



Maryland Classified Employees Association, inc.

Be part of the fight to protect the rights of all state employees;

Help advocate for the right of Maryland's employees to keep their hard-earned money;

Don't let choice of representation become a thing of the past!

Join MCEA Today!

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1-888-611-MCEA
www.mcea.org



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SERVICE FEES:

WHAT ARE MY RIGHTS????

In the last hours of the 2009 session of the Maryland General Assembly, Senate Bill 264 was passed, allowing your collective bargaining representative (in most cases, AFSCME) to negotiate with the State for a MANDATORY SERVICE FEE to be taken directly from the paychecks of State employees.

What are your rights?

What does this mean to you?

What can you do?

MCEA WANTS YOU TO HAVE THE ANSWERS:

Knowledge *is* Power, and MCEA is committed to providing information to Maryland State Employees: after all, Our most important job **Is Yours!**

Throughout the legislative session, MCEA fought to protect the paychecks of State employees, offering compromises that would have allowed employees:

- A separate vote on service fees, not merely a vote combined with a vote on an MOU;
- An exemption to the payment of service fees where such fees were not in place at the time of hire;
- The right to have non-AFSCME members participate in the negotiations for the amount of service fees to be paid by nonmembers

All of these compromises were opposed by AFSCME and the other exclusive representatives.

See how your legislative representatives voted:
Visit www.mlis.state.md.us
Or
www.mcea.org

Questions on Service Fees:

Q. Will I have to immediately begin to pay service fees to my collective bargaining representative?

A. **No.** The new law only provides that AFSCME and the other exclusive bargaining representative are allowed to *negotiate* with the State for a mandatory service fee from employees who are not AFSCME members.

Q. Do I still have a right to be a member of a union that is not my exclusive representative, like MCEA?

A. **Yes.** Maryland law guarantees all State employees the right to the representation of their choosing in grievances and disciplinary appeals. Employees may continue membership in the association or union of their choosing, and are entitled to be represented by that union. **MCEA will continue to fight for the right of State employees to have access to the representation of their choosing, and will defend against efforts to limit employees to only the representation provided by AFSCME and the other exclusive representatives.**

Q. Will I have any right to object to being forced to pay service fees?

A. **Yes.** Any service fee negotiated will be part of an MOU (memorandum of understanding) – no MOU is valid until ratified, or approved, by a **vote** of employees in the effected bargaining unit. Most state MOUs expire December 31, 2009 (see chart), so you will be asked to vote on a new MOU, one which will likely include a mandatory service fee. If a majority of employees who vote in a unit do not vote for an MOU containing service fees, it will fail.

Q. Do I have any other right to object to the payment of such fees?

A. The new law (see SB 264 language) allows employees whose religious beliefs are opposed to financially supporting collective bargaining to make an alternative donation to charity. Also, the Supreme Court has ruled that any MOU containing a provision for service fees must include an adequate explanation of the basis for the fee, a reasonably prompt opportunity to challenge the amount of the fee before an impartial decision maker, and an escrow for the amounts reasonably in dispute while such challenges are pending.

MCEA will continue to work to ensure that these rights of State employees are protected!

*State of Maryland Bargaining Units
(Excluding Higher Education Units)*

<u>Unit</u>		<u>Exclusive Rep.</u>
A*	Labor & Trades	AFSCME MD
B*	Administrative, Technical, & Clerical	AFSCME MD
C*	Regulatory, Inspection & License	AFSCME MD
D*	Health & Human Svs. (nonprof.)	AFSCME MD
E*	Health Care Profess.	AFTHealthcare
F*	Social & Human Serv. Professionals	AFSCME MD
G*	Engineering, Scientific & Admin. Professionals	MPEC
H*	Public Safety and Security	AFSCME/ Teamsters
I**	Sworn Police	SLEOLA

*- MOUs expire 12/31/09

** -MOU expires 6/30/09

(CAPS represent new language in law; [bracketed] language was removed from former law.)

State Personnel & Pensions 3-502:

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

(b) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, COLLECTIVE** bargaining may [not] include negotiations relating to the right of an employee organization to receive service fees from nonmembers.

(2) **AN EMPLOYEE WHOSE RELIGIOUS BELIEFS ARE OPPOSED TO JOINING OR FINANCIALLY SUPPORTING ANY COLLECTIVE BARGAINING ORGANIZATION IS:**

(I) **NOT REQUIRED TO PAY A SERVICE FEE; AND**

(II) **REQUIRED TO PAY AN AMOUNT OF MONEY AS DETERMINED IN COLLECTIVE BARGAINING NEGOTIATIONS, NOT TO EXCEED ANY SERVICE FEE NEGOTIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, TO ANY CHARITABLE ORGANIZATION EXEMPT FROM TAXATION UNDER SECTION 501 (C) (3) OF THE INTERNAL REVENUE CODE AND TO FURNISH TO THE DEPARTMENT AND THE EXCLUSIVE REPRESENTATIVE WRITTEN PROOF OF SUCH PAYMENT.**

(3) **COLLECTIVE BARGAINING BETWEEN AN EMPLOYEE ORGANIZATION AND A SYSTEM INSTITUTION, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, OR BALTIMORE CITY COMMUNITY COLLEGE MAY NOT INCLUDE NEGOTIATIONS RELATING TO THE RIGHT OF AN EMPLOYEE ORGANIZATION TO RECEIVE SERVICE FEES FROM NONMEMBERS.**