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**By: Delegates Brinkley, Elliott, and Stull**

Introduced and read first time: February 23, 1996

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Employment Rights**

3 FOR the purpose of prohibiting employers in Frederick County and labor organizations  
4 from requiring employees in Frederick County to join, remain members of, or pay  
5 dues to a labor organization; requiring employers to provide certain information to  
6 employees; requiring employees who allow employers to deduct from their  
7 compensation certain fees or dues to give prior authorization for the deductions in  
8 a certain manner; allowing these employees to revoke their authorization in a  
9 certain manner; defining certain terms; providing for the investigation of complaints  
10 and enforcement of violations of this Act; providing certain penalties and certain  
11 civil relief for violations of this Act; and generally relating to employment practices  
12 in Frederick County.

13 BY adding to

14 The Public Local Laws of Frederick County  
15 Section 2-14-1 and 2-14-2 to be under the new chapter "Chapter 2-14 Employment  
16 Rights"  
17 Article 11 - Public Local Laws of Maryland  
18 (1979 Edition and June 1995 Supplement, as amended)

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

21 **Article 11 - Frederick**

22 CHAPTER 2-14

23 EMPLOYMENT RIGHTS

24 2-14-1.

25 (A) IN THIS CHAPTER THE FOLLOWING WORDS HAVE THE MEANINGS  
26 INDICATED.

27 (B) "COUNTY" MEANS FREDERICK COUNTY.

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1 (C) "EMPLOYEE" MEANS AN INDIVIDUAL WHO AN EMPLOYER EMPLOYS IN  
2 THE COUNTY, FOR A WAGE OR OTHER COMPENSATION, IN THE BUSINESS OF THE  
3 EMPLOYER.

4 (D) "EMPLOYER" MEANS A PERSON THAT IS ENGAGED IN COMMERCE,  
5 INDUSTRY, TRADE, OR OTHER BUSINESS IN THE COUNTY AND EMPLOYS AT LEAST  
6 ONE EMPLOYEE IN THAT BUSINESS.

7 2-14-2.

8 (A) AN EMPLOYER MAY NOT REQUIRE AN EMPLOYEE TO:

9 (1) JOIN OR REMAIN A MEMBER OF A LABOR ORGANIZATION; OR

10 (2) PAY ANY DUES, FEES, OR OTHER CHARGES TO A LABOR  
11 ORGANIZATION.

12 (B) (1) AN EMPLOYER MAY NOT DEDUCT ANY LABOR ORGANIZATION DUES,  
13 FEES, ASSESSMENTS, OR OTHER CHARGES FROM THE WAGES, EARNINGS, OR  
14 COMPENSATION OF AN EMPLOYEE UNLESS THE EMPLOYER HAS RECEIVED PRIOR  
15 WRITTEN AUTHORIZATION FROM THE EMPLOYEE.

16 (2) AN EMPLOYEE MAY REVOKE A WRITTEN AUTHORIZATION MADE  
17 UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE EMPLOYEE GIVES THE  
18 EMPLOYER WRITTEN NOTICE 30 DAYS IN ADVANCE OF THE EFFECTIVE DATE OF THE  
19 REVOCATION.

20 (3) AN EMPLOYER WHO RECEIVES A WRITTEN AUTHORIZATION FROM  
21 AN EMPLOYEE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL NOTIFY THE  
22 EMPLOYEE THAT IF THE EMPLOYEE GIVES THE EMPLOYER WRITTEN NOTICE 30  
23 DAYS IN ADVANCE OF THE EFFECTIVE DATE OF THE REVOCATION, THE EMPLOYEE  
24 MAY REVOKE THE AUTHORIZATION.

25 (C) AN EMPLOYER AND A LABOR ORGANIZATION MAY NOT ENTER INTO AN  
26 ORAL OR WRITTEN AGREEMENT, CONTRACT, OR PROMISE IN VIOLATION OF THIS  
27 SECTION.

28 (D) (1) AN EMPLOYER SHALL POST AND KEEP DISPLAYED IN A PLACE AT THE  
29 EMPLOYER'S BUSINESS WHERE EMPLOYEES MAY READILY SEE IT, A NOTICE THAT  
30 STATES:

31 "UNDER THE PUBLIC LOCAL LAWS OF MARYLAND, EMPLOYEES IN FREDERICK  
32 COUNTY MAY OR MAY NOT CHOOSE TO JOIN A LABOR ORGANIZATION WITHOUT  
33 PENALTY. IT IS UNLAWFUL FOR AN EMPLOYER IN FREDERICK COUNTY AND A  
34 LABOR ORGANIZATION TO ENTER INTO A CONTRACT OR AGREEMENT THAT  
35 REQUIRES EMPLOYEES TO JOIN OR BELONG TO A LABOR ORGANIZATION. IT IS ALSO  
36 UNLAWFUL FOR AN EMPLOYER TO REQUIRE EMPLOYEES TO PAY DUES, FEES, OR  
37 CHARGES OF ANY KIND TO A LABOR ORGANIZATION AS A CONDITION OF  
38 OBTAINING OR KEEPING A JOB. AN EMPLOYER MAY NOT DISCHARGE OR  
39 OTHERWISE DISCRIMINATE AGAINST AN EMPLOYEE BECAUSE OF THE EMPLOYEE'S  
40 JOINING OR REFUSING TO JOIN A LABOR ORGANIZATION."

1                   (2) AN EMPLOYER SHALL FURNISH A COPY OF THE NOTICE UNDER  
2 PARAGRAPH (1) OF THIS SUBSECTION TO EACH EMPLOYEE AT THE TIME THE  
3 EMPLOYEE IS HIRED OR REHIRED AFTER A LAPSE IN THE EMPLOYEE'S  
4 EMPLOYMENT.

5                   (E) THE ATTORNEY GENERAL AND THE STATE'S ATTORNEY FOR FREDERICK  
6 COUNTY SHALL:

7                   (1) INVESTIGATE COMPLAINTS OF VIOLATIONS OF THIS SECTION; AND

8                   (2) ENFORCE THE PROVISIONS OF THIS SECTION.

9                   (F) (1) ACTUAL OR THREATENED VIOLATIONS OF THIS SECTION MAY BE  
10 ENJOINED.

11                   (2) AN INDIVIDUAL WHO IS INJURED AS A RESULT OF A VIOLATION OF  
12 THIS SECTION IS ENTITLED TO RECOVER DAMAGES.

13                   (G) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
14 AND SHALL BE SUBJECT TO A FINE NOT TO EXCEED \$1,000 OR IMPRISONMENT FOR A  
15 TERM NOT TO EXCEED 90 DAYS OR BOTH.

16                   (H) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE  
17 PROVISIONS OF THIS SECTION APPLY TO ALL PUBLIC AND PRIVATE EMPLOYMENT IN  
18 THE COUNTY, INCLUDING ALL EMPLOYEES OF THE COUNTY.

19                   (2) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO STATE OF  
20 MARYLAND EMPLOYEES EMPLOYED IN THE COUNTY.

21                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 1996.