

BRIAN E. FROSH
Attorney General



ELIZABETH HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

410-576-7036

WRITER'S DIRECT DIAL NO.

410-576-6584

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TO: The Honorable Dereck E. Davis
Chair, Economic Matters Committee

FROM: Hannibal G. Williams II Kemerer, Chief, Legislative Affairs
Office of the Attorney General

RE: HB 163 – Labor and Employment – Labor Organizations – Right to Work
(OPPOSE)

The Office of the Attorney General urges this Committee to issue an unfavorable report on HB 163.

House Bill 163 amends Courts and Judicial Proceedings Article § 2-322, Education Article §§ 6-407, § 6-504, § 9.5-704, and § 16-414.1(e)(3) and (f), Health Article § 15-904, Land Use Article § 16-309 and 316, and State Personnel and Pensions Article § 3-502, to eliminate statutory language that requires certain non-bargaining unit members to pay service fees related to the costs associated with the administration and enforcement of collective bargaining agreements. Janus,¹ a recent Supreme Court decision, rendered unconstitutional service fees **for public employees** – and the elimination of § 3-502 is consistent with that decision.

Nonetheless, House Bill 163 does more; it also amends the Labor and Employment Article to add Subtitle 7, §§ 4-701 through 4-707 (“Right to Work”). This particular amendment makes it unlawful for an employer to require, as a condition of employment, that employees belong to a union, and more specifically, §4-707, would require the Attorney General to prosecute employers who violate this Subtitle.

House Bill 163 also amends Labor and Employment Article § 4-304, eliminating a prohibition on a court’s ability to grant any relief against an employer who makes any promises to employees or prospective employees, if the promise requires the employee (1) to join or remain a member of an employer or labor organization; (2) not to join or not to remain a member

¹ *Janus v. American Federation of State, County, and Municipal Employees, Council*, 138 S. Ct. 2448, 201 L. Ed. 2d 924 (2018).



of an employer or labor organization; or (3) to withdraw from an employment relation if the party joins or remains a member of an employer or labor organization.

Were such an amendment to take effect, it would have a clear negative effect on workers' rights throughout Maryland, and the ability of labor organizations to effectively advocate to improve the wages, hours, and working conditions of the employees they represent. In addition, it would help to silence workers' voices in the workplace and the ability of employees to express their concerns collectively to ensure that their rights are protected, and that they are adequately represented.

cc: Members of the Committee