

# HOUSE BILL 1493

D2

4r3321  
CF SB 1074

---

By: **Allegany County Delegation**

Introduced and read first time: February 24, 2014

Assigned to: Rules and Executive Nominations

---

## A BILL ENTITLED

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.

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

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

6           [(5)] (4) If the Sheriff of Allegany County approves after considering  
7 personnel needs, the County Commissioners may authorize a deputy sheriff to perform  
8 off–duty services for any person who agrees to pay a fee, including but not limited to,  
9 hourly rates for off–duty service, any necessary insurance to be determined by the  
10 Commissioners, including any fringe benefits and the reasonable rental cost of  
11 uniforms or other equipment used by any off–duty personnel.

12           [(6)] (5) The Sheriff, with the approval of the County Commissioners,  
13 may appoint a chief deputy sheriff who shall perform all legal functions of the Sheriff  
14 during any temporary absence, sickness, vacation, or vacancy of Office of the Sheriff.  
15 The Sheriff may appoint as chief deputy a person who has not served as a deputy  
16 sheriff. The chief deputy sheriff shall serve at the Sheriff’s pleasure, and is not under  
17 the county classified service.

18           [(7)] (6) (i) This subsection does not apply to officers in the  
19 Sheriff’s Office at a rank of lieutenant or above.

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

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

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

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

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

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

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

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

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

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

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

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

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

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