

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 933
Finance

(Senators Getty and Brinkley)

Public School Employees - Service or Representation Fees - Local Discretion

This bill repeals the requirement that a local board of education and the employee organizations representing certificated and noncertificated public school employees in all jurisdictions of the State negotiate a service or representation fee to be charged to nonmembers. However, local boards are *authorized* to negotiate service or representation fees with all employee organizations representing certificated and noncertificated public school employees.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: None.

Local Effect: None. The administrative workload for local school systems may be reduced minimally.

Small Business Effect: None.

Analysis

Current Law/ Background: Chapters 261 and 262 of 2013 required each local board of education and the employee organizations representing certificated and noncertificated public school employees in the State to negotiate a reasonable service or representation fee to be charged to nonmembers of the employee organizations. The fee cannot exceed the annual dues of the members of an employee organization.

The employee organizations must establish and maintain a procedure that provides nonmembers with an adequate explanation of the basis for the service or representation fee and an opportunity to challenge the amount of the fee.

An employee whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is not required to pay a service or representation fee. However, the employee is required to pay an amount equal to the fee to a nonreligious, nonunion charity, or to such other charitable organization as may be mutually agreed upon.

The public school employer must deduct the service or representation fee from the earnings of the nonmember employees and promptly transmit the amount deducted to the employee organization.

An employee who is a home or hospital teacher and who works on a short-term day-to-day basis is not required to pay a service or representation fee.

In a county in which a service or representation fee was negotiated before July 1, 2013, the fee must be implemented under the provisions of the agreement negotiated before July 1, 2013, without the need for further negotiations. In a county in which a service or representation fee was not negotiated before July 1, 2013, the members of the employee organization and nonmembers affected by the fee are eligible to vote on the agreement that implements a service or representation fee, and a majority of those voting is required for ratification.

Authorized or Required Service Fees Prior to 2013

Prior to Chapters 261 and 262 of 2013 nonmember service or representation fees for certificated school employees were *authorized* in Baltimore City and in Allegany, Anne Arundel, Baltimore, Calvert, Charles, Garrett, Howard, Montgomery, Prince George's, and Washington counties.

Likewise, prior to Chapters 261 and 262 nonmember service or representation fees for noncertificated school employees were *required* in Allegany, Charles, Howard, Montgomery, and Prince George's counties and *authorized* in Baltimore City and in Anne Arundel, Baltimore, and Garrett counties.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2014
mm/rhh

Analysis by: Caroline L. Boice

Direct Inquiries to:
(410) 946-5510
(301) 970-5510