

# SENATE BILL 933

P4, F1

4lr2850

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By: **Senators Getty and Brinkley**

Introduced and read first time: January 31, 2014

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public School Employees – Service or Representation Fees – Local Discretion**

3 FOR the purpose of repealing certain provisions requiring public school employers in  
4 all jurisdictions of the State to negotiate with certain employee organizations  
5 regarding service or representation fees charged to nonmembers; limiting the  
6 application of certain provisions of law regarding the negotiation and charging  
7 of service or representation fees; and generally relating to service and  
8 representation fees for public school employees.

9 BY repealing and reenacting, with amendments,  
10 Article – Education  
11 Section 6–407(c) and (e) and 6–504  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – Education  
16 Section 6–407(d) and (f)  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2013 Supplement)

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

21 **Article – Education**

22 6–407.

23 (c) (1) Subject to subsection (d) of this section, the public school employer  
24 [shall] **MAY** negotiate with the employee organization designated as the exclusive

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 representative for the public school employees in a unit, a requirement of a reasonable  
2 service or representation fee, to be charged nonmembers for representing them in  
3 negotiations, contract administration, including grievances, and other activities as are  
4 required under subsection (b) of this section.

5 **(2) IF THE PUBLIC SCHOOL EMPLOYER NEGOTIATES A**  
6 **REQUIREMENT OF A SERVICE OR REPRESENTATION FEE UNDER THIS SECTION:**

7 **[(2)] (I)** The service or representation fee may not exceed the annual  
8 dues of the members of the organization[.];

9 **[(3)] (II)** An employee who is a substitute teacher and who works on a  
10 short-term day-to-day basis is not required to pay a service or representation fee[.];

11 **[(4)] (III)** An employee whose religious beliefs are opposed to joining or  
12 financially supporting any collective bargaining organization is:

13 **[(i)] 1.** Not required to pay a service or representation fee;  
14 and

15 **[(ii)] 2.** Required to pay an amount of money as determined in  
16 [paragraph (2) of this subsection] **ITEM (I) OF THIS PARAGRAPH** to a nonreligious,  
17 nonunion charity or to such other charitable organization as may be mutually agreed  
18 upon by the employee and the exclusive representative, and who furnishes to the  
19 public school employer and the exclusive representative written proof of such  
20 payment[.];

21 **[(5)] (IV)** The exclusive representative shall establish and maintain a  
22 procedure that provides nonmembers with:

23 **[(i)] 1.** An adequate explanation of the basis for the service or  
24 representation fee; and

25 **[(ii)] 2.** An opportunity to challenge the amount of the fee[.];

26 **[(6)] (V)** An employee who is a home or hospital teacher and who  
27 works on a short-term day-to-day basis is not required to pay a service or  
28 representation fee[.]; **AND**

29 **[(7)] (VI)** The public school employer shall:

30 **[(i)] 1.** Deduct the service or representation fee from the  
31 earnings of the nonmember employees in accordance with a schedule provided by the  
32 exclusive representative; and

1                    [(ii)] 2. Promptly transmit the amount deducted to the  
2 exclusive representative.

3            (d) When negotiating the implementation of a service or representation fee  
4 under this section, the public school employer and the exclusive bargaining  
5 representative shall negotiate whether the fee is applicable to current employees.

6            (e) (1) This subsection applies to a county in which a service or  
7 representation fee was not negotiated before July 1, 2013.

8                    (2) The following employees in a unit are eligible to vote on ratification  
9 of [the] AN implementing agreement that provides for a service or representation fee:

10                    (i) Members of the employee organization; and

11                    (ii) Nonmembers affected by the service or representation fee.

12                    (3) [The] AN implementing agreement that provides for a service or  
13 representation fee shall be ratified by a majority of votes cast by the employees eligible  
14 to vote under paragraph (2) of this subsection.

15            (f) In a county in which a service or representation fee has been negotiated  
16 before July 1, 2013, the fee shall be implemented under the provisions of the  
17 agreement negotiated before July 1, 2013, and consistent with the requirements of this  
18 section without the need for further negotiations.

19 6-504.

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

22            (b) (1) Subject to subsection [(e)] (D) of this section, the public school  
23 employer, with respect to noncertificated employees, [shall] MAY negotiate a structure  
24 of required reasonable service or representation fees to be charged nonmembers for  
25 representation in negotiations and grievance matters by employee organizations.

26                    (2) [An] IF THE PUBLIC SCHOOL EMPLOYER NEGOTIATES A  
27 STRUCTURE OF REQUIRED SERVICE OR REPRESENTATION FEES UNDER THIS  
28 SECTION, AN employee whose religious beliefs are opposed to joining or financially  
29 supporting any collective bargaining organization is:

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

31                    (ii) Required to pay an amount of money that is equal to the  
32 service or representation fee to a nonreligious, nonunion charity or to such other  
33 charitable organization as may be mutually agreed upon by the employee and the

1 employee organization, and who furnishes to the public school employer and the  
2 employee organization written proof of the payment.

3 **(C) IF THE PUBLIC SCHOOL EMPLOYER NEGOTIATES A STRUCTURE OF**  
4 **REQUIRED SERVICE OR REPRESENTATION FEES UNDER THIS SECTION:**

5 **[(c)] (1)** The employee organization shall establish and maintain a  
6 procedure that provides nonmembers with:

7 **[(1)] (I)** An adequate explanation of the basis for the service or  
8 representation fee; and

9 **[(2)] (II)** An opportunity to challenge the amount of the fee[.]; **AND**

10 **[(d)] (2)** The public school employer shall:

11 **[(1)] (I)** Deduct the service or representation fee from the earnings of  
12 the nonmember employees in accordance with a schedule provided by the employee  
13 organization; and

14 **[(2)] (II)** Promptly transmit the amount deducted to the employee  
15 organization.

16 **[(e)] (D)** When negotiating the implementation of a service or  
17 representation fee under this section, the public school employer and the exclusive  
18 bargaining representative shall first negotiate whether the fee is applicable to current  
19 employees.

20 **[(f)] (E)** (1) This subsection applies to a county in which a service or  
21 representation fee was not negotiated before July 1, 2013.

22 (2) The following employees in a unit are eligible to vote on ratification  
23 of [the] AN implementing agreement that provides for a service or representation fee:

24 (i) Members of the employee organization; and

25 (ii) Nonmembers affected by the service or representation fee.

26 (3) [The] AN implementing agreement that provides for a service or  
27 representation fee shall be ratified by a majority of votes cast by the employees eligible  
28 to vote under paragraph (2) of this subsection.

29 **[(g)] (F)** In a county in which a service or representation fee has been  
30 negotiated before July 1, 2013, the fee shall be implemented under the provisions of  
31 the agreement negotiated before July 1, 2013, and consistent with the requirements of  
32 this section without the need for further negotiations.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    July 1, 2014.