

Chapter 712

(Senate Bill 1128)

AN ACT concerning

Frederick County Sheriff – Collective Bargaining

FOR the purpose of providing that the County Executive of Frederick County may not be a party to certain collective bargaining agreements but may attend and participate in all collective bargaining sessions of certain deputy sheriffs and correctional officers of the Frederick County Sheriff’s Office; and generally relating to collective bargaining rights of deputy sheriffs and correctional officers of the Frederick County Sheriff’s Office.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(l)(5) and (6)
Annotated Code of Maryland
(2013 Replacement Volume and 2015 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.

(l) (5) (i) This paragraph applies to all full–time deputy sheriffs in the Frederick County Sheriff’s Office at the rank of sergeant and below.

(ii) 1. Full–time deputy sheriffs at the rank of sergeant and below may:

A. Take part in or refrain from taking part in forming, joining, supporting, or participating in a labor organization or its lawful activities;

B. Select a labor organization as their exclusive representative;

C. Engage in collective bargaining with the Sheriff, or the Sheriff’s designee, concerning wages and benefits, not regulated by the Sheriff, through a labor organization certified as their exclusive representative;

D. Subject to subsubparagraph 2 of this subparagraph, enter into a collective bargaining agreement, through their exclusive representative, covering those wages and benefits not regulated by the Sheriff; and

E. Decertify a labor organization as their exclusive representative.

2. Any additional funding required as a result of a negotiated collective bargaining agreement shall be subject to approval by the governing body of Frederick County.

3. THE COUNTY EXECUTIVE, OR THE COUNTY EXECUTIVE'S DESIGNEE:

A. MAY NOT BE A PARTY TO A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO UNDER THIS SUBPARAGRAPH; BUT

B. MAY ATTEND AND PARTICIPATE IN ALL COLLECTIVE BARGAINING SESSIONS OF THE PARTIES.

(iii) 1. A labor organization shall be deemed certified as an exclusive representative if the following conditions are met:

A. A petition for the labor organization to be recognized by the Sheriff is signed by at least 51% of the deputy sheriffs at the rank of sergeant and below indicating their desire to be exclusively represented by the petitioner for the purpose of collective bargaining; and

B. The petition is submitted to the Sheriff.

2. If the Sheriff does not challenge the validity of the petition within 10 calendar days following the receipt of the petition, the labor organization shall be deemed certified as the exclusive representative.

3. If the Sheriff challenges the validity of the petition, the American Arbitration Association shall be requested to appoint a third party neutral to conduct an election and to certify whether the labor organization has been selected as the exclusive representative by a majority of the votes cast in the election.

4. The costs associated with the American Arbitration Association and the third party neutral shall be shared equally by the parties.

(iv) 1. Following certification of an exclusive representative as provided in subparagraph (iii) of this paragraph, the parties shall meet at reasonable times and engage in collective bargaining in good faith.

2. The parties shall make every reasonable effort to conclude negotiations in a timely manner to allow for inclusion by the Office of the Sheriff of matters agreed upon in its budget request.

(v) 1. A collective bargaining agreement shall contain all matters of agreement reached in the collective bargaining process.

2. The agreement may contain a grievance procedure providing for nonbinding arbitration of grievances.

3. An agreement reached in accordance with this subparagraph shall be in writing and signed by the designated representatives of the parties involved in the collective bargaining negotiations.

4. A. Subject to subsubsubparagraph B of this subsubparagraph, an agreement is not effective until it is ratified by a majority of the votes cast by the deputy sheriffs in the bargaining unit and the Sheriff.

B. Additional funding, if any, required as a result of the agreement shall be subject to the approval of the governing body of Frederick County.

(vi) Nothing in this paragraph may be construed as authorizing or otherwise allowing a deputy sheriff to engage in a strike as defined in § 3–303 of the State Personnel and Pensions Article.

(6) (i) This paragraph applies to all full–time correctional officers in the Frederick County Sheriff’s Office at the rank of sergeant and below.

(ii) 1. Full–time correctional officers at the rank of sergeant and below may:

A. Take part in or refrain from taking part in forming, joining, supporting, or participating in a labor organization or its lawful activities;

B. Select a labor organization as their exclusive representative;

C. Engage in collective bargaining with the Sheriff, or the Sheriff’s designee, concerning wages and benefits, not regulated by the Sheriff, through a labor organization certified as their exclusive representative;

D. Subject to subsubparagraph 2 of this subparagraph, enter into a collective bargaining agreement, through their exclusive representative, covering those wages and benefits not regulated by the Sheriff; and

E. Decertify a labor organization as their exclusive representative.

2. Any additional funding required as a result of a negotiated collective bargaining agreement shall be subject to approval by the governing body of Frederick County.

3. THE COUNTY EXECUTIVE, OR THE COUNTY EXECUTIVE'S DESIGNEE:

A. MAY NOT BE A PARTY TO A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO UNDER THIS SUBPARAGRAPH; BUT

B. MAY ATTEND AND PARTICIPATE IN ALL COLLECTIVE BARGAINING SESSIONS OF THE PARTIES.

(iii) 1. A labor organization shall be deemed certified as an exclusive representative if the following conditions are met:

A. A petition for the labor organization to be recognized by the Sheriff is signed by at least 51% of the correctional officers at the rank of sergeant and below indicating their desire to be exclusively represented by the petitioner for the purpose of collective bargaining; and

B. The petition is submitted to the Sheriff.

2. If the Sheriff does not challenge the validity of the petition within 10 calendar days following the receipt of the petition, the labor organization shall be deemed certified as the exclusive representative.

3. If the Sheriff challenges the validity of the petition, the American Arbitration Association shall be requested to appoint a third party neutral to conduct an election and to certify whether the labor organization has been selected as the exclusive representative by a majority of the votes cast in the election.

4. The costs associated with the American Arbitration Association and the third party neutral shall be shared equally by the parties.

(iv) 1. Following certification of an exclusive representative as provided in subparagraph (iii) of this paragraph, the parties shall meet at reasonable times and engage in collective bargaining in good faith.

2. The parties shall make every reasonable effort to conclude negotiations in a timely manner to allow for inclusion by the Office of the Sheriff of matters agreed on in its budget request to the governing body of Frederick County.

(v) 1. A collective bargaining agreement shall contain all matters of agreement reached in the collective bargaining process.

2. The agreement may contain a grievance procedure providing for nonbinding arbitration of grievances.

3. An agreement reached in accordance with this subparagraph shall be in writing and signed by the designated representatives of the parties involved in the collective bargaining negotiations.

4. A. Subject to subsubsubparagraph B of this subsubparagraph, an agreement is not effective until it is ratified by a majority of the votes cast by the correctional officers in the bargaining unit and the Sheriff.

B. Additional funding, if any, required as a result of the agreement shall be subject to the approval of the governing body of Frederick County.

(vi) Nothing in this paragraph may be construed as authorizing or otherwise allowing a correctional officer to engage in a strike as defined in § 3–303 of the State Personnel and Pensions Article.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.