

HOUSE BILL 418

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CF SB 387

By: **Delegate Beitzel**

Introduced and read first time: January 29, 2010

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County – Noncertificated Public School Employees – Service Fees**

3 FOR the purpose of authorizing the Garrett County Board of Education to negotiate
4 with certain employee organizations a reasonable service fee to be charged to
5 nonmember noncertificated employees for representing the employees in certain
6 matters; prohibiting certain nonmember noncertificated employees from being
7 charged a service fee under certain circumstances; and generally relating to
8 service fees for nonmembers of certain employee organizations in Garrett
9 County.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 6–504
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2009 Supplement)

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

17 **Article – Education**

18 6–504.

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

21 (b) (1) In Montgomery County, Allegany County, Charles County, and
22 Howard County, the county board, with respect to noncertificated employees, shall
23 negotiate a structure of reasonable service fees to be charged nonmembers for
24 representation in negotiations and grievance matters by employee organizations.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (c) In Prince George's County, the county board shall negotiate an
4 organizational security provision, commonly known as "agency shop", with employee
5 organizations.

6 (d) (1) In Anne Arundel County [and], Baltimore County, **AND GARRETT**
7 **COUNTY**, the county board, with respect to noncertificated employees, may negotiate
8 a structure of reasonable service fees to be charged nonmembers for representation in
9 negotiations and grievance matters by employee organizations.

10 (2) In Anne Arundel County, if the county board negotiates a structure
11 of fees as authorized under this subsection:

12 (i) Each party shall:

13 1. Confer in good faith, at all reasonable times; and

14 2. Reduce to writing the matters agreed on as a result of
15 the negotiations; and

16 (ii) Neither party is required to agree to any proposal or to make
17 any concession.

18 (3) (i) The provisions of this paragraph apply if an agency or
19 representation fee is negotiated in Baltimore County.

20 (ii) 1. Subject to the provisions of subsubparagraph 2 of this
21 subparagraph, the employee organization designated as the exclusive representative
22 for the public school employees shall indemnify and hold harmless the Board of
23 Education of Baltimore County against any and all claims, demands, suits, or any
24 other forms of liability that may arise out of, or by reason of, action taken by the board
25 for the purpose of complying with any of the agency or representation fee provisions of
26 the negotiated agreement.

27 2. The board shall retain without charge to the board the
28 services of counsel that are designated by the exclusive representative with regard to
29 any claim, demand, suit, or any other liability that may arise out of, or by reason of,
30 action taken by the board for the purpose of complying with any of the agency or
31 representation fee provisions of the negotiated agreement.

32 (iii) The employee organization designated as the exclusive
33 representative shall submit to the board an annual audit from an external auditor
34 that reflects the operational expenses of the employee organization and explains how
35 the representation fee is calculated based on the audit.

1 (iv) 1. The agency or representation fee shall be based only
2 on the expenses incurred by the employee organization in its representation in
3 negotiations, contract administration, including the handling of grievances, and other
4 activities as required under § 6-509 of this subtitle; and

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

8 **(4) IN GARRETT COUNTY, IF A NONCERTIFICATED EMPLOYEE**
9 **WAS NOT A PUBLIC SCHOOL EMPLOYEE AT THE TIME THAT A SERVICE FEE**
10 **UNDER PARAGRAPH (1) OF THIS SUBSECTION WAS INITIATED, THE**
11 **NONCERTIFICATED EMPLOYEE MAY NOT BE CHARGED A SERVICE FEE.**

12 (e) In Baltimore City, the public school employer shall negotiate with the
13 employee organization designated as the exclusive representative for the public school
14 employees in a unit, a reasonable service or representation fee to be charged to
15 nonmembers for representing them in negotiations in the same manner that any such
16 fee was permitted under law and bargained for prior to January 1, 1997.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2010.