
By: **Charles County Delegation**

Introduced and read first time: February 8, 2002
Assigned to: Commerce and Government Matters
Reassigned: Appropriations, February 13, 2002

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 22, 2002

CHAPTER _____

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)

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

3 **Article - Courts and Judicial Proceedings**

4 2-309.

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

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

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

13 2. EMPLOYEES IN APPOINTED POSITIONS;

14 3. CIVILIAN MERIT SYSTEM EMPLOYEES;

15 4. FULL-TIME REDUCED HOURS EMPLOYEES;

16 5. PART-TIME EMPLOYEES;

17 6. CONTRACTUAL EMPLOYEES;

18 7. TEMPORARY EMPLOYEES;

19 8. EMERGENCY EMPLOYEES; OR

20 9. EMPLOYEES WHOSE EMPLOYMENT IS ADMINISTERED
21 UNDER THE COUNTY POLICIES AND PROCEDURES MANUAL.

22 (III) 1. A SWORN LAW ENFORCEMENT OFFICER OR
23 CORRECTIONAL OFFICERS OFFICER SUBJECT TO THIS PARAGRAPH ~~HAVE~~ HAS THE
24 RIGHT TO:

25 A. TAKE PART IN OR REFRAIN FROM TAKING PART IN
26 FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN ANY EMPLOYEE
27 ORGANIZATION OR ITS LAWFUL ACTIVITIES;

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

30 C. ENGAGE IN OTHER CONCERTED ACTIVITIES FOR THE
31 PURPOSE OF COLLECTIVE BARGAINING.

32 2. SWORN LAW ENFORCEMENT OFFICERS AND
33 CORRECTIONAL OFFICERS SUBJECT TO THIS PARAGRAPH MAY SEEK RECOGNITION

1 IN ORDER TO ORGANIZE AND BARGAIN COLLECTIVELY IN GOOD FAITH WITH THE
2 SHERIFF OR THE SHERIFF'S DESIGNEE CONCERNING THE FOLLOWING MATTERS:

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

6 B. LEAVE, HOLIDAYS, AND VACATIONS; AND

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

8 3. A SWORN LAW ENFORCEMENT OFFICER OR
9 CORRECTIONAL OFFICER WHO IS A MEMBER OF A BARGAINING UNIT WITH AN
10 EXCLUSIVE REPRESENTATIVE, MAY DISCUSS ANY MATTER WITH THE EMPLOYER
11 WITHOUT THE INTERVENTION OF ~~AN EMPLOYEE ORGANIZATION, MAY DISCUSS ANY~~
12 ~~MATTER WITH THE EMPLOYER~~ THE EXCLUSIVE REPRESENTATIVE.

13 4. ~~A SWORN AND LAW ENFORCEMENT OFFICER OR~~
14 ~~CORRECTIONAL OFFICERS OFFICER WHO ARE IS NOT A MEMBERS MEMBER OF AN~~
15 ~~EMPLOYEE ORGANIZATION REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE A~~
16 BARGAINING UNIT WITH AN EXCLUSIVE REPRESENTATIVE MAY BE REQUIRED TO
17 PAY A PROPORTIONAL SERVICE FEE FOR COSTS ASSOCIATED WITH THE
18 ADMINISTRATION AND ENFORCEMENT OF ANY AGREEMENT THAT BENEFITS THE
19 AFFECTED EMPLOYEES. AN EXCLUSIVE REPRESENTATIVE SHALL BE SELECTED IN
20 ACCORDANCE WITH THE PROCEDURES SET FORTH IN SUBPARAGRAPH (V) OF THIS
21 PARAGRAPH.

22 5. THIS PARAGRAPH DOES NOT REQUIRE THAT SWORN LAW
23 ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS BE REPRESENTED BY THE
24 SAME EXCLUSIVE REPRESENTATIVE.

