
By: Senator Della

Introduced and read first time: February 2, 1996

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Charter Amendment - Binding Arbitration for Baltimore City Police**

3 FOR the purpose of providing for a system of binding arbitration between the Mayor and
4 the City Council of Baltimore City and representatives of the Baltimore City police
5 force.

6 BY repealing and reenacting, with amendments,
7 The Charter of Baltimore City, 1964 Revision
8 Article II - General Powers
9 Section (55)(a)
10 (1993 Replacement Volume and September 1995 Supplement, as amended)

11 BY adding to
12 The Charter of Baltimore City, 1964 Revision
13 Article II - General Powers
14 Section (55)(c)
15 (1993 Replacement Volume and September 1995 Supplement, as amended)

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

18 **The Charter of Baltimore City**

19 Article II - General Powers

20 The Mayor and City Council of Baltimore shall have full power and authority to
21 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
22 Maryland or by any Public General or Public Local Laws of the State of Maryland; and in
23 particular, without limitation upon the foregoing, shall have power by ordinance, or such
24 other method as may be provided for in its Charter, subject to the provisions of said
25 Constitution and Public General Laws:

26 (55) (a) To provide by ordinance an orderly procedure for participation by
27 municipal employees and their representatives in the formulation of labor relations and
28 personnel policies, recognizing the right of employees to organize and bargain collectively
29 through representatives of their own choosing and generally authorizing the Mayor and

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1 City Council of Baltimore to provide for (1) the manner of establishing units appropriate
2 for collective bargaining and of designating or selecting exclusive bargaining
3 representatives; (2) the rights of the employer, employees and the employee organization
4 designated as the exclusive representative in an appropriate unit; (3) the procedure for
5 the negotiation of a collective bargaining agreement with respect to the terms and
6 conditions of employment and the manner for resolution of a negotiation impasse; (4) the
7 payment of a service fee, as a condition of continuing employment, for administration of
8 the collective bargaining agreement and the right of the exclusive representative to the
9 checkoff of dues or service fees; (5) the designation of unfair labor practices and remedies
10 for the same; (6) the definition of a grievance and the procedure for resolution; and (7)
11 other related matters to effectuate the ordinance. The Mayor and City Council of
12 Baltimore are authorized, consistent with the provisions of the Charter of Baltimore City,
13 to submit to binding arbitration any dispute arising from the interpretation of, or the
14 application of, any collective bargaining agreement with an exclusive representative.
15 Binding arbitration for fire fighters and fire officers shall be conducted as provided in
16 subsection (b). BINDING ARBITRATION FOR POLICE OFFICERS SHALL BE CONDUCTED
17 AS PROVIDED IN SUBSECTION (C). This section does not authorize a strike by any
18 municipal employee or employees. Until amended by ordinance, the presently existing
19 municipal employee relations ordinance shall remain in force and effect.

20 (C) (1) IF THE CERTIFIED EMPLOYEE ORGANIZATION OR
21 ORGANIZATIONS REPRESENTING POLICE OFFICERS WITHIN THE POLICE
22 DEPARTMENT AND THE EMPLOYER HAVE NOT REACHED A WRITTEN AGREEMENT
23 CONCERNING TERMS AND CONDITIONS OF EMPLOYMENT BY MARCH 1 OF ANY
24 YEAR, EITHER PARTY MAY REQUEST ARBITRATION BY A BOARD OF ARBITRATION,
25 IN ACCORDANCE WITH THIS SUBSECTION, WHICH REQUEST MUST BE HONORED.

26 (2) THE BOARD OF ARBITRATION SHALL CONSIST OF 3 MEMBERS.
27 OF THE 3 MEMBERS, 1 SHALL BE APPOINTED BY THE MAYOR AND 1 SHALL BE
28 APPOINTED JOINTLY BY THE CERTIFIED EMPLOYEE ORGANIZATIONS
29 REPRESENTING THE POLICE OFFICERS INVOLVED. THESE MEMBERS SHALL BE
30 SELECTED WITHIN 4 DAYS OF THE REQUEST FOR ARBITRATION. THE THIRD
31 MEMBER SHALL BE SELECTED WITHIN 4 ADDITIONAL DAYS BY THE 2 ARBITRATORS
32 PREVIOUSLY CHOSEN, IN ACCORDANCE WITH THE PROCEDURES OF THE AMERICAN
33 ARBITRATION ASSOCIATION, FROM A LIST FURNISHED BY THE ASSOCIATION. THAT
34 MEMBER SELECTED SHALL ACT AS CHAIRMAN OF THE BOARD OF ARBITRATION.
35 THE BOARD OF ARBITRATION SHALL COMMENCE THE ARBITRATION PROCEEDINGS
36 WITHIN 7 DAYS AFTER THE CHAIRMAN IS SELECTED AND SHALL MAKE ITS
37 DECISION, BY A MAJORITY VOTE, WITHIN 15 DAYS AFTER THE COMMENCEMENT OF
38 THE ARBITRATION PROCEEDINGS. FOR GOOD CAUSE, THE CHAIRMAN MAY EXTEND
39 THIS TIME REQUIREMENT.

