

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1492 (Delegate Ebersole, *et al.*)  
Government, Labor, and Elections

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Collective Bargaining - Public Employees - Revocation of Certification and  
School and Library Employees' Right to Strike

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This bill authorizes certificated public school employees, noncertificated public school employees, and public library employees to strike. To that end, it prohibits their employers from retaliating against employees participating in a strike, as specified. The bill also repeals the authority of the Public Employee Relations Board (PERB) to revoke employee organization (union) certification for willful failure to comply with State collective bargaining law.

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Fiscal Summary

**State Effect:** None. PERB can implement the bill with existing resources.

**Local Effect:** No direct effect on local governmental operations or finances, but the bill may have potential significant operational impacts if public school or public library employees engage in strikes authorized under the bill; however, the timing, frequency, and duration of any strikes cannot be predicted. Accordingly, any fiscal impact cannot be reliably estimated. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The bill also repeals related statutory prohibitions in education and library collective bargaining law against strikes, work stoppages, or secondary boycotts.

Public school employers and public library employers may not promise, threaten, or take any of the following actions against a public school or public library employee: (1) permanently replace the employee for supporting or participating in a strike; (2) discriminate against the employee who is working, has returned to work, or has offered unconditionally to return to work for the employer after supporting or participating in a strike; or (3) lock out, suspend, or otherwise withhold employment from employees in order to influence the position of the employees or an employee organization preceding a strike.

### **Current Law:**

“Secondary boycott” is defined as an activity by an employee organization (union) or its members that is intended to induce, encourage, or coerce persons doing business with the employer to withhold, withdraw, or in any respect curtail their business relations with the county.

“Strike” is defined as the refusal or failure by an employee or group of employees to perform their duties of employment as assigned if a purpose of the refusal or failure is to induce, force, or require the employer to act or refrain from acting with regard to any matter.

“Work stoppage” is defined as (1) the willful absence of a group of employees from their positions; (2) the engaging in a slowdown by employees; or (3) the refusal of employees to perform job duties.

Public school employees (both certificated staff such as teachers, and noncertified staff) and public library employees do not have the right to strike. These employees are also prohibited from participating in a strike, work stoppage, or secondary boycott.

Likewise, employee organizations (unions) for public school employees and public library employees are prohibited from engaging in, inducing, encouraging, sponsoring, initiating, supporting, directing or condoning any work stoppage, or secondary boycott. PERB may deny or revoke the employee organization’s certification as the exclusive collective bargaining representative for the employees for willful failure to comply with public employee collective bargaining law.

### *Public Employee Relations Board*

The Public Employee Relations Act (Chapter 114 of 2023) substantially restructured collective bargaining by public employees, including establishing PERB as the replacement for three separate boards – among them the former Public School Labor Relations Board – to oversee collective bargaining for all public employees. PERB

administers and enforces public sector collective bargaining statutes, including investigating and adjudicating unfair labor practice charges, administering elections for exclusive representatives, and resolving disputes regarding the negotiability of bargaining subjects.

For certificated public school employees, collective bargaining remains governed by § 6-406 of the Education Article. Under that section, PERB resolves disputes concerning whether a proposed topic of bargaining is mandatory, permissive, or illegal, and administers the statutory impasse resolution process. If PERB determines that an impasse has been reached, it must order mediation in accordance with § 6-406. If mediation does not result in agreement, PERB conducts arbitration and issues a final and binding written award selecting one complete final offer, as specified in statute. The public school employer and the employee organization are required to share the costs of mediation and arbitration equally.

Any negotiated agreement or arbitration award is subject to county fiscal approval, and if sufficient funds are not appropriated to implement the agreement, the local board of education must renegotiate with the employee organization before making a fiscal determination consistent with applicable law.

**Local Expenditures:** Local school system expenditures may increase to the extent school employee strikes occur under the bill. Potential costs could include developing strike contingency plans, revising labor relations policies, providing administrator and human resources training, and incurring additional legal and administrative costs associated with labor disputes.

Local school systems may also incur operational costs related to maintaining instructional continuity during a strike, such as substitute staffing, temporary personnel, overtime, or alternate service arrangements. To the extent strikes disrupt instruction for students receiving special education services, school systems may incur additional costs for compensatory services required under federal law. The magnitude and likelihood of such costs cannot be reliably estimated.

Local public library systems may also incur operational and legal costs if employees engage in a strike authorized under the bill, including expenses associated with temporary staffing or continuity-of-operations measures. The magnitude of any such costs cannot be reliably estimated.

Because the occurrence and duration of strikes cannot be predicted, any resulting fiscal impact on local school systems or local libraries cannot be reliably estimated. Actual strikes may be infrequent, but threats of strikes may happen more frequently.

## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Anne Arundel, Baltimore, Charles, Dorchester, and Garrett counties; Maryland State Department of Education; Maryland State Library Agency; Public Employee Relations Board; Baltimore City Public Schools; Anne Arundel County Public Schools; Prince George's County Public Schools; Frederick County Public Schools; Department of Legislative Services

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