

As noted, Senate Bill 600 required only that the Board "negotiate" any agency shop provision, without specifying what it had to agree to, and the negotiations were not restricted to any one organization. The Attorney General advised me that the word "negotiate", as used in Senate Bill 600, meant only that the Board had a duty to confer in good faith at all reasonable times, and to reduce to writing the matters agreed upon as the result of such negotiations. This left the Board with sufficient discretion in its negotiations, and allowed it to consult and negotiate with several groups before agreeing to anything.

House Bill 1258 obligates the Board not only to negotiate, but to agree to both the requirement that nonmembers of the exclusive bargaining organization pay a representation fee and what that fee would be. This additional requirement clearly circumscribes the discretion of the Board, and will cause an imbalance in the negotiation process. It is inconsistent with Article 77, Section 160A(1), dealing with negotiations concerning noncertificated employees, which states that "the public school employer shall render the final determination as to matters which have been the subject of negotiation..."

Although I am not especially enamored with agency shop requirements in public employment, I would sign a bill similar to Senate Bill 600, requiring the Montgomery County Board to negotiate these matters in good faith. As a result of Senate Bill 600, the Prince George's County Board of Education has, in fact, negotiated an agency shop arrangement, and it has done so without the type of compulsion mandated by House Bill 1258. The objectives of the labor organizations representing noncertificated employees can, therefore, be achieved within the normal framework of collective bargaining, and this is the way they should be achieved.

For these reasons, I have vetoed House Bill 1258.

Sincerely,  
/s/ Marvin Mandel  
Governor

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House Bill No. 1268 - Prince George's County; Notices  
of Public Auction

AN ACT concerning