40 (3) WITHIN 3 DAYS AFTER THE SELECTION OF THE CHAIRMAN OF
41 THE BOARD OF ARBITRATION, THE LABOR COMMISSIONER OR THE LABOR
42 COMMISSIONER'S DESIGNATED REPRESENTATIVE SHALL PROVIDE TO EACH
43 MEMBER OF THE BOARD OF ARBITRATION AND TO ALL PARTIES, A DETAILED
44 ITEMIZATION OF THE LAST PROPOSAL MADE BY THE RESPECTIVE PARTIES DURING
45 THE NEGOTIATIONS.

1 (4) THE BOARD OF ARBITRATION SHALL IDENTIFY THE MAJOR
2 ISSUES IN THE DISPUTE, REVIEW THE POSITIONS OF ALL PARTIES, AND SHALL TAKE
3 INTO CONSIDERATION WAGES, BENEFITS, HOURS, AND OTHER WORKING
4 CONDITIONS OF OTHER PUBLIC SAFETY AND POLICE DEPARTMENT EMPLOYEES IN
5 MARYLAND AND IN COMPARABLE METROPOLITAN POLITICAL SUBDIVISIONS IN
6 OTHER STATES. THE BOARD ALSO SHALL CONSIDER THE VALUE OF OTHER
7 BENEFITS AVAILABLE TO OR RECEIVED BY OTHER EMPLOYEES OF THE MAYOR AND
8 CITY COUNCIL OF BALTIMORE AS COMPARED WITH PRIVATE SECTOR EMPLOYEES
9 IN THE METROPOLITAN BALTIMORE CITY AREA AND AS COMPARED WITH OTHER
10 PUBLIC SAFETY AND POLICE DEPARTMENT EMPLOYEES. THE BOARD ALSO SHALL
11 CONSIDER CONSUMER PRICES FOR GOODS AND SERVICES AND OTHER RELATED
12 ITEMS, COST OF LIVING DATA, AND SUCH OTHER FACTORS THAT ARE NORMALLY
13 CONSIDERED IN THE DETERMINATION OF WAGES AND OTHER BENEFITS IN THE
14 COLLECTIVE BARGAINING PROCESS. THE BOARD SHALL ALSO TAKE INTO ACCOUNT
15 THE FINANCIAL CONDITION OF THE CITY.

16 (5) THE BOARD OF ARBITRATION SHALL HAVE THE POWER TO
17 ADMINISTER OATHS, COMPEL THE ATTENDANCE OF WITNESSES, AND REQUIRE THE
18 PRODUCTION OF EVIDENCE BY SUBPOENA.

19 (6) THE BOARD OF ARBITRATION, AFTER HEARING WITNESSES
20 AND CONSIDERING AND RECEIVING SUCH WRITTEN EVIDENCE AS MAY BE
21 SUBMITTED, SHALL, BY WRITTEN DECISION, ORDER THE IMPLEMENTATION, IN ITS
22 ENTIRETY, OF THE LAST PROPOSAL OF ONE OF THE RESPECTIVE PARTIES
23 PREVIOUSLY SUBMITTED IN ACCORDANCE WITH SUBPARAGRAPH (3) OF THIS
24 SECTION.

25 (7) THE DECISION OF THE MAJORITY OF THE BOARD OF
26 ARBITRATION SHALL BE FINAL AND BINDING ON THE MAYOR AND CITY COUNCIL
27 OF BALTIMORE AND ON THE CERTIFIED EMPLOYEE ORGANIZATIONS INVOLVED IN
28 THE PROCEEDINGS. NO APPEAL SHALL BE ALLOWED. THE DECISION SHALL
29 CONSTITUTE A MANDATE TO THE MAYOR OF BALTIMORE CITY IN RESPECT TO
30 MATTERS THAT CAN BE REMEDIED ADMINISTRATIVELY BY THE MAYOR, AND AS A
31 MANDATE TO THE BOARD OF ESTIMATES AND THE CITY COUNCIL WITH RESPECT TO
32 MATTERS THAT REQUIRE LEGISLATIVE ACTION TO IMPLEMENT THE DECISION OF
33 THE BOARD OF ARBITRATION. WITH RESPECT TO MATTERS THAT REQUIRE
34 LEGISLATIVE ACTION FOR IMPLEMENTATION, THE LEGISLATION SHALL BE
35 ENACTED WITHIN 45 DAYS FOLLOWING THE DATE OF THE ARBITRATION DECISION.
36 WITH RESPECT TO SALARIES AND WAGE SCALES, THE AMOUNTS DETERMINED BY
37 THE FINAL DECISION OF THE BOARD OF ARBITRATION SHALL BE INCLUDED IN THE
38 PROPOSED ORDINANCE OF ESTIMATES IN ACCORDANCE WITH SECTION 2(C)(1) OF
39 ARTICLE VI, SHALL NOT BE REDUCED BY THE CITY COUNCIL IN ACCORDANCE WITH
40 SECTION 2(G) OF ARTICLE VI, AND SHALL BE ADOPTED BY THE BOARD OF
41 ESTIMATES AS THE SALARY AND WAGE SCALES FOR EMPLOYEES OF THE POLICE
42 DEPARTMENT IN ACCORDANCE WITH SECTION 5 OF ARTICLE VI.

43 (8) THE COST OF THE ARBITRATION PROCEEDINGS UNDER THIS
44 SUBSECTION SHALL BE BORNE EQUALLY BY THE PARTIES INVOLVED.

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1 SECTION 2. AND BE IT FURTHER ENACTED, That all laws or parts of laws,
2 public general or public local, inconsistent with this Act, are repealed to the extent of the
3 inconsistency.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1996.