

SENATE BILL 898

F3
SB 626/10 – FIN

11r2992

By: **Senator Dyson**

Introduced and read first time: February 21, 2011

Assigned to: Rules

Re-referred to: Finance, February 28, 2011

Committee Report: Favorable

Senate action: Adopted

Read second time: March 22, 2011

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 2010 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.

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

3 (b) (1) In Montgomery County, Allegany County, Charles County, [and]
4 Howard County, **AND ST. MARY'S COUNTY**, the county board, with respect to
5 noncertificated employees, shall negotiate a structure of reasonable service fees to be
6 charged nonmembers for representation in negotiations and grievance matters by
7 employee organizations.

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

10 **(3) IN ST. MARY'S COUNTY, THE PROVISIONS OF THIS**
11 **SUBSECTION SHALL APPLY ONLY TO EMPLOYEES WHO ARE HIRED ON OR AFTER**
12 **JULY 1, 2011.**

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

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

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

22 (i) Each party shall:

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

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

26 (ii) Neither party is required to agree to any proposal or to make
27 any concession.

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

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

1 for the purpose of complying with any of the agency or representation fee provisions of
2 the negotiated agreement.

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

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

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

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

19 (4) In Garrett County, if a noncertificated employee was not a public
20 school employee at the time that a service fee under paragraph (1) of this subsection
21 was initiated, the noncertificated employee may not be charged a service fee.

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.