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**By: Delegates Jacobs, Baldwin, Beck, Bissett, Brinkley, Ciliberti, Cryor, Eckardt, Elliott, Flanagan, Getty, Greenip, Kittleman, Klima, La Vay, Morgan, Mossburg, O'Donnell, Ports, Redmer, Schade, Stocksdale, Stull, and Walkup**

Introduced and read first time: January 31, 1997

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Right to Know Act**

3 FOR the purpose of prohibiting certain employee organizations from requiring certain  
4 employees to pay certain fees that are not related to collective bargaining, contract  
5 administration, or grievance adjustment necessary to performing the duties of  
6 exclusive representative; requiring an employee organization to report certain  
7 expenses; authorizing an employee to elect through written consent to pay certain  
8 fees for certain purposes; requiring certain written consents to include certain  
9 audited fee descriptions; requiring an employer to distribute a certain notice to  
10 employees under certain circumstances; requiring a certain notice to contain certain  
11 information; defining certain terms; and generally relating to employee  
12 representation by employee organizations.

13 BY adding to

14 Article - Labor and Employment  
15 Section 4-701 through 4-703 to be under the new subtitle "Subtitle 7. Service  
16 Agreement Fees - Right to Disclosure"  
17 Annotated Code of Maryland  
18 (1991 Volume and 1996 Supplement)

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

21 **Article - Labor and Employment**

22 SUBTITLE 7. SERVICE AGREEMENT FEES - RIGHT TO DISCLOSURE.

23 4-701.

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
25 INDICATED.

26 (B) "COMMISSIONER" MEANS THE COMMISSIONER OF LABOR AND INDUSTRY.

27 (C) "EMPLOYEE ORGANIZATION" MEANS AN ORGANIZATION THAT  
28 REPRESENTS EMPLOYEES IN RELATIONS WITH THEIR EMPLOYER.

1 (D) "SERVICE AGREEMENT" MEANS AN AGREEMENT BETWEEN AN  
2 EMPLOYER AND AN EMPLOYEE ORGANIZATION FOR THE ORGANIZATION TO  
3 REPRESENT ALL THE EMPLOYEES WHO ARE REQUIRED TO PAY SERVICE OR  
4 REPRESENTATION FEES AS A CONDITION OF EMPLOYMENT, WHETHER THE  
5 EMPLOYEES ARE MEMBERS OF THE EMPLOYEE ORGANIZATION OR NOT, ON  
6 MATTERS OF SALARIES, WAGES, HOURS, AND OTHER WORKING CONDITIONS.

7 4-702.

8 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN  
9 EMPLOYEE ORGANIZATION THAT COLLECTS SERVICE OR REPRESENTATION FEES  
10 FROM AN EMPLOYEE WHO IS NOT A MEMBER OF THE EMPLOYEE ORGANIZATION  
11 FOR REPRESENTING THE EMPLOYEE UNDER THE SERVICE AGREEMENT MAY NOT  
12 REQUIRE THE EMPLOYEE TO PAY THE FEES, OR ANY PORTIONS OF THE FEES, THAT  
13 ARE NOT RELATED TO:

14 (1) COLLECTIVE BARGAINING;

15 (2) CONTRACT ADMINISTRATION; OR

16 (3) GRIEVANCE ADJUSTMENT NECESSARY TO PERFORMING THE  
17 DUTIES OF EXCLUSIVE REPRESENTATIVE.

18 (B) AN EMPLOYEE ORGANIZATION SHALL ATTRIBUTE AND REPORT TO ALL  
19 EMPLOYEES THE EXPENSES PAID BY THE ORGANIZATION THROUGH DUES PAID BY  
20 EMPLOYEE MEMBERS OF THE ORGANIZATION AND SERVICE OR REPRESENTATION  
21 FEES PAID BY ALL EMPLOYEES THAT ARE RELATED TO:

22 (1) COLLECTIVE BARGAINING;

23 (2) CONTRACT ADMINISTRATION;

24 (3) GRIEVANCE ADJUSTMENT NECESSARY TO PERFORMING THE  
25 DUTIES OF EXCLUSIVE REPRESENTATIVE; AND

26 (4) ANY OTHER PURPOSES.

27 (C) (1) AN EMPLOYEE WHO IS REPRESENTED BY AN EMPLOYEE  
28 ORGANIZATION UNDER A SERVICE AGREEMENT MAY, BY WRITTEN CONSENT AS  
29 PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, ELECT TO PAY THE FEES  
30 OR THE PORTIONS OF THE FEES COLLECTED BY THE EMPLOYEE ORGANIZATION  
31 THAT INCLUDE EXPENSES THAT ARE NOT RELATED TO:

32 (I) COLLECTIVE BARGAINING;

33 (II) CONTRACT ADMINISTRATION; OR

34 (III) GRIEVANCE ADJUSTMENT NECESSARY TO PERFORMING THE  
35 DUTIES OF EXCLUSIVE REPRESENTATIVE.

