

SENATE BILL 1059

D3

6lr3537

By: **Senator Conway**

Introduced and read first time: February 18, 2016

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 25, 2016

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 3, 2016

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Office of the Baltimore City Sheriff – Positions and Grievance**
3 **Procedures**

4 FOR the purpose of ~~altering the number of certain positions to which the Baltimore City~~
5 ~~Sheriff is required to appoint employees; altering the number of certain positions to~~
6 ~~which the Baltimore City Sheriff may appoint employees; requiring the Baltimore~~
7 ~~City Sheriff to appoint a certain information technology specialist and a certain chief~~
8 ~~financial officer; authorizing the Baltimore City Sheriff to appoint certain additional~~
9 ~~personnel under certain circumstances; increasing a certain annual expense~~
10 ~~allowance for certain deputy sheriffs; providing that, for the purposes of certain~~
11 ~~grievances concerning deputy sheriffs, the Baltimore City Sheriff shall be deemed~~
12 ~~the appointing authority; requiring the Baltimore City Sheriff to establish certain~~
13 ~~grievance procedures for certain matters and to submit the procedures to the Office~~
14 ~~of the Attorney General; requiring the Office of the Attorney General to review~~
15 ~~certain procedures for legal sufficiency; prohibiting the Baltimore City Sheriff from~~
16 ~~implementing or modifying certain procedures except under certain circumstances;~~
17 ~~providing that certain provisions of law concerning certain grievance procedures in~~
18 ~~the State personnel management system do not apply to a deputy sheriff of Baltimore~~
19 ~~City; requiring the Baltimore City Sheriff, in consultation with the Baltimore Police~~
20 ~~Department and the Baltimore City Administration, to study and report to the~~
21 ~~General Assembly on certain matters on or before a certain date; and generally~~
22 ~~relating to the Office of the Baltimore City Sheriff.~~

23 BY repealing and reenacting, without amendments,

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 Article – Courts and Judicial Proceedings
 2 Section 2–309(a) and (a–1)
 3 Annotated Code of Maryland
 4 (2013 Replacement Volume and 2015 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Courts and Judicial Proceedings
 7 Section 2–309(d)
 8 Annotated Code of Maryland
 9 (2013 Replacement Volume and 2015 Supplement)

10 ~~BY repealing and reenacting, with amendments,~~
 11 ~~Article – State Personnel and Pensions~~
 12 ~~Section 12–102~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(2015 Replacement Volume)~~

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

17 **Article – Courts and Judicial Proceedings**

18 2–309.

19 (a) The sheriff of a county and his deputies shall receive the annual salaries
 20 provided by this section for performing the duties required of them by the Constitution and
 21 the laws of this State. They shall be reimbursed for expenses as provided by law.

22 (a–1) The government of each county shall furnish an office for the sheriff and pay
 23 the necessary expenses for telephones, stationery and for other purposes, and unless
 24 otherwise provided by law, shall provide for the necessary traveling expenses of the sheriff
 25 for conveying prisoners to any penal institution in the State and other necessary traveling
 26 expenses.

27 (d) (1) (i) In Baltimore City, the Sheriff shall receive an expense allowance
 28 of \$750 two times per year and a salary of:

- 29 1. \$79,300 in calendar year 2007;
- 30 2. \$84,600 in calendar year 2008;
- 31 3. \$89,900 in calendar year 2009;
- 32 4. \$95,200 in calendar year 2010; and

1 5. In calendar year 2011 and thereafter, no less than the
2 salary of a Command Staff 2 in the Baltimore City Police Department at the midpoint in
3 the pay scale.

4 (ii) The Sheriff:

5 1. Shall appoint an undersheriff or chief deputy sheriff, ~~{one}~~
6 ~~THREE~~ assistant ~~{sheriff}~~ SHERIFFS, three deputy sheriff majors, ~~{three}~~ ~~FOUR~~ deputy
7 sheriff captains, ~~{six}~~ ~~EIGHT~~ deputy sheriff lieutenants, one secretary sheriff, and one fiscal
8 clerk sheriff; and

9 2. May appoint up to a maximum of:

10 A. ~~{9}~~ ~~12~~ deputy sheriff sergeants;

11 B. ~~{103}~~ ~~121~~ deputy sheriffs;

12 C. ~~{2}~~ ~~3~~ domestic violence clerks; and

13 D. ~~{2}~~ ~~3~~ domestic violence advocates.

14 (iii) 1. Except for deputy sheriffs, deputy sheriff sergeants, and
15 deputy sheriff lieutenants, salaries for these employees shall be set by the Secretary of
16 Budget and Management.

