

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL NO. 1014

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “services;” insert “providing that certain provisions regarding a certain fee that is negotiated in Baltimore County shall apply only to certain employees; requiring an employee organization designated as the exclusive representative in Baltimore County for certificated public school employees to indemnify and hold harmless the Baltimore County Board under certain circumstances; imposing a certain reporting requirement on the employee organization designated as the exclusive representative for certificated public school employees in Baltimore County under certain circumstances; imposing certain restrictions on an agency or representation fee collected in Baltimore County under certain circumstances; providing for the application of this Act;”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“(5) (I) IN BALTIMORE COUNTY, THE PROVISIONS OF THIS SUBSECTION SHALL APPLY ONLY TO EMPLOYEES WHO ARE HIRED ON OR AFTER JULY 1, 1997.

(II) THE PROVISIONS OF THIS PARAGRAPH APPLY IF AN AGENCY OR REPRESENTATION FEE IS NEGOTIATED IN BALTIMORE COUNTY.

(III) 1. SUBJECT TO THE PROVISIONS OF SUB-SUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE FOR THE PUBLIC SCHOOL EMPLOYEES SHALL INDEMNIFY AND HOLD HARMLESS THE BOARD OF EDUCATION OF BALTIMORE COUNTY AGAINST ANY AND ALL CLAIMS, DEMANDS, SUITS, OR ANY OTHER FORMS OF LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE BOARD FOR THE PURPOSE OF COMPLYING WITH ANY OF THE AGENCY OR

(Over)

REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.

2. THE BOARD SHALL RETAIN WITHOUT CHARGE TO THE BOARD THE SERVICES OF COUNSEL THAT ARE DESIGNATED BY THE EXCLUSIVE REPRESENTATIVE WITH REGARD TO ANY CLAIM, DEMAND, SUIT, OR ANY OTHER LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE BOARD FOR THE PURPOSE OF COMPLYING WITH ANY OF THE AGENCY OR REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.

(IV) THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE SHALL SUBMIT TO THE BOARD AN ANNUAL AUDIT FROM AN EXTERNAL AUDITOR THAT REFLECTS THE OPERATIONAL EXPENSES OF THE EMPLOYEE ORGANIZATION AND EXPLAINS HOW THE REPRESENTATION FEE IS CALCULATED BASED ON THE AUDIT.

(V) 1. THE AGENCY OR REPRESENTATION FEE SHALL BE BASED ONLY ON THE EXPENSES INCURRED BY THE EMPLOYEE ORGANIZATION IN ITS REPRESENTATION IN NEGOTIATIONS, CONTRACT ADMINISTRATION, INCLUDING THE HANDLING OF GRIEVANCES, AND OTHER ACTIVITIES, AS REQUIRED UNDER THIS SECTION.

2. ANY POLITICAL ACTIVITIES OF THE EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE MAY NOT BE FINANCED BY THE FUNDS COLLECTED FROM THE AGENCY OR REPRESENTATION FEE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) Except as provided in paragraph (2) of this section, if the Baltimore County Board of Education negotiates a structure of fees as authorized under this Act, this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any Baltimore County certificated public school employee who:

(i) On June 30, 1997, is not a member of the employee organization designated as the exclusive representative in Baltimore County; and

(ii) After June 30, 1997, does not become a member of the employee

organization designated as the exclusive representative in Baltimore County.

(2) The provisions of this Act shall apply to:

(i) Any current certificated public school employee member of the employee organization designated as the exclusive representative in Baltimore County who elects, after June 30, 1997, to discontinue membership with the employee organization; and

(ii) Any Baltimore County certificated public school employee who elects, after June 30, 1997, to become a member of the employee organization designated as the exclusive representative in Baltimore County and who subsequently discontinues membership in the employee organization.”;

and in line 6, strike “2.” and substitute “3.”.