

SENATE BILL 507

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2004 Regular Session
4r1568
CF 4r2818

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 collected be designated for professional development for certain educators;
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:

1

Article - Education

2 6-407.

3 (a) An employee organization designated as an exclusive representative shall
4 be the negotiating agent of all public school employees in the unit in the county.

5 (b) (1) An employee organization designated as an exclusive representative
6 shall represent all employees in the unit fairly and without discrimination, whether
7 or not the employees are members of the employee organization.

8 (2) In addition, in Montgomery County the exclusive representative shall
9 represent fairly and without discrimination all persons actually employed as
10 substitute teachers without regard to whether they are included in § 6-401(d) of this
11 subtitle as public school employees.

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

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

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

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

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

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

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

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

35 (iii) 1. Subject to the provisions of sub-subparagraph 2 of this
36 subparagraph, the employee organization designated as the exclusive representative
37 for the public school employees shall indemnify and hold harmless the Board of

1 (1) THE PUBLIC SCHOOL EMPLOYER MAY NEGOTIATE WITH THE
 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.

7 (2) AN EMPLOYEE WHOSE RELIGIOUS BELIEFS ARE OPPOSED TO
 8 JOINING OR FINANCIALLY SUPPORTING ANY COLLECTIVE BARGAINING
 9 ORGANIZATION IS:

10 (I) NOT REQUIRED TO PAY A SERVICE OR REPRESENTATION FEE;
 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.

18 ~~(3) (4) ANY NEGOTIATED AGREEMENT THAT INCLUDES A~~
 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.~~

23 ~~(II) THE PORTION OF THE REPRESENTATION FEE COLLECTED AND~~
 24 ~~DESIGNATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL:~~

25 ~~1. BE NEGOTIATED BETWEEN THE LOCAL BARGAINING~~
 26 ~~REPRESENTATIVE AND THE COUNTY BOARD; AND~~

27 ~~2. MAY NOT BE GREATER THAN 25% OF THE ANNUAL~~
 28 ~~AMOUNT COLLECTED AND DESIGNATED UNDER THIS SUBSECTION FOR THE LOCAL~~
 29 ~~BARGAINING REPRESENTATIVE IN REPRESENTATION FEES.~~

30 (3) ANY NEGOTIATED AGREEMENT THAT INCLUDES A REPRESENTATION
 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.

34 (4) THIS SUBSECTION SHALL APPLY ONLY TO EMPLOYEES WHO ARE
 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.

