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HB 1126/95 - W&M

1997 Regular Session
7r2262

By: Delegates Minnick, Frank, Dewberry, E. Burns, Nathan-Pulliam, Krysiak, Dypski, Malone, Hammen, and Parker

Introduced and read first time: February 3, 1997

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 1997

CHAPTER ____

1 AN ACT concerning

2 Education - Baltimore County - Certificated Public School Employees - Service Fees

3 FOR the purpose of authorizing the Board of Education of Baltimore County to
4 negotiate with a certain employee organization a fee to be charged to certain
5 nonmembers for certain services; providing that certain provisions regarding a
6 certain fee that is negotiated in Baltimore County shall apply only to certain
7 employees; requiring an employee organization designated as the exclusive
8 representative in Baltimore County for certificated public school employees to
9 indemnify and hold harmless the Baltimore County Board under certain
10 circumstances; imposing a certain reporting requirement on the employee
11 organization designated as the exclusive representative for certificated public school
12 employees in Baltimore County under certain circumstances; imposing certain
13 restrictions on an agency or representation fee collected in Baltimore County under
14 certain circumstances; making stylistic changes; and generally relating to
15 certificated public school employees in Baltimore County.

16 BY repealing and reenacting, with amendments,

17 Article - Education

18 Section 6-407(c)

19 Annotated Code of Maryland

20 (1997 Replacement Volume)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

22 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Education**

2 6-407.

3 (c) (1) In Montgomery [and Prince George's Counties] COUNTY, PRINCE
4 GEORGE'S COUNTY, BALTIMORE COUNTY, and Baltimore City, the public school
5 employer may negotiate with the employee organization designated as the exclusive
6 representative for the public school employees in a unit, a reasonable service or
7 representation fee, to be charged nonmembers for representing them in negotiations,
8 contract administration, including grievances, and other activities as are required under
9 subsection (b) of this section.

10 (2) The service or representation fee may not exceed the annual dues of the
11 members of the organization.

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

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

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

17 (ii) Required to pay an amount of money as determined in [subsection
18 (c)(2)] PARAGRAPH (2) of this [section] SUBSECTION to a nonreligious, nonunion
19 charity or to such other charitable organization as may be mutually agreed upon by the
20 employee and the exclusive representative, and who furnishes to the public school
21 employer and the exclusive representative written proof of such payment.

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

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

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

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

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

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 1997.