17 2. Salaries for deputy sheriffs shall be set at a rate not less
18 than the salary equivalent to grade 14 of the State pay scale.

19 3. Salaries for deputy sheriff sergeants shall be set at a rate
20 not less than the salary equivalent to grade 16 of the State pay scale.

21 4. Salaries for deputy sheriff lieutenants shall be set at a rate
22 not less than the salary equivalent to grade 18 of the State pay scale.

23 (iv) ~~THE SHERIFF SHALL APPOINT:~~

24 ~~1. AN INFORMATION TECHNOLOGY SPECIALIST AT THE~~
25 ~~RANK OF CAPTAIN, WHO SHALL ASSESS AND MANAGE THE TECHNOLOGY NEEDS OF~~
26 ~~THE SHERIFF'S OFFICE; AND~~

27 ~~2. A CHIEF FINANCIAL OFFICER AT THE RANK OF~~
28 ~~MAJOR, WHO SHALL MANAGE THE BUDGET OF THE SHERIFF'S OFFICE, GRANTS, AND~~
29 ~~THE REVENUE COLLECTED BY THE SHERIFF'S OFFICE IF, AT THE TIME OF~~
30 ~~APPOINTMENT, FUNDING EXISTS IN THE SHERIFF'S EXISTING BUDGET RESOURCES,~~
31 ~~THROUGH GRANT FUNDING OR AS PROVIDED BY THE CITY OF BALTIMORE IN THE~~

ORDINANCE OF ESTIMATES OR A SUPPLEMENTAL BUDGET ORDINANCE, THE SHERIFF MAY APPOINT THE FOLLOWING ADDITIONAL PERSONNEL:

- 1. 2 ASSISTANT SHERIFFS;**
- 2. 1 DEPUTY SHERIFF MAJOR;**
- 3. 2 DEPUTY SHERIFF CAPTAINS;**
- 4. 2 DEPUTY SHERIFF LIEUTENANTS;**
- 5. 3 DEPUTY SHERIFF SERGEANTS;**
- 6. 18 DEPUTY SHERIFFS;**
- 7. 1 DOMESTIC VIOLENCE CLERK; AND**
- 8. 1 DOMESTIC VIOLENCE ADVOCATE.**

(V) In addition to any other compensation received, each deputy sheriff shall receive an expense allowance of ~~[\$400]~~ **\$500** annually for:

1. Ammunition for practice sessions at the range;
2. Clothing allowance to defray the cost of dry cleaning and maintaining the clothing worn while on duty; and
3. The purchase and maintenance of other items necessary to fulfill duties that currently are not furnished by the Baltimore City Sheriff's Department.

[(v)] (VI) A deputy sheriff who uses a personal automobile is entitled to a monthly automobile allowance at the same rate paid to other State employees. Any Sheriff who is assigned a city-owned automobile may not receive the monthly automobile expense allowance.

[(vi)] (VII) The Sheriff's Office shall also have assistants at the compensation provided for in the annual ordinance of estimates of Baltimore City. Provisions shall also be made in the ordinance for the expenses of the Office of the Sheriff, including the purchase and maintenance of motor vehicles.

[(vii)] (VIII) The Mayor and City Council of Baltimore have the same power with respect to the salaries of the Office of the Sheriff as they have under the city charter with respect to the salaries of all municipal departments.

[(viii)] (IX) Employees of the Sheriff's Office, except the Sheriff, shall be selected according to the provisions of the State Personnel and Pensions Article.

1 (2) The Mayor and City Council shall pay monthly to the Sheriff of
2 Baltimore City one twelfth of the amount provided in the ordinance of estimates for the
3 expenses of the Sheriff's Office. Within 30 days after June 30th in each and every year the
4 Sheriff of Baltimore City shall pay to the Mayor and City Council of Baltimore any of the
5 unexpended expense funds advanced during the preceding year and render a detailed
6 account to the Mayor and City Council of Baltimore of all expense funds received and
7 expended by him. The Mayor and City Council of Baltimore shall reimburse the State of
8 Maryland for the administrative costs incurred because the employees of the Sheriff's Office
9 of Baltimore City are in the State Personnel Management System.

