

# SENATE BILL 587

P4

9lr2255  
CF 9lr1944

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By: **Senator Rosapepe**

Introduced and read first time: February 4, 2019

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Employee Organizations and Exclusive Representatives –**  
3 **Dues and Representation**

4 FOR the purpose of requiring that a certain payroll deduction occur within a certain period  
5 of time; requiring that certain payroll deductions for certain employees resume  
6 under certain circumstances; providing that a certain exclusive representative shall  
7 represent certain employees for the purposes of negotiating and enforcing a certain  
8 memorandum of understanding; specifying that a certain exclusive representative is  
9 not required to represent certain employees in certain circumstances; and generally  
10 relating to dues paid to and representation by employee organizations and exclusive  
11 representatives.

12 BY repealing and reenacting, with amendments,  
13 Article – State Personnel and Pensions  
14 Section 2–403 and 3–407  
15 Annotated Code of Maryland  
16 (2015 Replacement Volume and 2018 Supplement)

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

19 **Article – State Personnel and Pensions**

20 2–403.

21 (a) (1) Subject to subsection [(b)] (C) of this section, [on the] **WITHIN 30 DAYS**  
22 **AFTER RECEIVING A** written request of an employee to pay dues to an organization by  
23 payroll deduction, the Central Payroll Bureau shall:

24 (i) deduct the dues from the employee's wages; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) timely pay over the amount deducted to the organization.

2 (2) An employee may cancel a payroll deduction of organization dues by  
3 written notification to the Central Payroll Bureau.

4 (b) **THE CENTRAL PAYROLL BUREAU SHALL RESUME PAYROLL**  
5 **DEDUCTION OF ORGANIZATION DUES:**

6 (1) **ON REINSTATEMENT OF A FORMER EMPLOYEE WITHIN 1 YEAR**  
7 **AFTER SEPARATION UNDER § 2-601 OF THIS TITLE, IF THE EMPLOYEE HAD**  
8 **ORGANIZATION DUES DEDUCTED FROM THE EMPLOYEE'S WAGES UNDER**  
9 **SUBSECTION (A) OF THIS SECTION BEFORE SEPARATION FROM STATE**  
10 **EMPLOYMENT; OR**

11 (2) **ON RESTORATION OF ACTIVE EMPLOYMENT STATUS FOR AN**  
12 **EMPLOYEE FOLLOWING A SUSPENSION OR A LEAVE OF ABSENCE, IF THE EMPLOYEE**  
13 **HAD ORGANIZATION DUES DEDUCTED FROM THE EMPLOYEE'S WAGES UNDER**  
14 **SUBSECTION (A) OF THIS SECTION BEFORE SUSPENSION OR LEAVE OF ABSENCE.**

15 (C) The Central Payroll Bureau may deduct dues under this section only for:

16 (1) an organization that has a membership of 1,000 or more State  
17 employees;

18 (2) an organization for which the potential field of membership is limited  
19 to fewer than 1,000 State employees, if the Governor has approved the deduction for that  
20 organization; or

21 (3) an organization for which payment of dues by payroll deduction was  
22 authorized on or before June 29, 1983.

23 [(c)] (D) The State Comptroller shall adopt regulations to carry out this section.  
24 3-407.

25 (A) An employee organization certified as the exclusive representative shall:

26 (1) serve as the sole and exclusive bargaining agent for all employees in  
27 the bargaining unit;

28 (2) represent fairly and without discrimination all employees in the  
29 bargaining unit **FOR THE PURPOSES OF NEGOTIATING AND ENFORCING THE TERMS**  
30 **OF A MEMORANDUM OF UNDERSTANDING UNDER § 3-601 OF THIS TITLE**, whether or  
31 not the employees are members of the employee organization or are paying dues or other

1 contributions to it or participating in its affairs; and

2 (3) promptly file with the Board all changes and amendments to the  
3 organization's governing documents.

4 **(B) AN EMPLOYEE ORGANIZATION CERTIFIED AS THE EXCLUSIVE**  
5 **REPRESENTATIVE MAY NOT BE REQUIRED TO REPRESENT AN EMPLOYEE WHO IS**  
6 **NOT A MEMBER OF THE EMPLOYEE ORGANIZATION:**

7 **(1) DURING QUESTIONING BY THE EMPLOYER;**

8 **(2) IN STATUTORY OR ADMINISTRATIVE PROCEEDINGS OR TO**  
9 **ENFORCE STATUTORY REGULATORY RIGHTS; AND**

10 **(3) IN ANY STAGE OF A GRIEVANCE, AN APPEAL, AN ARBITRATION, OR**  
11 **ANY OTHER CONTRACTUAL PROCESS CONCERNING THE EVALUATION OR**  
12 **DISCIPLINE OF AN EMPLOYEE.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2019.