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By: **Charles County Delegation**

Introduced and read first time: February 8, 2002

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Charles County - Sheriff's Office - Collective Bargaining**

3 FOR the purpose of establishing collective bargaining rights for certain sworn law  
4 enforcement officers and correctional officers in the Charles County Sheriff's  
5 Office; authorizing certain bargaining units; providing that certain sworn law  
6 enforcement officers and correctional officers may be required to pay a certain  
7 service fee; authorizing the Sheriff and the Office of the Sheriff to make certain  
8 determinations and take certain actions relating to the mission, operation, and  
9 employees of the Office of the Sheriff; providing for the selection and recognition  
10 of an exclusive representative; authorizing the Sheriff and the exclusive  
11 representative to designate certain representatives; requiring the parties to  
12 meet at reasonable times and engage in collective bargaining in good faith;  
13 providing that certain negotiations shall be considered closed sessions; requiring  
14 negotiations to begin on certain dates under certain circumstances; requiring  
15 the submission of certain matters for legislative approval under certain  
16 circumstances; specifying the contents and form of a collective bargaining  
17 agreement; providing for the effect of certain provisions of this Act; and  
18 generally relating to collective bargaining rights for certain sworn law  
19 enforcement officers and correctional officers in the Sheriff's Office of Charles  
20 County.

21 BY adding to  
22 Article - Courts and Judicial Proceedings  
23 Section 2-309(j)(5)  
24 Annotated Code of Maryland  
25 (1998 Replacement Volume and 2001 Supplement)

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

Article - Courts and Judicial Proceedings

2 2-309.

3 (j) (5) (I) THIS PARAGRAPH APPLIES TO ALL FULL-TIME, MERIT SYSTEM  
4 SWORN LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS IN THE  
5 CHARLES COUNTY SHERIFF'S OFFICE AT A RANK OF SERGEANT OR BELOW.

6 (II) THIS PARAGRAPH DOES NOT APPLY TO THE FOLLOWING  
7 EMPLOYEES IN THE CHARLES COUNTY SHERIFF'S OFFICE:

8 1. SWORN LAW ENFORCEMENT OFFICERS OR  
9 CORRECTIONAL OFFICERS IN THE CHARLES COUNTY SHERIFF'S OFFICE AT A RANK  
10 OF LIEUTENANT OR ABOVE;

11 2. EMPLOYEES IN APPOINTED POSITIONS;

12 3. CIVILIAN MERIT SYSTEM EMPLOYEES;

13 4. FULL-TIME REDUCED HOURS EMPLOYEES;

14 5. PART-TIME EMPLOYEES;

15 6. CONTRACTUAL EMPLOYEES;

16 7. TEMPORARY EMPLOYEES;

17 8. EMERGENCY EMPLOYEES; OR

18 9. EMPLOYEES WHOSE EMPLOYMENT IS ADMINISTERED  
19 UNDER THE COUNTY POLICIES AND PROCEDURES MANUAL.

20 (III) 1. SWORN OR CORRECTIONAL OFFICERS SUBJECT TO THIS  
21 PARAGRAPH HAVE THE RIGHT TO:

22 A. TAKE PART IN OR REFRAIN FROM TAKING PART IN  
23 FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN ANY EMPLOYEE  
24 ORGANIZATION OR ITS LAWFUL ACTIVITIES;

25 B. BE REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE,  
26 IF ANY, IN COLLECTIVE BARGAINING; AND

27 C. ENGAGE IN OTHER CONCERTED ACTIVITIES FOR THE  
28 PURPOSE OF COLLECTIVE BARGAINING.

29 2. SWORN AND CORRECTIONAL OFFICERS SUBJECT TO THIS  
30 PARAGRAPH MAY SEEK RECOGNITION IN ORDER TO ORGANIZE AND BARGAIN  
31 COLLECTIVELY IN GOOD FAITH WITH THE SHERIFF OR THE SHERIFF'S DESIGNEE  
32 CONCERNING THE FOLLOWING MATTERS:

1                   A.       COMPENSATION, EXCLUDING SALARY, WAGES, AND  
2 THOSE BENEFITS DETERMINED, OFFERED, ADMINISTERED, CONTROLLED, OR  
3 MANAGED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY;

4                   B.       LEAVE, HOLIDAYS, AND VACATIONS; AND

5                   C.       HOURS, WORKING CONDITIONS, AND JOB SECURITY.

6                   3.       A SWORN OR CORRECTIONAL OFFICER WHO IS A MEMBER  
7 OF A BARGAINING UNIT WITH AN EXCLUSIVE REPRESENTATIVE, WITHOUT THE  
8 INTERVENTION OF AN EMPLOYEE ORGANIZATION, MAY DISCUSS ANY MATTER WITH  
9 THE EMPLOYER.