10 (3) During the course of his employment, any deputy sheriff of Baltimore
11 City may ride in Baltimore City on public transportation of the Maryland Transit
12 Administration without paying any fare if he shows proper identification regarding his
13 position as a deputy sheriff.

14 ~~(4) (i) FOR THE PURPOSES OF GRIEVANCES CONCERNING DEPUTY~~
15 ~~SHERIFFS OF BALTIMORE CITY, THE SHERIFF SHALL:~~

16 ~~1. BE DEEMED THE APPOINTING AUTHORITY OF THE~~
17 ~~DEPUTY SHERIFFS; AND~~

18 ~~2. ESTABLISH INTERNAL GRIEVANCE PROCEDURES FOR~~
19 ~~NONDISCIPLINARY MATTERS CONCERNING THE DEPUTY SHERIFFS.~~

20 ~~(ii) BEFORE IMPLEMENTING A GRIEVANCE PROCEDURE~~
21 ~~ESTABLISHED IN ACCORDANCE WITH SUBPARAGRAPH (i) OF THIS PARAGRAPH, THE~~
22 ~~SHERIFF SHALL SUBMIT THE GRIEVANCE PROCEDURE TO THE OFFICE OF THE~~
23 ~~ATTORNEY GENERAL.~~

24 ~~(iii) THE OFFICE OF THE ATTORNEY GENERAL SHALL REVIEW~~
25 ~~THE PROCEDURES SUBMITTED UNDER SUBPARAGRAPH (ii) OF THIS PARAGRAPH~~
26 ~~FOR LEGAL SUFFICIENCY.~~

27 ~~(iv) THE SHERIFF MAY NOT IMPLEMENT OR MODIFY A~~
28 ~~GRIEVANCE PROCEDURE ESTABLISHED IN ACCORDANCE WITH SUBPARAGRAPH (i)~~
29 ~~OF THIS PARAGRAPH UNLESS, AFTER CONDUCTING THE REVIEW REQUIRED UNDER~~
30 ~~SUBPARAGRAPH (iii) OF THIS PARAGRAPH, THE OFFICE OF THE ATTORNEY~~
31 ~~GENERAL HAS FOUND THE PROCEDURE TO BE LEGALLY SUFFICIENT.~~

32 ~~Article State Personnel and Pensions~~

33 ~~12-102.~~

1 ~~(a) Except as otherwise provided by law, this title applies to all employees in the~~
 2 ~~State Personnel Management System within the Executive Branch.~~

3 ~~(b) This title does not apply to:~~

4 ~~(1) an employee who is appointed by the Governor whose appointment~~
 5 ~~requires the Governor's approval;~~

6 ~~(2) an employee in the executive service of the State Personnel~~
 7 ~~Management System;~~

8 ~~(3) a temporary employee;~~

9 ~~(4) an attorney in the Office of the Attorney General or the Office of the~~
 10 ~~Public Defender;~~

11 ~~(5) a State Police officer;~~

12 ~~(6) an employee who is subject to a collective bargaining agreement that~~
 13 ~~contains another grievance procedure;~~

14 ~~(7) an employee, including a member of a faculty, who is subject to a~~
 15 ~~contract or regulation governing teacher tenure;~~

16 ~~(8) a member of the faculty, an officer, or an administrative employee of~~
 17 ~~Baltimore City Community College;~~

18 ~~(9) a student employee;~~

19 ~~(10) an individual who, as an inmate or patient in an institution, is~~
 20 ~~employed by the State; [or]~~

21 ~~(11) an administrative law judge in the Office of Administrative Hearings;~~

22 ~~OR~~

23 ~~(12) A DEPUTY SHERIFF OF BALTIMORE CITY.~~

24 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31,
 25 2016, the Baltimore City Sheriff's Office, in cooperation with the Baltimore Police
 26 Department and the Baltimore City Administration, shall:

27 (1) study:

28 (i) the logistics of transferring a portion of or all warrant service
 29 duties from the Baltimore Police Department to the Sheriff's Office; and

1 (ii) best practices employed by other jurisdictions throughout the
2 nation in the service of warrants; and

3 (2) report to the members of the Baltimore City delegation to the General
4 Assembly, in accordance with § 2-1246 of the State Government Article, on its findings and
5 recommendations.

6 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.