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By: **Delegate Linton**  
Introduced and read first time: February 12, 1999  
Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Charles County Exclusive Representative**

3 FOR the purpose of authorizing the public school employer in Charles County to  
4 negotiate with a certain employee organization for exclusive representation in  
5 the County on certain matters; establishing requirements for an employee  
6 organization designated as an exclusive representative in Charles County;  
7 exempting certain employees from certain requirements; and generally relating  
8 to employee organizations for public school employees in Charles County.

9 BY repealing and reenacting, with amendments,  
10 Article - Education  
11 Section 6-407(c)  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume and 1998 Supplement)

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

16 **Article - Education**

17 6-407.

18 (c) (1) In CHARLES COUNTY, Montgomery County, Prince George's County,  
19 Baltimore County, and Baltimore City, the public school employer may negotiate with  
20 the employee organization designated as the exclusive representative for the public  
21 school employees in a unit, a reasonable service or representation fee, to be charged  
22 nonmembers for representing them in negotiations, contract administration,  
23 including grievances, and other activities as are required under subsection (b) of this  
24 section.

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

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

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

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

4 (ii) Required to pay an amount of money as determined in  
5 paragraph (2) of this subsection to a nonreligious, nonunion charity or to such other  
6 charitable organization as may be mutually agreed upon by the employee and the  
7 exclusive representative, and who furnishes to the public school employer and the  
8 exclusive representative written proof of such payment.

9 (5) (i) In Baltimore County, the provisions of this subsection shall  
10 apply only to employees who are hired on or after July 1, 1997.

11 (ii) The provisions of this paragraph apply if an agency or  
12 representation fee is negotiated in Baltimore County.

13 (iii) 1. Subject to the provisions of sub-subparagraph 2 of this  
14 subparagraph, the employee organization designated as the exclusive representative  
15 for the public school employees shall indemnify and hold harmless the Board of  
16 Education of Baltimore County against any and all claims, demands, suits, or any  
17 other forms of liability that may arise out of, or by reason of, action taken by the  
18 Board for the purpose of complying with any of the agency or representation fee  
19 provisions of the negotiated agreement.

20 2. The Board shall retain without charge to the Board the  
21 services of counsel that are designated by the exclusive representative with regard to  
22 any claim, demand, suit, or any other liability that may arise out of, or by reason of,  
23 action taken by the Board for the purpose of complying with any of the agency or  
24 representation fee provisions of the negotiated agreement.

25 (iv) The employee organization designated as the exclusive  
26 representative shall submit to the Board an annual audit from an external auditor  
27 that reflects the operational expenses of the employee organization and explains how  
28 the representation fee is calculated based on the audit.

29 (v) 1. The agency or representation fee shall be based only on  
30 the expenses incurred by the employee organization in its representation in  
31 negotiations, contract administration, including the handling of grievances, and other  
32 activities, as required under this section.

33 2. Any political activities of the employee organization  
34 designated as the exclusive representative may not be financed by the funds collected  
35 from the agency or representation fee.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
37 July 1, 1999.