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

27 1. ~~DETERMINE THE MISSION, BUDGET, ORGANIZATION,~~
28 ~~NUMBERS, TYPES AND GRADES OF EMPLOYEES ASSIGNED, THE WORK PROJECTS,~~
29 ~~TOURS OF DUTY, METHODS, MEANS, AND PERSONNEL BY WHICH ITS OPERATIONS~~
30 ~~ARE CONDUCTED, TECHNOLOGY NEEDS, INTERNAL SECURITY PRACTICES, AND THE:~~

31 A. MISSION;

32 B. BUDGET;

33 C. ORGANIZATION;

34 D. NUMBERS, TYPES, AND GRADES OF EMPLOYEES
35 ASSIGNED;

36 E. WORK PROJECTS, TOURS OF DUTY, AND METHODS,
37 MEANS, AND PERSONNEL BY WHICH ITS OPERATIONS ARE CONDUCTED;

- 1 F. TECHNOLOGY NEEDS;
- 2 G. INTERNAL SECURITY PRACTICES; AND
- 3 H. RELOCATION OF ITS FACILITIES;
- 4 2. MAINTAIN AND IMPROVE THE EFFICIENCY AND
5 EFFECTIVENESS OF GOVERNMENTAL OPERATIONS;
- 6 3. DETERMINE THE SERVICES TO BE RENDERED,
7 OPERATIONS TO BE PERFORMED, AND TECHNOLOGY TO BE USED;
- 8 4. DETERMINE THE OVERALL METHODS, PROCESSES,
9 MEANS, AND CLASSES OF WORK OR PERSONNEL BY WHICH GOVERNMENTAL
10 OPERATIONS ARE TO BE CONDUCTED;
- 11 5. HIRE, DIRECT, SUPERVISE, AND ASSIGN EMPLOYEES;
- 12 6. A. PROMOTE, DEMOTE, DISCIPLINE, DISCHARGE,
13 RETAIN, AND LAY OFF EMPLOYEES; AND
- 14 B. TERMINATE EMPLOYMENT BECAUSE OF LACK OF FUNDS,
15 LACK OF WORK, A DETERMINATION BY THE EMPLOYER THAT CONTINUED WORK
16 WOULD BE INEFFICIENT OR NONPRODUCTIVE, OR FOR OTHER LEGITIMATE
17 REASONS;
- 18 7. SET THE QUALIFICATIONS OF EMPLOYEES FOR
19 APPOINTMENT AND PROMOTIONS,~~AND;~~
- 20 8. SET STANDARDS OF CONDUCT;
- 21 ~~8.~~ 9. ADOPT OFFICE RULES, REGULATIONS, AND
22 PROCEDURES;
- 23 9. 10. PROVIDE A SYSTEM OF MERIT EMPLOYMENT
24 ACCORDING TO A STANDARD OF BUSINESS EFFICIENCY; AND
- 25 ~~10.~~ 11. TAKE ACTIONS, NOT OTHERWISE SPECIFIED IN THIS
26 PARAGRAPH, TO CARRY OUT THE MISSION OF THE OFFICE OF THE SHERIFF OF
27 CHARLES COUNTY.
- 28 (V) 1. EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH 2 OF THIS
29 SUBPARAGRAPH, AN EXCLUSIVE REPRESENTATIVE MAY NOT BE RECOGNIZED BY
30 THE SHERIFF UNLESS THAT REPRESENTATIVE IS SELECTED AND CERTIFIED BY THE
31 ~~STATE LABOR RELATIONS BOARD IN ACCORDANCE WITH THE PROVISIONS OF §§~~
32 ~~3-401 THROUGH 3-407 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.~~
33 DEPARTMENT OF LABOR, LICENSING, AND REGULATION.
- 34 2. ANY PETITION TO BE RECOGNIZED THAT IS SUBMITTED
35 ON BEHALF OF THE SWORN ~~OFFICERS OR CORRECTIONAL LAW ENFORCEMENT~~
36 OFFICERS SHALL BE ACCOMPANIED BY A SHOWING OF INTEREST SUPPORTED BY AT

