

## Chapter 253

(House Bill 1493)

AN ACT concerning

### **Allegany County – Deputy Sheriffs – Meals on Duty**

FOR the purpose of repealing a certain provision of law entitling an Allegany County deputy sheriff to free meals while on duty in addition to the deputy sheriff's salary; and generally relating to deputy sheriffs in Allegany County.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2–309(b)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2013 Supplement)

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

#### **Article – Courts and Judicial Proceedings**

2–309.

(b) (1) The Sheriff of Allegany County shall receive the salary set by the County Commissioners in accordance with Title 28, Subtitle 1 of the Local Government Article.

(2) The Sheriff shall appoint not less than five deputies at salaries of at least \$2,400 each who are under the county classified service; one of these deputies shall be assigned by the Sheriff to execute process, orders, and directions for the juvenile court, and to perform the other duties the Sheriff assigns.

(3) [A deputy sheriff is entitled to free meals while on duty in addition to the salary provided in this subsection.

(4)] If authorized by the County Commissioners, the Sheriff may employ a clerk–bookkeeper under the county classified service at a salary agreed upon by the Sheriff and the County Commissioners. The clerk–bookkeeper shall perform the duties assigned by the Sheriff, including the preparation of reports submitted by the Sheriff's Office to the grand jury or the County Commissioners.

[(5)] (4) If the Sheriff of Allegany County approves after considering personnel needs, the County Commissioners may authorize a deputy sheriff to perform

off-duty services for any person who agrees to pay a fee, including but not limited to, hourly rates for off-duty service, any necessary insurance to be determined by the Commissioners, including any fringe benefits and the reasonable rental cost of uniforms or other equipment used by any off-duty personnel.

**[(6)] (5)** The Sheriff, with the approval of the County Commissioners, may appoint a chief deputy sheriff who shall perform all legal functions of the Sheriff during any temporary absence, sickness, vacation, or vacancy of Office of the Sheriff. The Sheriff may appoint as chief deputy a person who has not served as a deputy sheriff. The chief deputy sheriff shall serve at the Sheriff's pleasure, and is not under the county classified service.

**[(7)] (6)** (i) This subsection does not apply to officers in the Sheriff's Office at a rank of lieutenant or above.

(ii) Deputies, officers, and civilian employees of the Sheriff's Office, including the Allegany County jail, have the right to organize and bargain collectively with the Sheriff concerning wages and benefits, hours, working conditions, discipline procedures, and job security issues through a labor organization selected by the majority of the deputies, officers, and civilian employees.

(iii) The Sheriff shall meet with the labor organization and engage in good faith negotiations to reach a written agreement on wages and benefits, hours, working conditions, discipline procedures, and job security issues.

(iv) If the labor organization and the Sheriff are unable to reach an agreement during the collective bargaining process, either the labor organization or the Sheriff may seek nonbinding mediation through the Federal Mediation and Conciliation Service by giving at least 15 days notice to the other party and to the Federal Mediation and Conciliation Service.

(v) 1. If the Sheriff and the labor organization are unable to agree to the interpretation or application of a written agreement entered under this subsection, the Sheriff or the labor organization may demand arbitration before a neutral labor arbitrator in accordance with this paragraph.

2. An arbitration initiated under this paragraph shall be conducted before a single arbitrator.

3. The arbitrator shall be selected to hear the dispute from a panel of seven arbitrators who are members of the National Academy of Arbitrators. The panel shall be requested from the Federal Mediation and Conciliation Service.

4. The parties shall select an arbitrator by alternative strikes from the panel.

5. The arbitrator selected may schedule a hearing, issue subpoenas to compel the testimony of witnesses and the production of documents, administer oaths, and declare the record closed.

6. The written decision of the arbitrator shall be:

A. Final and binding on the Sheriff, employee, and the labor organization to the extent the decision addresses wages and benefits; and

B. Nonbinding to the extent the decision addresses hours, working conditions, discipline procedures, and job security issues.

7. The Sheriff and labor organization shall share equally in the costs of the arbitration proceeding.

(vi) This subsection may not be construed to authorize an employee of the Sheriff's Office or of the Allegany County jail to engage in a strike.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**