

Bill No.: \_\_\_\_\_

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

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By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County Housing Opportunities Commission – Collective**  
3 **Bargaining – Exclusive Representative Duty of Fair Representation**

4 **MC 26–19**

5 FOR the purpose of altering the duty of an employee organization certified as the exclusive  
6 representative of certain employees of the Housing Opportunities Commission of  
7 Montgomery County 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 Housing Opportunities Commission of Montgomery  
18 County.

19 BY repealing and reenacting, with amendments,  
20 Article – Housing and Community Development

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 16–303  
2 Annotated Code of Maryland  
3 (2006 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 – Housing and Community Development**

7 16–303.

8 (a) (1) The Montgomery Commission shall recognize the right of an employee  
9 organization certified under this subtitle as the exclusive representative of a bargaining  
10 unit to represent the employees of the bargaining unit in collective bargaining and in the  
11 settlement of grievances.

12 (2) If a single employee organization is certified to represent more than one  
13 bargaining unit, the Montgomery Commission shall negotiate a single contract with that  
14 organization covering all employees the organization represents.

15 (b) (1) An employee organization certified as the exclusive representative of a  
16 bargaining unit shall:

17 (i) serve as the only bargaining agent for the unit in collective  
18 bargaining; and

19 (ii) **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**  
20 **represent all employees in the unit fairly[,] AND without discrimination[, and without**  
21 **regard to whether an employee is a member of the employee organization].**

22 (2) An employee organization meets the requirements of paragraph (1)(ii)  
23 of this subsection as long as its actions are not arbitrary, discriminatory, or in bad faith  
24 toward[:

25 (i) employees who are members of the employee organization; or

26 (ii) employees who are not members of the employee organization]

27 **AN EMPLOYEE IN THE BARGAINING UNIT.**

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

3                   **(I) THE REASONABLE COSTS AND FEES, INCLUDING EXPENSES**  
4 **FOR STAFF TIME AND MATERIALS, ARBITRATOR FEES, AND RELATED ATTORNEY'S**  
5 **FEES, FOR FILING A GRIEVANCE OR ARBITRATING A MATTER THAT ARISES UNDER A**  
6 **COLLECTIVE BARGAINING AGREEMENT NEGOTIATED UNDER THIS SUBTITLE**  
7 **BROUGHT BY THE EXCLUSIVE REPRESENTATIVE AT THE REQUEST OF THE**  
8 **EMPLOYEE; AND**

9                   **(II) ANY ANTICIPATED PROPORTIONAL COSTS AND FEES**  
10 **BEFORE A GRIEVANCE IS FILED OR ARBITRATION IS PURSUED.**

11           **(2) FAILURE BY THE EMPLOYEE TO PAY THE COSTS AND FEES**  
12 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL RELIEVE THE**  
13 **EXCLUSIVE REPRESENTATIVE OF ANY FURTHER RESPONSIBILITY TO THE**  
14 **EMPLOYEE.**

15           **(3) A DISPUTE CONCERNING THE REASONABLENESS OF THE COSTS**  
16 **AND FEES IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE**  
17 **SUBMITTED TO THE LABOR RELATIONS ADMINISTRATOR IN ACCORDANCE WITH THE**  
18 **PROCEDURES ESTABLISHED UNDER § 16-318 OF THIS SUBTITLE FOR UNFAIR LABOR**  
19 **PRACTICES.**

20           **(D) (1) AN EXCLUSIVE REPRESENTATIVE'S DUTY OF FAIR**  
21 **REPRESENTATION OWED TO A PUBLIC EMPLOYEE WHO IS IN THE BARGAINING UNIT**  
22 **SHALL BE LIMITED TO THE NEGOTIATION AND ENFORCEMENT OF THE TERMS OF**  
23 **THE COLLECTIVE BARGAINING AGREEMENT WITH THE PUBLIC EMPLOYER.**

24           **(2) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT AN**  
25 **EMPLOYEE ORGANIZATION FROM PROVIDING ONLY TO THE ORGANIZATION'S**  
26 **MEMBERS LEGAL, ECONOMIC, OR JOB-RELATED SERVICES OR BENEFITS OUTSIDE**  
27 **THE COLLECTIVE BARGAINING AGREEMENT.**

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