a member enrollment of at least 10 percent of the total number of public school employees in \_\_\_\_\_<sup>3</sup> as of June 1, (Year) and requests that an election be held, in which the public school employees in this unit shall be offered a choice among all qualifying employee organizations as the exclusive representative of all public school employees in the unit or of no exclusive representation.

By this certification and request it is hereby agreed by the above stated public school employee organization that the State Board of Education may at any reasonable time and in any reasonable manner verify the facts of membership certified to in this request before the designation of an exclusive representative, if any, as requested.

Witness our hands and seals as the duly authorized representatives of the above named public school employee organization this \_\_\_\_ day of May (or October in Baltimore City) (Year).

\_\_\_\_\_  
Name of Organization

By: \_\_\_\_\_ By: \_\_\_\_\_

Signature of Authorized  
Representative

Signature of Authorized  
Representative

\_\_\_\_\_  
Official Organization  
Position

\_\_\_\_\_  
Official Organization  
Position

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

<sup>1</sup> Public school employee organization

<sup>2</sup> Local school board

<sup>3</sup> Designated public school employee unit

**Form 7**

*Petition by an Organization That It Has a Membership of a Majority of the Public School Employees in a Designated Unit, Where It Has Filed a 30 Percent Membership Certification and No Other Organization Certified a 10 Percent Membership of Unit Members*

(Must be filed by May 31)  
(or October 31 in Baltimore City) (Year)

Pursuant to the provisions of Education Article, Title 6, Subtitle 4 (or Subtitle 5), Annotated Code of Maryland, \_\_\_\_\_<sup>1</sup> hereby certifies to \_\_\_\_\_<sup>2</sup> through its duly authorized agents that it has previously filed Form 5, certifying that it has at least 30 percent of the public school employees in \_\_\_\_\_<sup>3</sup> as of June 1, (Year); that no other organization has certified that it has a membership of 10 percent of the members of said unit; and that \_\_\_\_\_<sup>1</sup> hereby certifies that it has a membership enrollment of the majority of the public school employees in said unit.

By this certification, it is requested that \_\_\_\_\_<sup>2</sup> designate \_\_\_\_\_<sup>1</sup> as the exclusive representative of all public school employees in said unit.

\_\_\_\_\_  
Name of Organization

By: \_\_\_\_\_ By: \_\_\_\_\_  
Signature of Authorized Signature of Authorized  
Representative Representative

\_\_\_\_\_  
Official Organization Official Organization  
Position Position

\_\_\_\_\_  
Date Signed Date Signed

- <sup>1</sup> Public school employee organization
- <sup>2</sup> Local school board
- <sup>3</sup> Designated public school employee unit

**Form 8**

*Designation of Exclusive Public School Employee Organization By Local School Board*

On the foregoing certification the \_\_\_\_\_<sup>1</sup> by resolution hereby designates \_\_\_\_\_<sup>2</sup> as the exclusive public school employee organization for the \_\_\_\_\_<sup>3</sup> beginning June (November) \_\_\_\_\_, (Year) and continuing as provided by law.

\_\_\_\_\_  
Name of Organization

By: \_\_\_\_\_ By: \_\_\_\_\_  
Signature of Authorized Representative      Signature of Authorized Representative

\_\_\_\_\_  
Official Organization Position      Official Organization Position

\_\_\_\_\_  
Date Signed      Date Signed

- <sup>1</sup> Public school employee organization
- <sup>2</sup> Local school board
- <sup>3</sup> Designated public school employee unit

**Form 9**  
*Certification of Election Results in the  
Matter of the Election \_\_\_\_\_<sup>1</sup>*

Pursuant to the provisions of Education Article, Title 6, Subtitle 4 (or Subtitle 5), Annotated Code of Maryland, \_\_\_\_\_<sup>2</sup> conducted a representation election to determine whether eligible public school employees of \_\_\_\_\_<sup>1</sup> wished to be represented by \_\_\_\_\_<sup>3</sup> or neither organization.

The superintendent of the local board of education employer duly designated the undersigned to supervise and preside over the election and to issue a certification of the results thereof.

The balloting took place at all school and other educational facilities on June (November) \_\_\_\_\_, (Year) from \_\_\_\_\_ to \_\_\_\_\_<sup>4</sup>. The vote was by paper ballot.

The tally took place immediately after the closing of the polls at \_\_\_\_\_<sup>5</sup>.

Challenged ballots neither ruled on nor counted: \_\_\_\_\_<sup>6</sup>.

Results are certified to be as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No Exclusive Representation \_\_\_\_\_

Void

Blank

Dated<sup>7</sup>: June (November) \_\_ (Year)

\_\_\_\_\_

\_\_\_\_\_

8

Election Judge

<sup>1</sup> Designated public school employee unit (include County (City)in designation)

<sup>2</sup> Local school board

<sup>3</sup> Competing public school employee organization

<sup>4</sup> Hours for balloting

<sup>5</sup> Location of central ballot counting

<sup>6</sup> Ballots not counted

<sup>7</sup> Date of election tally

<sup>8</sup> Printed name and signature of election judge

**Form 10**

*Representation Election Ballot*

\_\_\_\_\_  
(Unit)

\_\_\_\_\_  
(Local Board)

\_\_\_\_\_  
(Date of Election)

Mark your choice with (X) in one box only. Do not sign ballot or make any other marks.

[ ] \_\_\_\_\_  
(Name of Organization)

[ ] \_\_\_\_\_  
(Name of Organization)

[ ] No Exclusive Representation

13A.02.08.03

**.03 Recognition for Consultative Purposes.**

A. The local board of education in meeting its duty to consult with others under the provisions of Education Article, §6-111, Annotated Code of Maryland, may accord recognition for consultative purposes to professional employees' organizations which request recognition.

**B. Recognition, in whatever form accorded, may not:**

(1) Preclude any employee, regardless of the employee's membership in an organization, from bringing matters of personal or professional concern to the attention of appropriate officials in accordance with applicable law, rule, regulation, or established board of education policy, or from choosing the employee's own representative in a grievance or appellate action;

(2) Preclude a board of education from consulting with any other person or organization, with respect to matters or policies which involve themselves, individual members of the association, or are of particular applicability to it or its members;

(3) Involve a contractual obligation or commitment on the part of the board of education or result in a delegation of its duties and responsibilities.

**C. Recognition for consultative purposes may be either formal or informal. Formal recognition is applicable to an organization that has enrolled a majority of the professional employees in the local school system and shall be granted in accordance with §E, of this regulation. Informal recognition is applicable to an organization that has not enrolled a majority, but may be granted in accordance with §E, of this regulation, without regard to whether any other organization has been accorded formal recognition.**

**D. A board of education may accord formal recognition to an organization as the representative of its members. By formal recognition, the board of education recognizes that the organization represents a majority of the professional employees of the local school system and shall consult with the organization in the formulation and implementation of policies relating to, but not limited to, personnel hiring and assignment, leaves of absence, salaries and salary schedules, benefit programs, teaching conditions, and noninstructional duties. This consultation shall be for the purpose of communicating to the board of education and discussing with it the considered professional judgment of the representative organization.**

**E. A board of education may accord informal recognition to an employee organization as representative of its members. By informal recognition, the board of education recognizes the existence of the organization as a representative of its members and will endeavor, to the extent consistent with the efficient and orderly conduct of the public business, to consider the views of the organization in the formulation and implementation of policies relating to, but not limited to, personnel hiring and assignment, leaves of absence, salaries and salary schedules, benefit programs, teaching conditions, and noninstructional duties.]**

*13A.02.08.9999*