

SB0264/523627/3

BY: Delegate Shank

AMENDMENTS TO SENATE BILL 264
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “circumstances;” insert “providing that an employee organization may negotiate to receive service fees from nonmembers as a condition of employment, but that the service fees may not exceed a certain amount; requiring certain employee organizations to establish certain procedures under certain circumstances that address certain rights of certain members; requiring certain individuals to ratify certain agreements in order to make the agreements effective;”.

AMENDMENT NO. 2

On page 2, in line 4, strike “**EXCEPT**” and substitute “**SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION AND EXCEPT**”; and after line 36, insert:

“(4) (I) AN EMPLOYEE ORGANIZATION MAY NEGOTIATE TO RECEIVE SERVICE FEES FROM NONMEMBERS AS A CONDITION OF EMPLOYMENT, BUT THE AMOUNT OF THE SERVICE FEES MAY NOT EXCEED THE NONMEMBER’S PRO RATA SHARE OF THOSE EXPENDITURES THAT ARE GERMANE TO THE EMPLOYEE ORGANIZATION’S COLLECTIVE BARGAINING ACTIVITIES UNDER THIS TITLE.

(II) AS A CONDITION OF RECEIVING ANY SERVICE FEES NEGOTIATED UNDER THIS SUBSECTION, THE EXCLUSIVE REPRESENTATIVE SHALL ESTABLISH PROCEDURES THAT PROVIDE THE FOLLOWING RIGHTS TO NONMEMBERS:

1. WRITTEN NOTICE OF THE SERVICE FEE THAT WILL BE PAYABLE, INCLUDING:

(Over)

A. THE AMOUNT OF THE FEE EXPRESSED IN MONETARY TERMS OR AS A PERCENTAGE OF THE SERVICE FEES PAYABLE BY MEMBERS;

B. THE BASIS ON WHICH THE EXCLUSIVE REPRESENTATIVE HAS DETERMINED THE FEE, INCLUDING AN ACCOUNTING OF THE EXPENDITURES OF THE EMPLOYEE ORGANIZATION TO BE USED IN AID OF CAUSES NOT DIRECTLY GERMANE TO THE ORGANIZATION'S OBLIGATIONS AS EXCLUSIVE REPRESENTATIVE, AND IN AID OF ACTIVITIES OR CAUSES OF A POLITICAL OR IDEOLOGICAL NATURE ONLY INCIDENTALLY RELATED TO TERMS AND CONDITIONS OF EMPLOYMENT; AND

C. THE PROCEDURES TO BE FOLLOWED IF A NONMEMBER CHOOSES TO CHALLENGE THE DETERMINATION OF THE FEE AS AIDING CAUSES OF A POLITICAL OR IDEOLOGICAL NATURE ONLY INCIDENTALLY RELATED TO THE DUTY OF THE EXCLUSIVE REPRESENTATIVE TO BARGAIN OVER TERMS AND CONDITIONS OF EMPLOYMENT, OR FOR BONA FIDE RELIGIOUS REASONS;

2. AN OPPORTUNITY TO CHALLENGE THE DETERMINATION OF THE FEE AND RECEIVE A PROMPT DECISION FROM AN IMPARTIAL ARBITRATOR;

3. ARBITRATION CONDUCTED IN ACCORDANCE WITH THE MARYLAND UNIFORM ARBITRATION ACT UNDER TITLE 3, SUBTITLE 2 OF THE COURTS ARTICLE;

4. THE ESCROWING OF ANY REASONABLE PORTION OF THE SERVICE FEE PAID BY A CHALLENGING EMPLOYEE IN ANY DISPUTE PENDING THE ARBITRATOR'S DECISION; AND

5. THE CONTINUATION OF THE EMPLOYEE'S RIGHT TO CHOOSE ANY PERSON TO ASSIST OR REPRESENT THE EMPLOYEE AT ANY TIME DURING A GRIEVANCE PROCESS, DISCIPLINARY ACTION, OR ANY OTHER PROCEEDING PROVIDED FOR IN A COLLECTIVE BARGAINING AGREEMENT COVERING THAT EMPLOYEE WHILE EXCLUDING THE EXCLUSIVE REPRESENTATIVE FROM THE PROCESS AND NOTIFYING THE EMPLOYER OF THAT CHOICE.

(5) ANY SERVICE FEE AGREEMENT NEGOTIATED UNDER THIS SUBSECTION IS NOT EFFECTIVE UNTIL IT IS RATIFIED BY THE GOVERNOR AND A MAJORITY OF THE MEMBERS OF THE BARGAINING UNIT."