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By: **Senators Jimeno, Astle, DeGrange, and Giannetti** Introduced and read first time: February 6, 2004 Assigned to: Finance

Committee Report: Favorable Senate action: Adopted with floor amendments Read second time: March 1, 2004

CHAPTER_____

1 AN ACT concerning

2 Anne Arundel County - Public School Employees - Service or 3 Representation Fee

4 FOR the purpose of authorizing the Anne Arundel County Board of Education to

- 5 negotiate with a certain employee organization a reasonable service or
- 6 representation fee to be charged to nonmembers for representing them in
- 7 certain matters; providing that certain employees are not required to pay the
- 8 service or representation fee, but instead shall pay an equivalent amount to

9 certain charities; requiring that certain negotiated agreements also contain a

10 certain provision relating to a fee, that is not to exceed a certain amount, that is

11 to be collected and committed to to require that a certain percentage of the fees

12 <u>collected be designated for professional development for certain educators;</u>

13 making this Act applicable only to certain employees hired after a certain date;

14 and generally relating to service or representation fees for nonmembers of

15 certain employee organizations.

16 BY repealing and reenacting, with amendments,

- 17 Article Education
- 18 Section 6-407
- 19 Annotated Code of Maryland
- 20 (2001 Replacement Volume and 2003 Supplement)

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

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

2	SENATE BILL 507
1	Article - Education
2 6	-407.
3 4 b	(a) An employee organization designated as an exclusive representative shall e the negotiating agent of all public school employees in the unit in the county.
	(b) (1) An employee organization designated as an exclusive representative hall represent all employees in the unit fairly and without discrimination, whether r not the employees are members of the employee organization.
10 s	(2) In addition, in Montgomery County the exclusive representative shall epresent fairly and without discrimination all persons actually employed as substitute teachers without regard to whether they are included in § 6-401(d) of this subtitle as public school employees.
14 c 15 e 16 r 17 i	(c) (1) In Montgomery County, Prince George's County, Baltimore County, and Baltimore City, the public school employer may negotiate with the employee organization designated as the exclusive representative for the public school employees in a unit, a reasonable service or representation fee, to be charged nonmembers for representing them in negotiations, contract administration, including grievances, and other activities as are required under subsection (b) of this section.
19 20 t	(2) The service or representation fee may not exceed the annual dues of the members of the organization.
21 22 s	(3) An employee who is a substitute teacher and who works on a short-term day-to-day basis is not required to pay a service or representation fee.
23 24 f	(4) An employee whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is:
25	(i) Not required to pay a service or representation fee; and
28 c 29 e	(ii) Required to pay an amount of money as determined in paragraph (2) of this subsection to a nonreligious, nonunion charity or to such other charitable organization as may be mutually agreed upon by the employee and the exclusive representative, and who furnishes to the public school employer and the exclusive representative written proof of such payment.
31 32 a	(5) (i) In Baltimore County, the provisions of this subsection shall apply only to employees who are hired on or after July 1, 1997.
33 34 r	(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

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1 Education of Baltimore County against any and all claims, demands, suits, or any

2 other forms of liability that may arise out of, or by reason of, action taken by the

3 Board for the purpose of complying with any of the agency or representation fee

4 provisions of the negotiated agreement.

5 2. The Board shall retain without charge to the Board the 6 services of counsel that are designated by the exclusive representative with regard to 7 any claim, demand, suit, or any other liability that may arise out of, or by reason of, 8 action taken by the Board for the purpose of complying with any of the agency or 9 representation fee provisions of the negotiated agreement.

10 (iv) The employee organization designated as the exclusive 11 representative shall submit to the Board an annual audit from an external auditor

12 that reflects the operational expenses of the employee organization and explains how

13 the representation fee is calculated based on the audit.

14 (v) 1. The agency or representation fee shall be based only on 15 the expenses incurred by the employee organization in its representation in

16 negotiations, contract administration, including the handling of grievances, and other

17 activities, as required under this section.

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.

21 (6) In Montgomery County, an employee who is a home or hospital
22 teacher and who works on a short-term day-to-day basis is not required to pay a
23 service or representation fee.

