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By: **Senator Brinkley**  
Introduced and read first time: February 2, 2005  
Assigned to: Finance

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Committee Report: Favorable  
Senate action: Adopted  
Read second time: March 8, 2005

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CHAPTER\_\_\_\_\_

1 AN ACT concerning

2 **Frederick County - Collective Bargaining - Representatives for Deputy**  
3 **Sheriffs**

4 FOR the purpose of authorizing the representatives of certain full-time deputy  
5 sheriffs in the Frederick County Sheriff's Office to collectively bargain with the  
6 Sheriff of Frederick County concerning wages and benefits; authorizing certain  
7 deputy sheriffs to take certain actions or refrain from taking certain actions in  
8 connection with certain labor organizations and collective bargaining activities;  
9 requiring that any additional funding required as a result of a negotiated  
10 agreement be subject to the approval of the County Commissioners for Frederick  
11 County; providing for the procedures for certifying a labor organization as an  
12 exclusive representative and for collective bargaining negotiations; requiring a  
13 collective bargaining agreement to contain certain matters; and generally  
14 relating to collective bargaining with the Sheriff of Frederick County.

15 BY adding to  
16 Article - Courts and Judicial Proceedings  
17 Section 2-309(1)(5)  
18 Annotated Code of Maryland  
19 (2002 Replacement Volume and 2004 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 2-309.

3 (I) (5) (I) THIS PARAGRAPH APPLIES TO ALL FULL-TIME DEPUTY  
4 SHERIFFS IN THE FREDERICK COUNTY SHERIFF'S OFFICE AT THE RANK OF  
5 SERGEANT AND BELOW.

6 (II) 1. FULL-TIME DEPUTY SHERIFFS AT THE RANK OF  
7 SERGEANT AND BELOW MAY:

8 A. TAKE PART IN OR REFRAIN FROM TAKING PART IN  
9 FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR ORGANIZATION OR  
10 ITS LAWFUL ACTIVITIES;

11 B. SELECT A LABOR ORGANIZATION AS THEIR EXCLUSIVE  
12 REPRESENTATIVE;

13 C. ENGAGE IN COLLECTIVE BARGAINING WITH THE  
14 SHERIFF, OR THE SHERIFF'S DESIGNEE, CONCERNING WAGES AND BENEFITS, NOT  
15 REGULATED BY THE SHERIFF, THROUGH A LABOR ORGANIZATION CERTIFIED AS  
16 THEIR EXCLUSIVE REPRESENTATIVE;

17 D. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS  
18 SUBPARAGRAPH, ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, THROUGH  
19 THEIR EXCLUSIVE REPRESENTATIVE, COVERING THOSE WAGES AND BENEFITS NOT  
20 REGULATED BY THE SHERIFF; AND

21 E. DECERTIFY A LABOR ORGANIZATION AS THEIR  
22 EXCLUSIVE REPRESENTATIVE.

23 2. ANY ADDITIONAL FUNDING REQUIRED AS A RESULT OF A  
24 NEGOTIATED COLLECTIVE BARGAINING AGREEMENT SHALL BE SUBJECT TO  
25 APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY.

26 (III) 1. A LABOR ORGANIZATION SHALL BE DEEMED CERTIFIED  
27 AS AN EXCLUSIVE REPRESENTATIVE IF THE FOLLOWING CONDITIONS ARE MET:

28 A. A PETITION FOR THE LABOR ORGANIZATION TO BE  
29 RECOGNIZED BY THE SHERIFF IS SIGNED BY AT LEAST 51% OF THE DEPUTY  
30 SHERIFFS AT THE RANK OF SERGEANT AND BELOW INDICATING THEIR DESIRE TO BE  
31 EXCLUSIVELY REPRESENTED BY THE PETITIONER FOR THE PURPOSE OF  
32 COLLECTIVE BARGAINING; AND

33 B. THE PETITION IS SUBMITTED TO THE SHERIFF.

34 2. IF THE SHERIFF DOES NOT CHALLENGE THE VALIDITY OF  
35 THE PETITION WITHIN 10 CALENDAR DAYS FOLLOWING THE RECEIPT OF THE  
36 PETITION, THE LABOR ORGANIZATION SHALL BE DEEMED CERTIFIED AS THE  
37 EXCLUSIVE REPRESENTATIVE.

1                                   3.       IF THE SHERIFF CHALLENGES THE VALIDITY OF THE  
2 PETITION, THE AMERICAN ARBITRATION ASSOCIATION SHALL BE REQUESTED TO  
3 APPOINT A THIRD PARTY NEUTRAL TO CONDUCT AN ELECTION AND TO CERTIFY  
4 WHETHER THE LABOR ORGANIZATION HAS BEEN SELECTED AS THE EXCLUSIVE  
5 REPRESENTATIVE BY A MAJORITY OF THE VOTES CAST IN THE ELECTION.

6                                   4.       THE COSTS ASSOCIATED WITH THE AMERICAN  
7 ARBITRATION ASSOCIATION AND THE THIRD PARTY NEUTRAL SHALL BE SHARED  
8 EQUALLY BY THE PARTIES.

9                                   (IV)   1.       FOLLOWING CERTIFICATION OF AN EXCLUSIVE  
10 REPRESENTATIVE AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE  
11 PARTIES SHALL MEET AT REASONABLE TIMES AND ENGAGE IN COLLECTIVE  
12 BARGAINING IN GOOD FAITH.

13                                   2.       THE PARTIES SHALL MAKE EVERY REASONABLE EFFORT  
14 TO CONCLUDE NEGOTIATIONS IN A TIMELY MANNER TO ALLOW FOR INCLUSION BY  
15 THE OFFICE OF THE SHERIFF OF MATTERS AGREED UPON IN ITS BUDGET REQUEST  
16 TO THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY.

17                                   (V)    1.       A COLLECTIVE BARGAINING AGREEMENT SHALL CONTAIN  
18 ALL MATTERS OF AGREEMENT REACHED IN THE COLLECTIVE BARGAINING PROCESS.

19                                   2.       THE AGREEMENT MAY CONTAIN A GRIEVANCE  
20 PROCEDURE PROVIDING FOR NONBINDING ARBITRATION OF GRIEVANCES.

21                                   3.       AN AGREEMENT REACHED IN ACCORDANCE WITH THIS  
22 SUBPARAGRAPH SHALL BE IN WRITING AND SIGNED BY THE DESIGNATED  
23 REPRESENTATIVES OF THE PARTIES INVOLVED IN THE COLLECTIVE BARGAINING  
24 NEGOTIATIONS.

25                                   4.       A.       SUBJECT TO SUBSUBSUBPARAGRAPH B OF THIS  
26 SUBSUBPARAGRAPH, AN AGREEMENT IS NOT EFFECTIVE UNTIL IT IS RATIFIED BY A  
27 MAJORITY OF THE VOTES CAST BY THE DEPUTY SHERIFFS IN THE BARGAINING UNIT  
28 AND THE SHERIFF.

29                                   B.       ADDITIONAL FUNDING, IF ANY, REQUIRED AS A RESULT  
30 OF THE AGREEMENT SHALL BE SUBJECT TO THE APPROVAL OF THE BOARD OF  
31 COUNTY COMMISSIONERS.

32                                   (VI)   NOTHING IN THIS PARAGRAPH MAY BE CONSTRUED AS  
33 AUTHORIZING OR OTHERWISE ALLOWING A DEPUTY SHERIFF TO ENGAGE IN A  
34 STRIKE AS DEFINED IN § 3-303 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

35       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 July 1, 2005.