10                  4.       SWORN AND CORRECTIONAL OFFICERS WHO ARE NOT  
11 MEMBERS OF AN EMPLOYEE ORGANIZATION REPRESENTED BY AN EXCLUSIVE  
12 REPRESENTATIVE MAY BE REQUIRED TO PAY A PROPORTIONAL SERVICE FEE FOR  
13 COSTS ASSOCIATED WITH THE ADMINISTRATION AND ENFORCEMENT OF ANY  
14 AGREEMENT THAT BENEFITS THE AFFECTED EMPLOYEES. AN EXCLUSIVE  
15 REPRESENTATIVE SHALL BE SELECTED IN ACCORDANCE WITH THE PROCEDURES  
16 SET FORTH IN SUBPARAGRAPH (V) OF THIS PARAGRAPH.

17                  5.       THIS PARAGRAPH DOES NOT REQUIRE THAT SWORN  
18 OFFICERS AND CORRECTIONAL OFFICERS BE REPRESENTED BY THE SAME  
19 EXCLUSIVE REPRESENTATIVE.

20                  (IV)     THE SHERIFF AND THE OFFICE OF THE SHERIFF FOR CHARLES  
21 COUNTY, THROUGH THEIR APPROPRIATE OFFICERS AND EMPLOYEES, MAY:

22                   1.       DETERMINE THE MISSION, BUDGET, ORGANIZATION,  
23 NUMBERS, TYPES AND GRADES OF EMPLOYEES ASSIGNED, THE WORK PROJECTS,  
24 TOURS OF DUTY, METHODS, MEANS, AND PERSONNEL BY WHICH ITS OPERATIONS  
25 ARE CONDUCTED, TECHNOLOGY NEEDS, INTERNAL SECURITY PRACTICES, AND  
26 RELOCATION OF ITS FACILITIES;

27                   2.       MAINTAIN AND IMPROVE THE EFFICIENCY AND  
28 EFFECTIVENESS OF GOVERNMENTAL OPERATIONS;

29                   3.       DETERMINE THE SERVICES TO BE RENDERED,  
30 OPERATIONS TO BE PERFORMED, AND TECHNOLOGY TO BE USED;

31                   4.       DETERMINE THE OVERALL METHODS, PROCESSES,  
32 MEANS, AND CLASSES OF WORK OR PERSONNEL BY WHICH GOVERNMENTAL  
33 OPERATIONS ARE TO BE CONDUCTED;

34                   5.       HIRE, DIRECT, SUPERVISE, AND ASSIGN EMPLOYEES;

35                   6.       A.       PROMOTE, DEMOTE, DISCIPLINE, DISCHARGE,  
36 RETAIN, AND LAY OFF EMPLOYEES; AND

1 B. TERMINATE EMPLOYMENT BECAUSE OF LACK OF FUNDS,  
2 LACK OF WORK, A DETERMINATION BY THE EMPLOYER THAT CONTINUED WORK  
3 WOULD BE INEFFICIENT OR NONPRODUCTIVE, OR FOR OTHER LEGITIMATE  
4 REASONS;

5 7. SET THE QUALIFICATIONS OF EMPLOYEES FOR  
6 APPOINTMENT AND PROMOTIONS, AND SET STANDARDS OF CONDUCT;

7 8. ADOPT OFFICE RULES, REGULATIONS, AND PROCEDURES;

8 9. PROVIDE A SYSTEM OF MERIT EMPLOYMENT ACCORDING  
9 TO A STANDARD OF BUSINESS EFFICIENCY; AND

10 10. TAKE ACTIONS, NOT OTHERWISE SPECIFIED IN THIS  
11 PARAGRAPH, TO CARRY OUT THE MISSION OF THE OFFICE OF THE SHERIFF OF  
12 CHARLES COUNTY.

13 (V) 1. EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH 2 OF THIS  
14 SUBPARAGRAPH, AN EXCLUSIVE REPRESENTATIVE MAY NOT BE RECOGNIZED BY  
15 THE SHERIFF UNLESS THAT REPRESENTATIVE IS SELECTED AND CERTIFIED BY THE  
16 STATE LABOR RELATIONS BOARD IN ACCORDANCE WITH THE PROVISIONS OF §§  
17 3-401 THROUGH 3-407 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

18 2. ANY PETITION TO BE RECOGNIZED THAT IS SUBMITTED  
19 ON BEHALF OF THE SWORN OFFICERS OR CORRECTIONAL OFFICERS SHALL BE  
20 ACCOMPANIED BY A SHOWING OF INTEREST SUPPORTED BY AT LEAST 51% OF THE  
21 SWORN OFFICERS OR CORRECTIONAL OFFICERS INDICATING THEIR DESIRE TO BE  
22 EXCLUSIVELY REPRESENTED BY THE PETITIONER FOR THE PURPOSE OF  
23 COLLECTIVE BARGAINING.

