2004 Regular Session

4lr2945 HB 979/03 - APP By: Senator Middleton Senators Middleton and Dyson Introduced and read first time: February 19, 2004 Assigned to: Rules Re-referred to: Finance, February 23, 2004 Committee Report: Favorable with amendments Senate action: Adopted Read second time: March 23, 2004 CHAPTER 1 AN ACT concerning 2 Charles County - Education - School Personnel - Employee Service or 3 **Representation Fee** FOR the purpose of authorizing the Charles County Board of Education to negotiate 4 with a certain employee organization in the county a service or representation 5 fee to be charged to certain school employees for certain purposes; making this 6 7 Act applicable only to school employees hired on or after a certain date; and generally relating to the negotiation of a service or representation fee to be 8 9 charged to certain school employees employed by the Charles County Board of 10 Education. 11 BY repealing and reenacting, with amendments, 12 Article - Education 13 Section 6-407 and 6-504 Annotated Code of Maryland 14 (2001 Replacement Volume and 2003 Supplement) 15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 16 17 MARYLAND, That the Laws of Maryland read as follows:

**Article - Education** 

An employee organization designated as an exclusive representative shall

21 be the negotiating agent of all public school employees in the unit in the county.

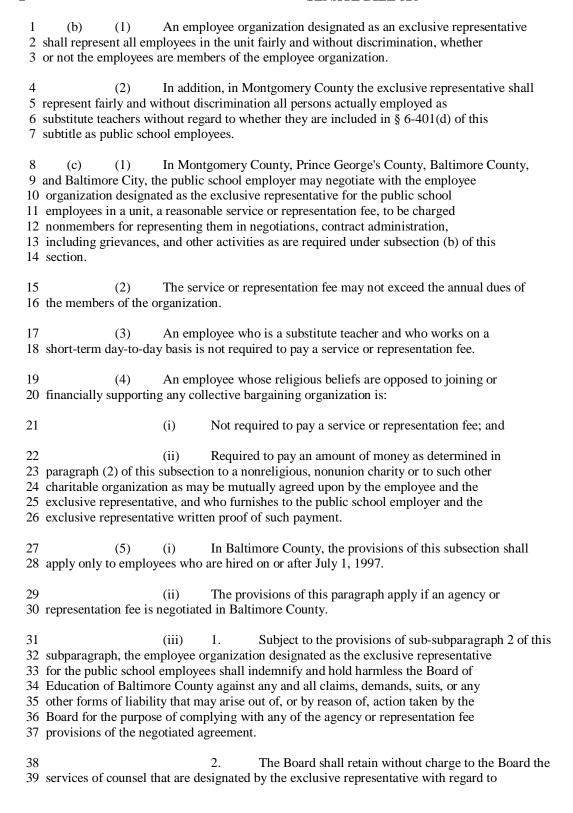
**Unofficial Copy** 

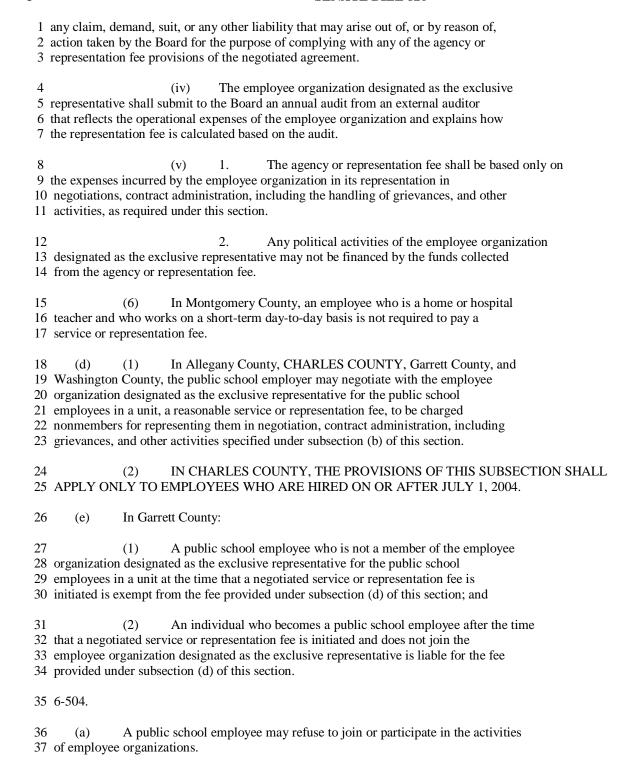
18

20

19 6-407.

(a)





3	(b) (1) In Montgomery County [and], Allegany County, AND CHARLES COUNTY, the County Board, with respect to noncertificated employees, shall negotiate a structure of reasonable service fees to be charged nonmembers for representation in negotiations and grievance matters by employee organizations.			
5 6	(2) APPLY ONLY TO			OUNTY, THE PROVISIONS OF THIS SUBSECTION SHALL ED ON OR AFTER JULY 1, 2004.
	(c) In Prince George's County, the County Board shall negotiate an organizational security provision, commonly known as "agency shop", with employee organizations.			
12	(d) (1) In Anne Arundel County and Baltimore County, the County Board, with respect to noncertificated employees, may negotiate a structure of reasonable service fees to be charged nonmembers for representation in negotiations and grievance matters by employee organizations.			
14 15	(2) In Anne Arundel County, if the County Board negotiates a structure of fees as authorized under this subsection:			
16		(i)	Each pa	rty shall:
17			1.	Confer in good faith, at all reasonable times; and
18 19	negotiations; and		2.	Reduce to writing the matters agreed on as a result of the
20 21	any concession.	(ii)	Neither	party is required to agree to any proposal or to make
22 23	(3) (i) The provisions of this paragraph apply if an agency or representation fee is negotiated in Baltimore County.			
26 27 28 29	(ii) 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 Education of Baltimore County against any and all claims, demands, suits, or any other forms of liability that may arise out of, or by reason of, action taken by the Board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.			
33 34	any claim, demand,	suit, or ar Board for	y other li	The Board shall retain without charge to the Board the by the exclusive representative with regard to tability that may arise out of, or by reason of, ose of complying with any of the agency or gotiated agreement.
36 37	representative shall	(iii) submit to		ployee organization designated as the exclusive d an annual audit from an external auditor

- 1 that reflects the operational expenses of the employee organization and explains how
- 2 the representation fee is calculated based on the audit.
- 3 (iv) 1. The agency or representation fee shall be based only on
- 4 the expenses incurred by the employee organization in its representation in
- 5 negotiations, contract administration, including the handling of grievances, and other
- 6 activities as required under § 6-509 of this subtitle; and
- 7 2. Any political activities of the employee organization
- 8 designated as the exclusive representative may not be financed by the funds collected
- 9 from the agency or representation fee.
- 10 (e) In Baltimore City, the public school employer shall negotiate with the
- 11 employee organization designated as the exclusive representative for the public
- 12 school employees in a unit, a reasonable service or representation fee to be charged to
- 13 nonmembers for representing them in negotiations in the same manner that any such
- 14 fee was permitted under law and bargained for prior to January 1, 1997.
- 15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 16 July 1, 2004.