

HOUSE BILL 1493

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4r3321
CF SB 1074

By: Allegany County Delegation

Introduced and read first time: February 24, 2014

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 7, 2014

Committee Report: Favorable

House action: Adopted

Read second time: March 12, 2014

CHAPTER _____

1 AN ACT concerning

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

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

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 2–309(b)
9 Annotated Code of Maryland
10 (2013 Replacement Volume and 2013 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 2–309.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

12 [[5)] (4) If the Sheriff of Allegany County approves after considering
13 personnel needs, the County Commissioners may authorize a deputy sheriff to perform
14 off–duty services for any person who agrees to pay a fee, including but not limited to,
15 hourly rates for off–duty service, any necessary insurance to be determined by the
16 Commissioners, including any fringe benefits and the reasonable rental cost of
17 uniforms or other equipment used by any off–duty personnel.

18 [[6)] (5) The Sheriff, with the approval of the County Commissioners,
19 may appoint a chief deputy sheriff who shall perform all legal functions of the Sheriff
20 during any temporary absence, sickness, vacation, or vacancy of Office of the Sheriff.
21 The Sheriff may appoint as chief deputy a person who has not served as a deputy
22 sheriff. The chief deputy sheriff shall serve at the Sheriff’s pleasure, and is not under
23 the county classified service.

24 [[7)] (6) (i) This subsection does not apply to officers in the
25 Sheriff’s Office at a rank of lieutenant or above.

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

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

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

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

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

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

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

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

16 6. The written decision of the arbitrator shall be:

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

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

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

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

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