

HOUSE BILL 218

P4

4lr0810

By: **Delegates McDermott, Afzali, Arentz, Aumann, Beitzel, Boteler, Cluster, Dwyer, Eckardt, Elliott, Frank, Haddaway-Riccio, Hough, Jacobs, Krebs, McComas, Otto, Parrott, Smigiel, Stocksdales, and Vitale**

Introduced and read first time: January 16, 2014

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Collective Bargaining – Service Fee Exemption – Charity**
3 **Selection Period**

4 FOR the purpose of establishing a certain time period during which a State employee
5 who is exempt under certain circumstances from paying a certain service fee
6 may select the charitable organization that will receive payments from the
7 employee during a certain period of time; establishing a certain time period
8 during which the State employee may change the charitable organization
9 selected by the employee; and generally relating to the selection of charitable
10 organizations by State employees who are exempt from paying service fees to a
11 collective bargaining organization.

12 BY repealing and reenacting, with amendments,
13 Article – State Personnel and Pensions
14 Section 3–502
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2013 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – State Personnel and Pensions**

20 3–502.

21 (a) Collective bargaining shall include all matters relating to wages, hours,
22 and other terms and conditions of employment.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) Collective bargaining may include negotiations relating to the right
2 of an employee organization to receive service fees from nonmembers.

3 (2) An employee whose religious beliefs are opposed to joining or
4 financially supporting any collective bargaining organization is:

5 (i) not required to pay a service fee; and

6 (ii) required to pay an amount of money as determined in
7 collective bargaining negotiations, not to exceed any service fee negotiated under
8 paragraph (1) of this subsection, to any charitable organization exempt from taxation
9 under § 501(c)(3) of the Internal Revenue Code and to furnish written proof of the
10 payment to:

11 1. A. the Department; or

12 B. in the case of an employee of an institution of higher
13 education specified in § 3-102(a)(1)(v) of this title, the President of the institution or
14 the President's designee; and

15 2. the exclusive representative.

16 **(3) A COLLECTIVE BARGAINING ORGANIZATION SHALL ALLOW AN**
17 **EMPLOYEE WHO IS EXEMPT FROM PAYING A SERVICE FEE UNDER PARAGRAPH**
18 **(2) OF THIS SUBSECTION TO:**

19 **(I) AT ANY TIME WITHIN 30 DAYS AFTER RECEIVING AN**
20 **ANNUAL SERVICE FEE NOTICE, SELECT THE CHARITABLE ORGANIZATION THAT**
21 **WILL RECEIVE PAYMENTS FROM THE EMPLOYEE DURING THE FOLLOWING**
22 **YEAR; AND**

23 **(II) AT ANY TIME WITHIN 15 DAYS AFTER MAKING A**
24 **SELECTION UNDER ITEM (I) OF THIS PARAGRAPH, CHANGE THE CHARITABLE**
25 **ORGANIZATION SELECTED BY THE EMPLOYEE.**

26 (c) Notwithstanding subsection (a) of this section, the representatives of the
27 State, a system institution, Morgan State University, St. Mary's College of Maryland,
28 and Baltimore City Community College:

29 (1) shall not be required to negotiate over any matter that is
30 inconsistent with applicable law; and

31 (2) may negotiate and reach agreement with regard to any such
32 matter only if it is understood that the agreement with respect to such matter cannot
33 become effective unless the applicable law is amended by the General Assembly.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2014.