

# SENATE BILL 264

P4, F2

9lr0214  
CF HB 298

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By: **The President (By Request – Administration) and Senators Kelley, Exum, Klausmeier, Conway, Gladden, Jones, King, Madaleno, Pinsky, Raskin, Robey, ~~and Rosapepe~~ Rosapepe, and Lenett**

Introduced and read first time: January 23, 2009

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 29, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Employees – Collective Bargaining – Negotiations –**  
3 **“The Fair Share Act”**

4 FOR the purpose of authorizing collective bargaining negotiations pertaining to  
5 certain State employees to include negotiations relating to the right of an  
6 employee organization to receive service fees from nonmembers; exempting  
7 certain employees who are members of certain religions from the requirement to  
8 pay a service fee under certain circumstances; providing that an employee who  
9 is exempt from paying a service fee may be required to pay a certain amount to  
10 a certain organization under certain circumstances; requiring a certain  
11 memorandum of understanding to include a list of certain organizations; and  
12 generally relating to permissible matters of negotiation under the State  
13 employee collective bargaining process.

14 BY repealing and reenacting, with amendments,  
15 Article – State Personnel and Pensions  
16 Section 3–502  
17 Annotated Code of Maryland  
18 (2004 Replacement Volume and 2008 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – State Personnel and Pensions**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 3-502.

2 (a) Collective bargaining shall include all matters relating to wages, hours,  
3 and other terms and conditions of employment.

4 (b) (1) [Collective] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
5 **SUBSECTION, COLLECTIVE** bargaining may [not] include negotiations relating to the  
6 right of an employee organization to receive service fees from nonmembers.

7 **(2) (I) AN EMPLOYEE WHO IS A MEMBER OF A BONA FIDE**  
8 **RELIGION THAT HISTORICALLY HAS HELD CONSCIENTIOUS OBJECTIONS TO**  
9 **JOINING OR FINANCIALLY SUPPORTING AN EMPLOYEE ORGANIZATION MAY NOT**  
10 **BE REQUIRED TO PAY A SERVICE FEE TO AN EMPLOYEE ORGANIZATION UNDER**  
11 **PARAGRAPH (1) OF THIS SUBSECTION.**

12 **(II) AN EMPLOYEE WHO IS EXEMPT FROM PAYING A**  
13 **SERVICE FEE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE**  
14 **REQUIRED TO PAY AN AMOUNT EQUAL TO THE SERVICE FEE TO A**  
15 **NONRELIGIOUS, NONLABOR CHARITABLE ORGANIZATION EXEMPT FROM**  
16 **TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.**

17 **(III) 1. A MEMORANDUM OF UNDERSTANDING THAT**  
18 **INCLUDES SERVICE FEES FOR NONMEMBERS OF AN EMPLOYEE ORGANIZATION**  
19 **AND REQUIRES AN ALTERNATIVE PAYMENT UNDER SUBPARAGRAPH (II) OF THIS**  
20 **PARAGRAPH SHALL INCLUDE A LIST OF AT LEAST THREE ORGANIZATIONS TO**  
21 **WHICH AN EMPLOYEE MAY CHOOSE TO CONTRIBUTE.**

22 **2. IF A MEMORANDUM OF UNDERSTANDING DOES**  
23 **NOT INCLUDE THE LIST OF ORGANIZATIONS REQUIRED UNDER**  
24 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, AN EMPLOYEE MAY**  
25 **CONTRIBUTE TO ANY OTHER ORGANIZATION THAT MEETS THE REQUIREMENTS**  
26 **UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

27 **(IV) TO MAINTAIN AN EXEMPTION UNDER SUBPARAGRAPH**  
28 **(I) OF THIS PARAGRAPH, AN EMPLOYEE WHO IS REQUIRED TO MAKE AN**  
29 **ALTERNATIVE PAYMENT UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH**  
30 **SHALL PROVIDE PROOF OF PAYMENT TO THE DEPARTMENT OF BUDGET AND**  
31 **MANAGEMENT EACH MONTH.**

32 ~~(2)~~ **(3) COLLECTIVE BARGAINING BETWEEN AN EMPLOYEE**  
33 **ORGANIZATION AND A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST.**  
34 **MARY'S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE**  
35 **MAY NOT INCLUDE NEGOTIATIONS RELATING TO THE RIGHT OF AN EMPLOYEE**  
36 **ORGANIZATION TO RECEIVE SERVICE FEES FROM NONMEMBERS.**

1 (c) Notwithstanding subsection (a) of this section, the representatives of the  
2 State, a system institution, Morgan State University, St. Mary's College of Maryland,  
3 and Baltimore City Community College:

4 (1) shall not be required to negotiate over any matter that is  
5 inconsistent with applicable law; and

6 (2) may negotiate and reach agreement with regard to any such  
7 matter only if it is understood that the agreement with respect to such matter cannot  
8 become effective unless the applicable law is amended by the General Assembly.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 July 1, 2009.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.