

# HOUSE BILL 881

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71r0560

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By: **Howard County Delegation**

Introduced and read first time: February 9, 2007

Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted

Read second time: March 21, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Howard County – Certificated and Noncertificated Public School Employees**  
3 **– Service or Representation Fee**

4 **Ho. Co. 11-07**

5 FOR the purpose of authorizing the Howard County Board of Education to negotiate  
6 with employee organizations a reasonable service fee to be charged to  
7 nonmember certificated employees for representing the employees in certain  
8 matters; requiring the Howard County Board of Education to negotiate with  
9 certain employee organizations a reasonable service fee to be charged to  
10 nonmember noncertificated employees for representing the employees in certain  
11 matters; and generally relating to a service or representation fee for  
12 nonmembers of certain employee organizations in Howard County.

13 BY repealing and reenacting, with amendments,  
14 Article – Education  
15 Section 6-407(c) and 6-504(b)  
16 Annotated Code of Maryland  
17 (2006 Replacement Volume)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Education**

4 6–407.

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

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

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

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

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

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

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

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

28 (iii) 1. Subject to the provisions of sub-subparagraph 2 of  
29 this subparagraph, the employee organization designated as the exclusive  
30 representative for the public school employees shall indemnify and hold harmless the  
31 Board of Education of Baltimore County against any and all claims, demands, suits, or  
32 any other forms of liability that may arise out of, or by reason of, action taken by the

1 Board for the purpose of complying with any of the agency or representation fee  
2 provisions of the negotiated agreement.

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

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

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

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

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

22 6-504.

23                   (b) (1) In Montgomery County, Allegany County, [and] Charles County,  
24 **AND HOWARD COUNTY**, the County Board, with respect to noncertificated  
25 employees, shall negotiate a structure of reasonable service fees to be charged  
26 nonmembers for representation in negotiations and grievance matters by employee  
27 organizations.

28                   (2) In Charles County, the provisions of this subsection shall apply  
29 only to employees hired on or after July 1, 2005.

30                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2007.