

SENATE BILL 626

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By: **Senator Dyson**

Introduced and read first time: February 5, 2010

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: March 9, 2010

CHAPTER _____

1 AN ACT concerning

2 **St. Mary's County – Noncertificated Public School Employees – Service Fee**

3 FOR the purpose of authorizing the St. Mary's County Board of Education to negotiate
4 with certain employee organizations for employees a reasonable service fee to
5 be charged nonmember noncertificated employees for representing the
6 employees in certain matters; making this Act applicable only to certain
7 employees hired on or after a certain date; and generally relating to service fees
8 for certain nonmember noncertificated public school employees in St. Mary's
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.

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 (b) (1) In Montgomery County, Allegany County, Charles County, [and]
2 Howard County, **AND ST. MARY’S COUNTY**, the county board, with respect to
3 noncertificated employees, shall negotiate a structure of reasonable service fees to be
4 charged nonmembers for representation in negotiations and grievance matters by
5 employee 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 **(3) IN ST. MARY’S COUNTY, THE PROVISIONS OF THIS**
9 **SUBSECTION SHALL APPLY ONLY TO EMPLOYEES WHO ARE HIRED ON OR AFTER**
10 **JULY 1, 2010.**

11 (c) In Prince George’s County, the county board shall negotiate an
12 organizational security provision, commonly known as “agency shop”, with employee
13 organizations.

14 (d) (1) In Anne Arundel County and Baltimore County, the county board,
15 with respect to noncertificated employees, may negotiate a structure of reasonable
16 service fees to be charged nonmembers for representation in negotiations and
17 grievance matters by employee organizations.

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

20 (i) Each party shall:

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

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

24 (ii) Neither party is required to agree to any proposal or to make
25 any concession.

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

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

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

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.