

# HOUSE BILL 418

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CF SB 387

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By: **Delegate Beitzel**

Introduced and read first time: January 29, 2010

Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2010

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## CHAPTER \_\_\_\_\_

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.

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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, the county board, with respect to noncertificated employees, shall  
3 negotiate a structure of reasonable service fees to be charged nonmembers for  
4 representation in negotiations and grievance matters by employee organizations.

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

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

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

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

16 (i) Each party shall:

17 1. Confer in good faith, at all reasonable times; and  
18 2. Reduce to writing the matters agreed on as a result of  
19 the negotiations; and

20 (ii) Neither party is required to agree to any proposal or to make  
21 any concession.

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

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

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

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

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

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

12 (4) IN GARRETT COUNTY, IF A NONCERTIFICATED EMPLOYEE  
13 WAS NOT A PUBLIC SCHOOL EMPLOYEE AT THE TIME THAT A SERVICE FEE  
14 UNDER PARAGRAPH (1) OF THIS SUBSECTION WAS INITIATED, THE  
15 NONCERTIFICATED EMPLOYEE MAY NOT BE CHARGED A SERVICE FEE.

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.