
By: Delegate Malone

Introduced and read first time: February 7, 1997

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 Collective Bargaining and Binding Arbitration for Fire and Rescue Personnel

3 FOR the purpose of authorizing collective bargaining for certain fire, emergency medical
4 services, paramedic, and rescue personnel, and paramedics who are employed by a
5 governmental unit; providing for arbitration in certain situations; establishing
6 requirements for formation of boards of arbitration; requiring compliance with
7 decisions of boards of arbitration; authorizing certain special elections by voters in
8 a county or municipal corporation to decide certain offers of employment contracts;
9 defining certain terms; repealing certain provisions that will be made obsolete by
10 this Act; and generally relating to collective bargaining for certain fire, emergency
11 medical services, paramedic, and rescue personnel.

12 BY repealing

13 Article - Labor and Employment
14 Section 4-501 through 4-505, inclusive, and the subtitle "Subtitle 5. Employment
15 Rights for Public Safety Officers"
16 Annotated Code of Maryland
17 (1991 Volume and 1996 Supplement)

18 BY adding to

19 Article - Labor and Employment
20 Section 4-501 through 4-510, inclusive, to be under the new subtitle "Subtitle 5.
21 Collective Bargaining and Binding Arbitration for Fire and Rescue Personnel"
22 Annotated Code of Maryland
23 (1991 Volume and 1996 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That Section(s) 4-501 through 4-505, inclusive, and the subtitle "Subtitle
26 5. Employment Rights for Public Safety Officers" of Article - Labor and Employment of
27 the Annotated Code of Maryland be repealed.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
29 read as follows:

2

1 **Article - Labor and Employment**

2 SUBTITLE 5. COLLECTIVE BARGAINING AND BINDING ARBITRATION FOR FIRE AND
3 RESCUE PERSONNEL.

4 4-501.

5 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (B) "BARGAINING AGENT" MEANS A REPRESENTATIVE DESIGNATED
8 THROUGH AN ELECTION OF ELIGIBLE EMPLOYEES TO REPRESENT AND BARGAIN
9 FOR THOSE EMPLOYEES RELATING TO ANY TERMS OR CONDITIONS OF
10 EMPLOYMENT.

11 (C) "EMPLOYEE" MEANS A FIRE, EMERGENCY MEDICAL SERVICES,
12 PARAMEDIC, OR RESCUE EMPLOYEE HIRED OR COMPENSATED BY THE EMPLOYER.

13 (D) "EMPLOYER" MEANS A GOVERNMENTAL UNIT.

14 4-502.

15 THIS SUBTITLE DOES NOT APPLY IN A COUNTY OR MUNICIPAL CORPORATION
16 THAT, AS OF OCTOBER 1, 1996, HAS A BINDING ARBITRATION LAW, UNLESS THE
17 COUNTY OR MUNICIPAL CORPORATION AND ITS EMPLOYEES AGREE THAT THIS
18 SUBTITLE SHALL APPLY.

19 4-503.

20 EMPLOYEES MAY:

21 (1) BARGAIN COLLECTIVELY WITH THEIR EMPLOYER AND BE
22 REPRESENTED BY A BARGAINING AGENT IN THE COLLECTIVE BARGAINING WITH
23 RESPECT TO WAGES, SALARIES, HOURS, RATES OF PAY, RETIREMENT, PENSIONS,
24 BENEFITS, GRIEVANCES, WORKING CONDITIONS, AND ANY OTHER TERM OR
25 CONDITION OF EMPLOYMENT; AND

26 (2) SETTLE DISPUTES OR GRIEVANCES IN ACCORDANCE WITH THIS
27 SUBTITLE.

28 4-504.

29 EMPLOYEES AND THEIR EMPLOYER SHALL MAKE EVERY REASONABLE
30 EFFORT TO SETTLE DISPUTES BY ENGAGING IN COLLECTIVE BARGAINING IN GOOD
31 FAITH AND ENTERING INTO WRITTEN AGREEMENTS FOR SETTLEMENT OF DISPUTES
32 OR GRIEVANCES.

33 4-505.

34 (A) A BARGAINING AGENT OR EMPLOYER MAY REQUEST A MEETING FOR
35 COLLECTIVE BARGAINING PURPOSES BY PROVIDING WRITTEN NOTICE OF THE
36 REQUEST TO THE OTHER PARTY.

