

SENATE BILL 560

F3, P4

9lr2181

By: **Senator Miller**

Introduced and read first time: February 5, 2009

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Calvert County - Education - School Personnel - Collective Bargaining Fees**

3 FOR the purpose of authorizing the Board of Education of Calvert County to negotiate
4 a certain fee with a certain certificated employee organization to be charged to
5 certain nonmembers for certain representation; requiring the Board of
6 Education of Calvert County to negotiate a certain fee structure to be charged to
7 certain nonmembers for certain representation by certain noncertificated
8 employee organizations; and generally relating to education and collective
9 bargaining fees in Calvert County.

10 BY repealing and reenacting, without amendments,
11 Article - Education
12 Section 6-401, 6-407(a) and (b), 6-501, and 6-504(a)
13 Annotated Code of Maryland
14 (2008 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section 6-407(d) and 6-504(b)
18 Annotated Code of Maryland
19 (2008 Replacement Volume)

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

22 **Article - Education**

23 6-401.

24 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) “Employee organization” means an organization that:

2 (1) Includes certificated employees of a public school employer or
3 individuals of equivalent status in Baltimore City; and

4 (2) Has as one of its main purposes the representation of the
5 employees in their relations with that public school employer.

6 (c) (1) “Home and hospital teacher” means a teacher employed by a public
7 school employer to provide instructional services to a public school student who is
8 unable to function effectively in the classroom setting due to the student’s medical,
9 physical, or emotional condition.

10 (2) A home and hospital teacher may teach in:

11 (i) A private home;

12 (ii) A hospital;

13 (iii) A therapeutic center;

14 (iv) A school; or

15 (v) Any other appropriate site.

16 (d) (1) “Public school employee” means a certificated professional
17 individual who is employed by a public school employer or an individual of equivalent
18 status in Baltimore City, except for a county superintendent or an individual
19 designated by the public school employer to act in a negotiating capacity as provided
20 in § 6–408(b) of this subtitle.

21 (2) In Montgomery County, “public school employees” include:

22 (i) Certificated and noncertificated substitute teachers
23 employed by the public school employer for at least 7 days before March 1 of the school
24 fiscal year ending June 30, 1978, and each year after; and

25 (ii) Home and hospital teachers employed by the public school
26 employer for at least 7 days before March 1 of the school fiscal year ending June 30,
27 2000, and each year after.

28 (3) In Baltimore County, “public school employee” includes:

29 (i) A secondary school nurse, an elementary school nurse, and a
30 special school nurse; and

31 (ii) Supervisory noncertificated employees as defined under §
32 6–501(h) of this title.

1 (4) In Frederick County, “public school employee” includes a social
2 worker employed by a public school employer.

3 (5) In Prince George’s County, “public school employee” includes home
4 and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.

5 (6) In Charles County and Garrett County, “public school employee”
6 includes Junior Reserve Officer Training Corps (JROTC) instructors.

7 (7) In Carroll County, “public school employee” includes supervisory
8 noncertificated employees as defined under § 6–501(h) of this title.

9 (e) “Public school employer” means a county board of education or the
10 Baltimore City Board of School Commissioners.

11 6–407.

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

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

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

22 (d) (1) In Allegany County, **CALVERT COUNTY**, Charles County, Garrett
23 County, and Washington County, the public school employer may negotiate with the
24 employee organization designated as the exclusive representative for the public school
25 employees in a unit, a reasonable service or representation fee, to be charged
26 nonmembers for representing them in negotiation, contract administration, including
27 grievances, and other activities specified under subsection (b) of this section.

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

30 6–501.

31 (a) In this subtitle the following words have the meanings indicated.

32 (b) “Confidential employee” includes an individual whose employment
33 responsibilities require knowledge of the public school employer’s posture in the

1 collective negotiation process, as determined by the public school employer in
2 negotiations with an employee organization that requests negotiation on this issue.

3 (c) “Employee organization” means an organization that:

4 (1) Includes noncertificated employees of a public school employer; and

5 (2) Has as one of its main purposes the representation of the
6 employees in their relations with that public school employer.

7 (d) “Management personnel” includes an individual who is engaged mainly
8 in executive and managerial functions, as determined by the public school employer in
9 negotiation with an employee organization that requests negotiation on this issue.

10 (e) “Noncertificated employee”, in Montgomery County, means only a
11 full-time employee.

12 (f) (1) “Public school employee” means a noncertificated individual who is
13 employed for at least 9 months a year on a full-time basis by a public school employer.

14 (2) “Public school employee” includes a noncertificated employee in
15 Baltimore City notwithstanding that the noncertificated employee does not work for at
16 least 9 months a year on a full-time basis.

17 (3) “Public school employee” does not include:

18 (i) Management personnel;

19 (ii) A confidential employee; or

20 (iii) Any individual designated by the public school employer to
21 act in a negotiating capacity as provided in § 6-510(b) of this subtitle.

22 (g) (1) “Public school employer” means the county board in each county.

23 (2) “Public school employer” includes the Baltimore City Board of
24 School Commissioners.

25 (h) “Supervisory employee” includes any individual who responsibly directs
26 the work of other employees, as determined by the public school employer in
27 negotiation with an employee organization that requests negotiation on this issue.

28 6-504.

29 (a) A public school employee may refuse to join or participate in the activities
30 of employee organizations.

1 (b) (1) In Montgomery County, Allegany County, **CALVERT COUNTY**,
2 Charles County, and Howard County, the county board, with respect to noncertificated
3 employees, shall negotiate a structure of reasonable service fees to be charged
4 nonmembers for representation in negotiations and grievance matters by employee
5 organizations.

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2009.