36 (2) A WRITTEN CONSENT SIGNED BY AN EMPLOYEE UNDER  
37 PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE AN INDEPENDENTLY  
38 AUDITED DESCRIPTION OF THE RATIO OF THE FEES PAID BY AN EMPLOYEE THAT  
39 ARE RELATED TO EACH OF THE FOLLOWING PURPOSES:

3

1 (I) COLLECTIVE BARGAINING;

2 (II) CONTRACT ADMINISTRATION;

3 (III) GRIEVANCE ADJUSTMENT NECESSARY TO PERFORMING THE  
4 DUTIES OF EXCLUSIVE REPRESENTATIVE; AND

5 (IV) ANY POLITICAL, IDEOLOGICAL, PUBLIC RELATIONS,  
6 LOBBYING, ORGANIZING, OR OTHER COSTS UNRELATED TO THE PURPOSES  
7 DESCRIBED IN ITEMS (I) THROUGH (III) OF THIS PARAGRAPH.

8 (3) IF AN EMPLOYEE ORGANIZATION FAILS TO FULLY PROVIDE THE  
9 INFORMATION REQUIRED IN A WRITTEN CONSENT UNDER PARAGRAPH (2) OF THIS  
10 SUBSECTION, THE EMPLOYER MAY NOT PROVIDE PAYROLL DEDUCTIONS FOR DUES  
11 PAID BY EMPLOYEE MEMBERS OF THE ORGANIZATION AND SERVICE OR  
12 REPRESENTATION FEES PAID BY ALL EMPLOYEES.

13 4-703.

14 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, AN EMPLOYER SHALL  
15 DISTRIBUTE A NOTICE THAT DESCRIBES THE RIGHTS OF THE EMPLOYEES UNDER  
16 THIS SUBTITLE BY:

17 (1) POSTING NOTICES IN CONSPICUOUS PLACES IN THE WORK AREAS OF  
18 ALL EMPLOYEES;

19 (2) PROVIDING A COPY OF THE NOTICE TO EACH NEW EMPLOYEE  
20 WITHIN 10 DAYS OF EMPLOYMENT; AND

21 (3) PROVIDING A COPY TO EACH EMPLOYEE WITHIN 10 DAYS OF  
22 ENTERING INTO A SERVICE AGREEMENT WITH AN EMPLOYEE ORGANIZATION.

23 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SIZE, FORM,  
24 AND POSTING REQUIREMENTS FOR THE NOTICE REQUIRED UNDER SUBSECTION (A)  
25 OF THIS SECTION SHALL BE ESTABLISHED BY REGULATION ADOPTED BY THE  
26 COMMISSIONER.

27 (2) THE NOTICE REQUIRED UNDER THIS SECTION SHALL CONTAIN THE  
28 FOLLOWING INFORMATION:

29 "NOTICE TO BARGAINING UNIT EMPLOYEES

30 UNDER VARIOUS UNITED STATES SUPREME COURT DECISIONS, BARGAINING  
31 UNIT EMPLOYEES ARE NOT REQUIRED TO JOIN A UNION OR MAINTAIN  
32 MEMBERSHIP IN A UNION TO RETAIN THEIR JOBS. DESPITE THIS, THE LAW ALLOWS  
33 A UNION AND AN EMPLOYER TO ENTER INTO A UNION SECURITY AGREEMENT  
34 REQUIRING EMPLOYEES TO PAY UNIFORM PERIODIC DUES AND INITIATION FEES.

35 EMPLOYEES WHO ARE NOT UNION MEMBERS MAY BE REQUIRED TO PAY A  
36 SERVICE OR REPRESENTATION FEE TO THE UNION. EMPLOYEES WHO ARE SUBJECT  
37 TO PAY A SERVICE OR REPRESENTATION FEE MAY OBJECT TO THE USE OF ANY  
38 PORTION OF THEIR FEES FOR POLITICAL, IDEOLOGICAL, PUBLIC RELATIONS,  
39 LOBBYING, ORGANIZING, OR OTHER NON-REPRESENTATIONAL COSTS. EMPLOYEES

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1 CAN ONLY BE REQUIRED TO PAY THEIR SHARE OF UNION COSTS RELATING TO  
2 COLLECTIVE BARGAINING, CONTRACT ADMINISTRATION, AND GRIEVANCE  
3 ADJUSTMENT. IF YOU BELIEVE THAT YOU HAVE BEEN REQUIRED TO PAY DUES OR  
4 FEES USED IN PART TO SUPPORT ACTIVITIES NOT RELATED TO COLLECTIVE  
5 BARGAINING, CONTRACT ADMINISTRATION, OR GRIEVANCE ADJUSTMENT, YOU  
6 MAY BE ENTITLED TO A REFUND AND TO AN APPROPRIATE REDUCTION IN FUTURE  
7 PAYMENTS.

8           FOR FURTHER INFORMATION CONCERNING YOUR RIGHTS, YOU MAY  
9 CONTACT THE MARYLAND COMMISSIONER OF LABOR AND INDUSTRY."

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 1997.