37 (B) WITHIN 10 DAYS AFTER RECEIPT OF WRITTEN NOTICE GIVEN UNDER
38 SUBSECTION (A) OF THIS SECTION, A MEETING FOR THE PURPOSE OF GOOD FAITH

3

1 COLLECTIVE BARGAINING BETWEEN THE BARGAINING AGENT AND THE EMPLOYER
2 SHALL BE SCHEDULED AT A REASONABLE TIME.

3 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY
4 COLLECTIVE BARGAINING AGREEMENT THAT RESULTS FROM NEGOTIATIONS
5 BETWEEN THE BARGAINING AGENT AND THE EMPLOYER SHALL BE IN WRITING
6 AND IN EFFECT FOR ONLY 1 YEAR.

7 (2) UNLESS A REQUEST FOR COLLECTIVE BARGAINING IS MADE BY THE
8 BARGAINING AGENT OR THE EMPLOYER AT LEAST 30 DAYS BEFORE THE
9 ANNIVERSARY DATE OF AN EXISTING COLLECTIVE BARGAINING OR OTHER
10 EMPLOYMENT AGREEMENT, THE AGREEMENT SHALL BE AUTOMATICALLY
11 EXTENDED FROM YEAR TO YEAR FOR 1 YEAR TERMS.

12 4-506.

13 IF THE BARGAINING AGENT AND THE EMPLOYER ARE UNABLE TO REACH AN
14 AGREEMENT AS TO THE TERMS AND CONDITIONS OF EMPLOYMENT WITHIN 30 DAYS
15 AFTER THE DATE OF THE FIRST MEETING FOR COLLECTIVE BARGAINING PURPOSES
16 UNDER § 4-505 OF THIS SUBTITLE, THE BARGAINING AGENT OR THE EMPLOYER
17 MAY:

18 (1) REQUEST THE APPOINTMENT OF A BOARD OF ARBITRATION UNDER
19 THIS SUBTITLE BY PROVIDING WRITTEN NOTICE TO THE OTHER PARTY; AND

20 (2) SUBMIT ANY UNRESOLVED ISSUES TO THE BOARD.

21 4-507.

22 (A) A BOARD OF ARBITRATION SHALL CONSIST OF THREE MEMBERS.

23 (B) THE MEMBERSHIP OF A BOARD SHALL BE AS FOLLOWS:

24 (1) ONE SHALL BE APPOINTED BY THE EMPLOYER;

25 (2) ONE SHALL BE APPOINTED BY THE BARGAINING AGENT; AND

26 (3) ONE SHALL BE APPOINTED BY AGREEMENT BY BOTH THE
27 EMPLOYER AND THE BARGAINING AGENT.

28 (C) THE TWO MEMBERS APPOINTED BY THE EMPLOYER AND THE
29 BARGAINING AGENT, RESPECTIVELY, SHALL BE NAMED WITHIN 5 DAYS AFTER THE
30 DAY ON WHICH THE WRITTEN NOTICE IS GIVEN UNDER § 4-506 OF THIS SUBTITLE.

31 (D) THE MEMBER WHO IS TO BE APPOINTED BY AGREEMENT OF THE
32 EMPLOYER AND BARGAINING AGENT SHALL BE NAMED WITHIN 10 DAYS AFTER THE
33 DAY ON WHICH THE OTHER TWO MEMBERS ARE APPOINTED.

34 (E) IF THE THIRD MEMBER IS NOT NAMED WITHIN THE PERIOD REQUIRED
35 UNDER SUBSECTION (D) OF THIS SECTION, EITHER OF THE OTHER TWO MEMBERS
36 MAY REQUEST THE AMERICAN ARBITRATION ASSOCIATION FOR A LIST OF THE
37 NAMES OF THREE MEMBERS OF THAT ASSOCIATION.

1 (F) (1) WITHIN 5 DAYS AFTER RECEIVING A LIST FROM THE AMERICAN
2 ARBITRATION ASSOCIATION, THE MEMBER APPOINTED BY THE EMPLOYER SHALL
3 ELIMINATE ONE NAME FROM THE LIST AND THEN, WITHIN 5 DAYS AFTER THE FIRST
4 NAME IS ELIMINATED, THE MEMBER APPOINTED BY THE BARGAINING AGENT
5 SHALL ELIMINATE ONE NAME FROM THE LIST.

