

SENATE BILL 560

F3, P4

9lr2181

By: **Senator Miller**

Introduced and read first time: February 5, 2009

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2009

CHAPTER _____

1 AN ACT concerning

2 **Calvert County – Education – Certificated School Personnel – Collective**
3 **Bargaining Representation Fees**

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

11 BY repealing and reenacting, without amendments,

12 Article – Education

13 ~~Section 6–401, 6–407(a) and (b), 6–501, and 6–504(a)~~

14 Section 6–401 and 6–407(a) and (b)

15 Annotated Code of Maryland

16 (2008 Replacement Volume)

17 BY repealing and reenacting, with amendments,

18 Article – Education

19 ~~Section 6–407(d) and 6–504(b)~~

20 Annotated Code of Maryland

21 (2008 Replacement Volume)

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

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 **Article – Education**

2 6–401.

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

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

5 (1) Includes certificated employees of a public school employer or
6 individuals of equivalent status in Baltimore City; and7 (2) Has as one of its main purposes the representation of the
8 employees in their relations with that public school employer.9 (c) (1) “Home and hospital teacher” means a teacher employed by a public
10 school employer to provide instructional services to a public school student who is
11 unable to function effectively in the classroom setting due to the student’s medical,
12 physical, or emotional condition.

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

14 (i) A private home;

15 (ii) A hospital;

16 (iii) A therapeutic center;

17 (iv) A school; or

18 (v) Any other appropriate site.

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

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

25 (i) Certificated and noncertificated substitute teachers
26 employed by the public school employer for at least 7 days before March 1 of the school
27 fiscal year ending June 30, 1978, and each year after; and28 (ii) Home and hospital teachers employed by the public school
29 employer for at least 7 days before March 1 of the school fiscal year ending June 30,
30 2000, and each year after.

- 1 (3) In Baltimore County, “public school employee” includes:
- 2 (i) A secondary school nurse, an elementary school nurse, and a
3 special school nurse; and
- 4 (ii) Supervisory noncertificated employees as defined under §
5 6–501(h) of this title.
- 6 (4) In Frederick County, “public school employee” includes a social
7 worker employed by a public school employer.
- 8 (5) In Prince George’s County, “public school employee” includes home
9 and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.
- 10 (6) In Charles County and Garrett County, “public school employee”
11 includes Junior Reserve Officer Training Corps (JROTC) instructors.
- 12 (7) In Carroll County, “public school employee” includes supervisory
13 noncertificated employees as defined under § 6–501(h) of this title.
- 14 (e) “Public school employer” means a county board of education or the
15 Baltimore City Board of School Commissioners.
- 16 6–407.
- 17 (a) An employee organization designated as an exclusive representative shall
18 be the negotiating agent of all public school employees in the unit in the county.
- 19 (b) (1) An employee organization designated as an exclusive
20 representative shall represent all employees in the unit fairly and without
21 discrimination, whether or not the employees are members of the employee
22 organization.
- 23 (2) In addition, in Montgomery County the exclusive representative
24 shall represent fairly and without discrimination all persons actually employed as
25 substitute teachers without regard to whether they are included in § 6–401(d) of this
26 subtitle as public school employees.
- 27 (d) (1) In Allegany County, **CALVERT COUNTY**, Charles County, Garrett
28 County, and Washington County, the public school employer may negotiate with the
29 employee organization designated as the exclusive representative for the public school
30 employees in a unit, a reasonable service or representation fee, to be charged
31 nonmembers for representing them in negotiation, contract administration, including
32 grievances, and other activities specified under subsection (b) of this section.
- 33 (2) In Charles County, the provisions of this subsection shall apply
34 only to employees who are hired on or after July 1, 2005.

1 ~~6-501.~~

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

3 (b) ~~“Confidential employee” includes an individual whose employment~~
4 ~~responsibilities require knowledge of the public school employer’s posture in the~~
5 ~~collective negotiation process, as determined by the public school employer in~~
6 ~~negotiations with an employee organization that requests negotiation on this issue.~~

7 (c) ~~“Employee organization” means an organization that:~~

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

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

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

14 (e) ~~“Noncertificated employee”, in Montgomery County, means only a~~
15 ~~full-time employee.~~

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

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

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

22 (i) ~~Management personnel;~~

23 (ii) ~~A confidential employee; or~~

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

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

27 (2) ~~“Public school employer” includes the Baltimore City Board of~~
28 ~~School Commissioners.~~

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

1 ~~6-504.~~

2 (a) ~~A public school employee may refuse to join or participate in the activities~~
3 ~~of employee organizations.~~

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.