

# HOUSE BILL 884

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By: **Delegates Bates, Afzali, Aumann, Beitzel, Cluster, Eckardt, Fisher, Frank, Glass, Haddaway–Ricchio, Hough, Jacobs, Kipke, Krebs, McDermott, W. Miller, O’Donnell, Otto, Parrott, Ready, Schuh, Schulz, Smigiel, Stocksdale, and Szeliga**

Introduced and read first time: February 11, 2011

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – Payment of Service Fees**

3 FOR the purpose of prohibiting collective bargaining for certain State employees from  
4 including negotiations relating to the payment of service fees to an employee  
5 organization by nonmembers through the automatic deduction of the service  
6 fees from the wages of nonmembers; and generally relating to collective  
7 bargaining for State employees.

8 BY repealing and reenacting, with amendments,  
9 Article – State Personnel and Pensions  
10 Section 3–502  
11 Annotated Code of Maryland  
12 (2009 Replacement Volume and 2010 Supplement)

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

15 **Article – State Personnel and Pensions**

16 3–502.

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

19 (b) (1) Except as provided in [paragraph (3)] **PARAGRAPHS (3) AND (4)**  
20 of this subsection, collective bargaining may include negotiations relating to the right  
21 of an employee organization to receive service fees from nonmembers.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) An employee whose religious beliefs are opposed to joining or  
2 financially supporting any collective bargaining organization is:

3                   (i) not required to pay a service fee; and

4                   (ii) required to pay an amount of money as determined in  
5 collective bargaining negotiations, not to exceed any service fee negotiated under  
6 paragraph (1) of this subsection, to any charitable organization exempt from taxation  
7 under § 501(c)(3) of the Internal Revenue Code and to furnish to the Department and  
8 the exclusive representative written proof of such payment.

9           (3) Collective bargaining between an employee organization and a  
10 system institution, Morgan State University, St. Mary's College of Maryland, or  
11 Baltimore City Community College may not include negotiations relating to the right  
12 of an employee organization to receive service fees from nonmembers.

13                   **(4) COLLECTIVE BARGAINING MAY NOT INCLUDE NEGOTIATIONS**  
14 **RELATING TO THE PAYMENT OF SERVICE FEES TO AN EMPLOYEE ORGANIZATION**  
15 **BY NONMEMBERS THROUGH THE AUTOMATIC DEDUCTION OF THE SERVICE FEES**  
16 **FROM THE WAGES OF NONMEMBERS.**

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

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

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

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 June 1, 2011.