6 (2) THE INDIVIDUAL WHOSE NAME REMAINS ON THE LIST UNDER
7 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE THE THIRD MEMBER OF THE BOARD
8 AND SHALL ACT AS CHAIRMAN.

9 4-508.

10 (A) THE CHAIRMAN OF A BOARD OF ARBITRATION SHALL:

11 (1) SCHEDULE AND CONDUCT A HEARING IN ACCORDANCE WITH §
12 4-509 OF THIS SUBTITLE WITHIN 10 DAYS AFTER THE THIRD MEMBER IS SELECTED;
13 AND

14 (2) AT LEAST 7 DAYS BEFORE CONDUCTING A HEARING, PROVIDE
15 WRITTEN NOTICE OF THE TIME, DATE, AND LOCATION OF A HEARING TO THE
16 MEMBERS OF THE BOARD, THE BARGAINING AGENT, AND THE EMPLOYER.

17 (B) AT LEAST 7 DAYS BEFORE THE DATE OF THE HEARING, THE BARGAINING
18 AGENT AND THE EMPLOYER SHALL SUBMIT A WRITTEN ARBITRATION STATEMENT
19 TO EACH OTHER AND THE BOARD MEMBERS THAT CONTAINS:

20 (1) A LIST OF ALL CONTRACT OR OTHER AGREEMENT TERMS THAT THE
21 PARTIES HAVE RESOLVED;

22 (2) A LIST OF ALL CONTRACT OR OTHER AGREEMENT ISSUES THAT ARE
23 UNRESOLVED; AND

24 (3) THE FINAL TERMS AND OFFERS ON EACH UNRESOLVED ISSUE THAT
25 CONSTITUTE THE LAST BEST OFFER OF EACH PARTY.

26 (C) (1) WITHIN 7 DAYS AFTER THE CONCLUSION OF THE HEARING AND
27 SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MAJORITY OF THE BOARD
28 MEMBERS SHALL SELECT ONE OF THE TWO LAST BEST OFFERS AS THE CONTRACT
29 OR AGREEMENT BETWEEN THE EMPLOYEES AND THE EMPLOYER.

30 (2) THE BOARD MAY NOT MODIFY, ADD, OR DELETE PROVISIONS FROM
31 THE LAST BEST OFFER OF EITHER PARTY.

32 (D) WRITTEN NOTICE OF THE SELECTION OF THE BOARD UNDER THIS
33 SECTION SHALL BE MAILED OR DELIVERED TO THE BARGAINING AGENT AND THE
34 EMPLOYER.

35 (E) EXCEPT AS PROVIDED UNDER § 4-510 OF THIS SUBTITLE, ANY
36 AGREEMENT SELECTED BY THE BOARD UNDER THIS SECTION SHALL BE EFFECTIVE
37 ON THE FIRST DAY FOLLOWING THE EXPIRATION OF THE CURRENT AGREEMENT
38 FOR THAT YEAR.

5

1 4-509.

2 (A) A BOARD HEARING CONDUCTED UNDER THIS SUBTITLE SHALL BE
3 CONDUCTED ON AN INFORMAL BASIS AND MAY NOT REQUIRE THE OBSERVANCE OF
4 THE RULES OF EVIDENCE FOLLOWED IN JUDICIAL OR ADMINISTRATIVE
5 PROCEEDINGS IN THE STATE.

6 (B) FOR THE PURPOSES OF CONDUCTING A HEARING UNDER THIS SUBTITLE,
7 A MAJORITY OF THE BOARD MAY:

8 (1) ADMINISTER OATHS TO WITNESSES THAT TESTIFY BEFORE THE
9 BOARD;

10 (2) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES
11 AND THE PRODUCTION OF DOCUMENTS, BOOKS, RECORDS, OR OTHER
12 INFORMATION THAT THE BOARD DETERMINES TO BE RELEVANT TO THE ISSUES
13 BEING CONSIDERED IN THE HEARING; AND

14 (3) RECEIVE INTO EVIDENCE ANY INFORMATION THAT THE BOARD
15 DETERMINES TO BE RELEVANT TO THE ISSUES BEING CONSIDERED IN THE
16 HEARING.

17 (C) A BOARD HEARING CONDUCTED UNDER THIS SUBTITLE SHALL BE
18 CONCLUDED WITHIN 20 DAYS OF THE COMMENCEMENT DATE OF THE HEARING.

