

# SENATE BILL 933

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By: **Senators Getty and Brinkley**

Introduced and read first time: January 31, 2014

Assigned to: Finance

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## A BILL ENTITLED

AN ACT concerning

### **Public School Employees – Service or Representation Fees – Local Discretion**

FOR the purpose of repealing certain provisions requiring public school employers in all jurisdictions of the State to negotiate with certain employee organizations regarding service or representation fees charged to nonmembers; limiting the application of certain provisions of law regarding the negotiation and charging of service or representation fees; and generally relating to service and representation fees for public school employees.

BY repealing and reenacting, with amendments,

Article – Education

Section 6–407(c) and (e) and 6–504

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 6–407(d) and (f)

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

### **Article – Education**

6–407.

(c) (1) Subject to subsection (d) of this section, the public school employer [shall] **MAY** negotiate with the employee organization designated as the exclusive

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



representative for the public school employees in a unit, a requirement of a reasonable service or representation fee, to be charged nonmembers for representing them in negotiations, contract administration, including grievances, and other activities as are required under subsection (b) of this section.

**(2) IF THE PUBLIC SCHOOL EMPLOYER NEGOTIATES A REQUIREMENT OF A SERVICE OR REPRESENTATION FEE UNDER THIS SECTION:**

[(2)] (I) The service or representation fee may not exceed the annual dues of the members of the organization[.];

[(3)] (II) An employee who is a substitute teacher and who works on a short-term day-to-day basis is not required to pay a service or representation fee[.];

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

[(i)] 1. Not required to pay a service or representation fee;  
and

[(ii)] 2. Required to pay an amount of money as determined in [paragraph (2) of this subsection] **ITEM (I) OF THIS PARAGRAPH** to a nonreligious, nonunion charity or to such other charitable organization as may be mutually agreed upon by the employee and the exclusive representative, and who furnishes to the public school employer and the exclusive representative written proof of such payment[.];

[(5)] (IV) The exclusive representative shall establish and maintain a procedure that provides nonmembers with:

[(i)] 1. An adequate explanation of the basis for the service or representation fee; and

[(ii)] 2. An opportunity to challenge the amount of the fee[.];

[(6)] (V) An employee who is a home or hospital teacher and who works on a short-term day-to-day basis is not required to pay a service or representation fee[.]; **AND**

[(7)] (VI) The public school employer shall:

[(i)] 1. Deduct the service or representation fee from the earnings of the nonmember employees in accordance with a schedule provided by the exclusive representative; and

**2.** Promptly transmit the amount deducted to the exclusive representative.

(d) When negotiating the implementation of a service or representation fee under this section, the public school employer and the exclusive bargaining representative shall negotiate whether the fee is applicable to current employees.

(e) (1) This subsection applies to a county in which a service or representation fee was not negotiated before July 1, 2013.

(2) The following employees in a unit are eligible to vote on ratification of [the] AN implementing agreement that provides for a service or representation fee:

(i) Members of the employee organization; and

(ii) Nonmembers affected by the service or representation fee.

(3) [The] AN implementing agreement that provides for a service or representation fee shall be ratified by a majority of votes cast by the employees eligible to vote under paragraph (2) of this subsection.

(f) In a county in which a service or representation fee has been negotiated before July 1, 2013, the fee shall be implemented under the provisions of the agreement negotiated before July 1, 2013, and consistent with the requirements of this section without the need for further negotiations.

6-504.

(a) A public school employee may refuse to join or participate in the activities of employee organizations.

(b) (1) Subject to subsection [(e)] (D) of this section, the public school employer, with respect to noncertificated employees, [shall] MAY negotiate a structure of required reasonable service or representation fees to be charged nonmembers for representation in negotiations and grievance matters by employee organizations.

(2) [An] **IF THE PUBLIC SCHOOL EMPLOYER NEGOTIATES A STRUCTURE OF REQUIRED SERVICE OR REPRESENTATION FEES UNDER THIS SECTION**, AN employee whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is:

(i) Not required to pay a service or representation fee; and

(ii) Required to pay an amount of money that is equal to the service or representation fee to a nonreligious, nonunion charity or to such other charitable organization as may be mutually agreed upon by the employee and the

employee organization, and who furnishes to the public school employer and the employee organization written proof of the payment.

**(C) IF THE PUBLIC SCHOOL EMPLOYER NEGOTIATES A STRUCTURE OF REQUIRED SERVICE OR REPRESENTATION FEES UNDER THIS SECTION:**

**[(c)] (1)** The employee organization shall establish and maintain a procedure that provides nonmembers with:

**[(1)] (I)** An adequate explanation of the basis for the service or representation fee; and

**[(2)] (II)** An opportunity to challenge the amount of the fee[.]; **AND**

**[(d)] (2)** The public school employer shall:

**[(1)] (I)** Deduct the service or representation fee from the earnings of the nonmember employees in accordance with a schedule provided by the employee organization; and

**[(2)] (II)** Promptly transmit the amount deducted to the employee organization.

**[(e)] (D)** When negotiating the implementation of a service or representation fee under this section, the public school employer and the exclusive bargaining representative shall first negotiate whether the fee is applicable to current employees.

**[(f)] (E)** (1) This subsection applies to a county in which a service or representation fee was not negotiated before July 1, 2013.

(2) The following employees in a unit are eligible to vote on ratification of [the] AN implementing agreement that provides for a service or representation fee:

(i) Members of the employee organization; and

(ii) Nonmembers affected by the service or representation fee.

(3) [The] AN implementing agreement that provides for a service or representation fee shall be ratified by a majority of votes cast by the employees eligible to vote under paragraph (2) of this subsection.

**[(g)] (F)** In a county in which a service or representation fee has been negotiated before July 1, 2013, the fee shall be implemented under the provisions of the agreement negotiated before July 1, 2013, and consistent with the requirements of this section without the need for further negotiations.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.