

Bill No.: \_\_\_\_\_  
Requested: \_\_\_\_\_  
Committee: \_\_\_\_\_

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By: **Montgomery County Delegation and Prince George’s County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Collective**  
3 **Bargaining – Exclusive Representative Duty of Fair Representation**

4 **MC/PG 109–19**

5 FOR the purpose of altering the duty of an employee organization certified as the exclusive  
6 representative of certain employees of the Maryland–National Capital Park and  
7 Planning Commission to represent all employees in a certain bargaining unit in a  
8 certain manner; authorizing the exclusive representative to require an employee who  
9 does not pay certain dues or fees to pay certain costs and fees for filing a certain  
10 grievance or arbitrating a certain matter; providing that the failure by the employee  
11 to pay certain costs and fees relieves the exclusive representative of certain  
12 responsibilities; requiring that a dispute concerning the reasonableness of certain  
13 costs and fees be submitted to a certain labor relations administrator in accordance  
14 with certain procedures; limiting an exclusive representative’s duty of fair  
15 representation owed to certain public employees to certain matters; providing for the  
16 construction of certain provisions of this Act; and generally relating to collective  
17 bargaining for employees of the Maryland–National Capital Park and Planning  
18 Commission.

19 BY repealing and reenacting, with amendments,  
20 Article – Land Use

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 16–202  
2 Annotated Code of Maryland  
3 (2012 Volume and 2018 Supplement)

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

6 **Article – Land Use**

7 16–202.

8 (a) The Commission shall recognize the right of an employee organization,  
9 certified under this subtitle as the exclusive representative of a bargaining unit, to  
10 represent the employees in the bargaining unit in collective bargaining and in the  
11 settlement of grievances.

12 (b) An employee organization certified as the exclusive representative of a  
13 bargaining unit shall:

14 (1) serve as the sole bargaining agent for the unit in collective bargaining;  
15 and

16 (2) **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,**  
17 represent all employees in the bargaining unit fairly[,] **AND** without discrimination[, and  
18 without regard to whether an employee is a member of the employee organization].

19 (c) An employee organization meets the requirements of subsection (b)(2) of this  
20 section if the employee organization’s actions with respect to employees [who are members  
21 of the employee organization and employees who are not members of the employee  
22 organization] **IN THE BARGAINING UNIT** are not arbitrary, discriminatory, or in bad faith.

23 **(D) (1) THE EXCLUSIVE REPRESENTATIVE MAY REQUIRE AN EMPLOYEE**  
24 **WHO DOES NOT PAY MEMBERSHIP DUES OR EQUIVALENT FEES TO PAY:**

25 **(I) THE REASONABLE COSTS AND FEES, INCLUDING EXPENSES**  
26 **FOR STAFF TIME AND MATERIALS, ARBITRATOR FEES, AND RELATED ATTORNEY’S**  
27 **FEES, FOR FILING A GRIEVANCE OR ARBITRATING A MATTER THAT ARISES UNDER A**  
28 **COLLECTIVE BARGAINING AGREEMENT NEGOTIATED UNDER THIS SUBTITLE**

1 BROUGHT BY THE EXCLUSIVE REPRESENTATIVE AT THE REQUEST OF THE  
2 EMPLOYEE; AND

3 (II) ANY ANTICIPATED PROPORTIONAL COSTS AND FEES  
4 BEFORE A GRIEVANCE IS FILED OR ARBITRATION IS PURSUED.

5 (2) FAILURE BY THE EMPLOYEE TO PAY THE COSTS AND FEES  
6 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL RELIEVE THE  
7 EXCLUSIVE REPRESENTATIVE OF ANY FURTHER RESPONSIBILITY TO THE  
8 EMPLOYEE.

9 (3) A DISPUTE CONCERNING THE REASONABLENESS OF THE COSTS  
10 AND FEES IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE  
11 SUBMITTED TO THE LABOR RELATIONS ADMINISTRATOR IN ACCORDANCE WITH THE  
12 PROCEDURES ESTABLISHED UNDER § 16–218 OF THIS SUBTITLE FOR UNFAIR LABOR  
13 PRACTICES.

14 (E) (1) AN EXCLUSIVE REPRESENTATIVE’S DUTY OF FAIR  
15 REPRESENTATION OWED TO A PUBLIC EMPLOYEE WHO IS IN THE BARGAINING UNIT  
16 SHALL BE LIMITED TO THE NEGOTIATION AND ENFORCEMENT OF THE TERMS OF  
17 THE COLLECTIVE BARGAINING AGREEMENT WITH THE PUBLIC EMPLOYER.

18 (2) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT AN  
19 EMPLOYEE ORGANIZATION FROM PROVIDING ONLY TO THE ORGANIZATION’S  
20 MEMBERS LEGAL, ECONOMIC, OR JOB-RELATED SERVICES OR BENEFITS OUTSIDE  
21 THE COLLECTIVE BARGAINING AGREEMENT.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2019.