19 4-510.

20 (A) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, IF THE LAST BEST
21 OFFER OF AN EMPLOYER THAT IS A COUNTY OR MUNICIPAL CORPORATION IS NOT
22 SELECTED BY THE BOARD UNDER § 4-508 OF THIS SUBTITLE, THE EMPLOYER MAY
23 SUBMIT THE LAST BEST OFFERS OF THE BARGAINING AGENT AND THE EMPLOYER
24 TO THE VOTERS OF THE COUNTY OR MUNICIPAL CORPORATION THAT GOVERN THE
25 EMPLOYER FOR A SPECIAL ELECTION TO SELECT ONE OF THE LAST BEST OFFERS.

26 (B) (1) IN ORDER TO REQUEST A SPECIAL ELECTION, AN EMPLOYER SHALL
27 FILE A WRITTEN REQUEST WITH THE CLERK OF THE COUNTY OR MUNICIPAL
28 CORPORATION WITHIN 10 DAYS OF THE WRITTEN DECISION OF THE BOARD.

29 (2) ON RECEIPT OF A REQUEST FOR A SPECIAL ELECTION, THE CLERK
30 SHALL NOTIFY THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL
31 CORPORATION OF THE REQUEST.

32 (3) IF A REQUEST FOR A SPECIAL ELECTION IS NOT FILED WITHIN 10
33 DAYS OF THE WRITTEN DECISION OF THE BOARD, THE WRITTEN DECISION OF THE
34 BOARD IS FINAL AND SHALL CONSTITUTE THE AGREEMENT BETWEEN THE
35 EMPLOYEES AND THE EMPLOYER.

36 (C) (1) WITHIN 10 DAYS OF THE NOTIFICATION OF THE REQUEST FOR A
37 SPECIAL ELECTION TO THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL
38 CORPORATION, THE GOVERNING BODY SHALL CALL FOR A SPECIAL ELECTION.

6

1 (2) AT LEAST 30 DAYS BEFORE CONDUCTING A SPECIAL ELECTION, A
2 GOVERNING BODY SHALL PROVIDE NOTICE OF A SPECIAL ELECTION TO THE
3 COUNTY OR MUNICIPAL CORPORATION ELECTION BOARD.

4 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A SPECIAL
5 ELECTION CONDUCTED UNDER THIS SECTION SHALL BE GOVERNED BY STATE LAW
6 CONCERNING COUNTY OR MUNICIPAL CORPORATION SPECIAL ELECTIONS.

7 (D) (1) RESIDENTS OF THE COUNTY OR MUNICIPAL CORPORATION
8 CONDUCTING THE SPECIAL ELECTION ARE THE ONLY INDIVIDUALS WHO ARE
9 ELIGIBLE TO VOTE IN A SPECIAL ELECTION.

10 (2) THE BALLOT IN A SPECIAL ELECTION SHALL CONTAIN THE
11 FOLLOWING INFORMATION:

12 (I) INSTRUCTIONS FOR THE VOTER TO SELECT EITHER THE LAST
13 BEST OFFER OF THE BARGAINING AGENT OR THE EMPLOYER;

14 (II) A CLEAR STATEMENT OF THE TOTAL DOLLAR COSTS OF THE
15 LAST BEST OFFERS OF BOTH THE BARGAINING AGENT AND THE EMPLOYER; AND

16 (III) A CLEAR STATEMENT OF THE PERCENTAGE OF COST
17 INCREASE OR DECREASE OF THE LAST BEST OFFERS OF BOTH THE BARGAINING
18 AGENT AND THE EMPLOYER FROM THE LAST CONTRACT BETWEEN THE PARTIES.

19 (E) (1) THE LAST BEST OFFER THAT RECEIVES A MAJORITY OF THE VOTES
20 IN A SPECIAL ELECTION SHALL BECOME THE FINAL AGREEMENT BETWEEN THE
21 EMPLOYEES AND THE EMPLOYER.

22 (2) A FINAL AGREEMENT SELECTED UNDER PARAGRAPH (1) OF THIS
23 SUBSECTION SHALL BE EFFECTIVE ON THE FIRST DAY FOLLOWING THE EXPIRATION
24 OF THE CURRENT AGREEMENT FOR THAT YEAR.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1997.