

## Chapter 428

(Senate Bill 841)

AN ACT concerning

### Higher Education Fair Share Act

FOR the purpose of altering the matters of negotiation that may be included in collective bargaining between an employee organization and certain system institutions, Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College; requiring employees of certain institutions of higher education to furnish written proof of certain payments to the President of the institution or the President's designee; and generally relating to collective bargaining for employees of certain State institutions of higher education.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 3–502  
Annotated Code of Maryland  
(2009 Replacement Volume and 2012 Supplement)

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

#### Article – State Personnel and Pensions

3–502.

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

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

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

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

(ii) required to pay an amount of money as determined in collective bargaining negotiations, not to exceed any service fee negotiated under paragraph (1) of this subsection, to any charitable organization exempt from taxation

under § 501(c)(3) of the Internal Revenue Code and to furnish ~~to~~ **WRITTEN PROOF OF THE PAYMENT TO:**

**1. A.** the Department ~~and~~; **OR**

**B. IN THE CASE OF AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION SPECIFIED IN § 3-102(A)(1)(V) OF THIS TITLE, THE PRESIDENT OF THE INSTITUTION OR THE PRESIDENT'S DESIGNEE; AND**

**2.** the exclusive representative ~~written proof of such payment.~~

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

**Approved by the Governor, May 16, 2013.**