24 (VI) 1. A. THE SHERIFF MAY DESIGNATE AT LEAST ONE, BUT  
25 NOT MORE THAN THREE, REPRESENTATIVES TO PARTICIPATE AS A PARTY IN  
26 COLLECTIVE BARGAINING ON BEHALF OF THE SHERIFF AND THE OFFICE OF THE  
27 SHERIFF.

28 B. THE EXCLUSIVE REPRESENTATIVE SHALL DESIGNATE AT  
29 LEAST ONE, BUT NOT MORE THAN THREE, REPRESENTATIVES TO PARTICIPATE AS A  
30 PARTY IN COLLECTIVE BARGAINING ON BEHALF OF THE EXCLUSIVE  
31 REPRESENTATIVE.

32 2. THE PARTIES SHALL MEET AT REASONABLE TIMES AND  
33 ENGAGE IN COLLECTIVE BARGAINING IN GOOD FAITH.

34 3. NEGOTIATIONS OR MATTERS RELATING TO  
35 NEGOTIATIONS SHALL BE CONSIDERED CLOSED SESSIONS UNDER § 10-508 OF THE  
36 STATE GOVERNMENT ARTICLE.

37 4. THE PARTIES SHALL MAKE EVERY REASONABLE EFFORT  
38 TO CONCLUDE NEGOTIATIONS IN A TIMELY MANNER FOR INCLUSION BY THE

1 SHERIFF AND THE OFFICE OF THE SHERIFF OF CHARLES COUNTY IN ITS BUDGET  
2 REQUEST TO THE COUNTY COMMISSIONERS OF CHARLES COUNTY.

3   5.       NEGOTIATIONS FOR AN AGREEMENT SHALL BEGIN ON OR  
4 BEFORE EACH JULY 1 OF THE YEAR BEFORE THE EXPIRATION OF ANY EXISTING  
5 AGREEMENT.

6   (VII)     TO THE EXTENT THAT ANY MATTERS NEGOTIATED BETWEEN  
7 THE SHERIFF AND THE COLLECTIVE BARGAINING UNIT REQUIRE LEGISLATIVE  
8 APPROVAL OR THE APPROPRIATION OF FUNDS, THE MATTERS SHALL BE  
9 RECOMMENDED TO THE GENERAL ASSEMBLY FOR THE APPROVAL OF LEGISLATION  
10 OR TO THE COUNTY COMMISSIONERS FOR THE APPROPRIATION OF FUNDS.

11    (VIII)    AN AGREEMENT IS NOT VALID IF IT EXTENDS FOR LESS THAN 1  
12 YEAR OR FOR MORE THAN 2 YEARS.

13    (IX)     1.       AN AGREEMENT SHALL CONTAIN ALL MATTERS OF  
14 AGREEMENT REACHED IN THE COLLECTIVE BARGAINING PROCESS.

15   2.       AN AGREEMENT REACHED IN ACCORDANCE WITH THIS  
16 PARAGRAPH SHALL BE IN WRITING AND SIGNED BY THE DESIGNATED  
17 REPRESENTATIVES OF THE SHERIFF AND THE EXCLUSIVE REPRESENTATIVE  
18 INVOLVED IN THE COLLECTIVE BARGAINING NEGOTIATIONS.

19    3.       AN AGREEMENT IS NOT EFFECTIVE UNTIL IT IS RATIFIED  
20 BY THE SHERIFF AND A MAJORITY OF THE VOTES CAST BY THE EMPLOYEES IN THE  
21 BARGAINING UNIT.

22    4.       A MODIFICATION TO AN EXISTING AGREEMENT IS NOT  
23 VALID UNLESS IT IS IN WRITING AND RATIFIED BY THE SHERIFF.

24    (X)     THIS PARAGRAPH DOES NOT AUTHORIZE A SWORN OFFICER OR  
25 CORRECTIONAL OFFICER TO ENGAGE IN A STRIKE AS DEFINED IN § 3-303 OF THE  
26 STATE PERSONNEL AND PENSIONS ARTICLE.

27    (XI)    NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED AS  
28 SUBJECTING DISCIPLINARY MATTERS OR THE DISCIPLINARY PROCESS TO  
29 NEGOTIATION AS PART OF THE COLLECTIVE BARGAINING PROCESS.

30       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2002.