

# SENATE BILL 801

P4

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CF 0lr1326

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By: **Senator Klausmeier**

Introduced and read first time: February 10, 2010

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Public School Employees – Collective Bargaining and**  
3 **Representation Fees**

4 FOR the purpose of requiring the Board of Education of Baltimore County to negotiate  
5 certain fees with certain employee organizations representing certain  
6 certificated and noncertificated employees to be charged to certain nonmembers  
7 for certain representation; and generally relating to collective bargaining and  
8 representation fees for certain certificated and noncertificated school personnel  
9 in Baltimore 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.

21 (b) (1) In Montgomery County, Allegany County, Charles County, and  
22 Howard County, the county board, with respect to noncertificated employees, shall  
23 negotiate a structure of reasonable service fees to be charged nonmembers for  
24 representation in negotiations and grievance matters by employee organizations.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6           (d) (1) **THIS SUBSECTION APPLIES ONLY TO ANNE ARUNDEL**  
7 **COUNTY.**

8           (2) [In Anne Arundel County and Baltimore County, the] **THE** county  
9 board, with respect to noncertificated employees, may negotiate a structure of  
10 reasonable service fees to be charged nonmembers for representation in negotiations  
11 and grievance matters by employee organizations.

12           [~~(2)~~] (3) [In Anne Arundel County, if] **IF** the county board negotiates  
13 a structure of fees as authorized under this subsection:

14                   (i) Each party shall:

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

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

18                   (ii) Neither party is required to agree to any proposal or to make  
19 any concession.

20           (e) (1) **THIS SUBSECTION APPLIES ONLY TO BALTIMORE COUNTY.**

21           (2) **THE COUNTY BOARD, WITH RESPECT TO NONCERTIFICATED**  
22 **EMPLOYEES, MAY NEGOTIATE A STRUCTURE OF REASONABLE SERVICE FEES TO**  
23 **BE CHARGED NONMEMBERS FOR REPRESENTATION IN NEGOTIATIONS AND**  
24 **GRIEVANCE MATTERS BY EMPLOYEE ORGANIZATIONS.**

25           (3) **THE COUNTY BOARD, WITH RESPECT TO ANY UNIT THAT**  
26 **REPRESENTS BOTH CERTIFICATED AND NONCERTIFICATED EMPLOYEES, AS**  
27 **DEFINED UNDER § 6-404(C)(2) OF THIS TITLE, SHALL NEGOTIATE A**  
28 **REASONABLE SERVICE FEE TO BE CHARGED NONMEMBERS FOR**  
29 **REPRESENTATION IN NEGOTIATIONS, CONTRACT ADMINISTRATION, GRIEVANCE**  
30 **MATTERS, AND ALL OTHER ACTIVITIES REQUIRED UNDER § 6-509 OF THIS**  
31 **SUBTITLE.**

32           [~~(3)~~] (4) (i) The provisions of this paragraph apply if an agency or  
33 representation fee is negotiated in [Baltimore County] **THE COUNTY.**

1                   (ii) 1. Subject to the provisions of subparagraph 2 of this  
2 subparagraph, the employee organization designated as the exclusive representative  
3 for the public school employees shall indemnify and hold harmless the [Board of  
4 Education of Baltimore County] **COUNTY BOARD** against any and all claims,  
5 demands, suits, or any other forms of 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                   2. The board shall retain without charge to the board the  
9 services of counsel that are designated by the exclusive representative with regard to  
10 any claim, demand, suit, or any other liability that may arise out of, or by reason of,  
11 action taken by the board for the purpose of complying with any of the agency or  
12 representation fee provisions of the negotiated agreement.

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

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

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

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

29                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 July 1, 2010.