(d) In Allegany County, Garrett County, and Washington County, the public
school employer may negotiate with the employee organization designated as the
exclusive representative for the public school employees in a unit, a reasonable
service or representation fee, to be charged nonmembers for representing them in

28 negotiation, contract administration, including grievances, and other activities

29 specified under subsection (b) of this section.

30 (e) In Garrett County:

31 (1) A public school employee who is not a member of the employee

32 organization designated as the exclusive representative for the public school

33 employees in a unit at the time that a negotiated service or representation fee is

34 initiated is exempt from the fee provided under subsection (d) of this section; and

35 (2) An individual who becomes a public school employee after the time

36 that a negotiated service or representation fee is initiated and does not join the

37 employee organization designated as the exclusive representative is liable for the fee

38 provided under subsection (d) of this section.

39 (F) IN ANNE ARUNDEL COUNTY:

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THE PUBLIC SCHOOL EMPLOYER MAY NEGOTIATE WITH THE 1 (1)2 EMPLOYEE ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE FOR 3 THE PUBLIC SCHOOL EMPLOYEES IN A UNIT, A REASONABLE SERVICE OR 4 REPRESENTATION FEE TO BE CHARGED NONMEMBERS FOR REPRESENTING THEM IN 5 NEGOTIATIONS, CONTRACT ADMINISTRATION, INCLUDING GRIEVANCES, AND OTHER 6 ACTIVITIES AS ARE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION. AN EMPLOYEE WHOSE RELIGIOUS BELIEFS ARE OPPOSED TO 7 (2)8 JOINING OR FINANCIALLY SUPPORTING ANY COLLECTIVE BARGAINING 9 ORGANIZATION IS: (I) NOT REQUIRED TO PAY A SERVICE OR REPRESENTATION FEE; 10 11 AND 12 (II)REQUIRED TO PAY AN AMOUNT OF MONEY AS DETERMINED 13 UNDER PARAGRAPH (1) OF THIS SUBSECTION TO A NONRELIGIOUS, NONUNION 14 CHARITY OR TO ANOTHER CHARITABLE ORGANIZATION THAT IS MUTUALLY AGREED 15 UPON BY THE EMPLOYEE AND THE EXCLUSIVE REPRESENTATIVE, AND WHO 16 FURNISHES TO THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE 17 REPRESENTATIVE WRITTEN PROOF OF THE PAYMENT. ANY NEGOTIATED AGREEMENT THAT INCLUDES A 18 (3)(H) 19 REPRESENTATION FEE SHALL ALSO CONTAIN A PROVISION THAT IDENTIFIES AN 20 AMOUNT OF REVENUE EQUAL TO A PORTION OF THE REPRESENTATION FEE 21 COLLECTED AND DESIGNATED FOR THE LOCAL BARGAINING REPRESENTATIVE TO 22 BE COMMITTED TO PROFESSIONAL DEVELOPMENT FOR REPRESENTED EDUCATORS. THE PORTION OF THE REPRESENTATION FEE COLLECTED AND 23 (\mathbf{H}) 24 DESIGNATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL: 25 **BE NEGOTIATED BETWEEN THE LOCAL BARGAINING** 1 26 REPRESENTATIVE AND THE COUNTY BOARD; AND MAY NOT BE GREATER THAN 25% OF THE ANNUAL 27 2 28 AMOUNT COLLECTED AND DESIGNATED UNDER THIS SUBSECTION FOR THE LOCAL 29 BARGAINING REPRESENTATIVE IN REPRESENTATION FEES. ANY NEGOTIATED AGREEMENT THAT INCLUDES A REPRESENTATION 30 (3)31 FEE ALSO SHALL CONTAIN A PROVISION THAT REQUIRES THAT AN AMOUNT OF 32 REVENUE EQUAL TO 25% OF THE ANNUAL REPRESENTATION FEES COLLECTED BE 33 DESIGNATED FOR PROFESSIONAL DEVELOPMENT FOR REPRESENTED EDUCATORS. THIS SUBSECTION SHALL APPLY ONLY TO EMPLOYEES WHO ARE 34 (4)35 HIRED ON OR AFTER JULY 1, 2004.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 37 October 1, 2004.

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