
By: **Montgomery County Delegation**
Introduced and read first time: February 13, 2004
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Sheriff's Office - Collective Bargaining**
3 **MC 414-04**

4 FOR the purpose of providing that full-time deputy sheriffs and civilian employees in
5 the Montgomery County Sheriff's office may be required to serve a probationary
6 period on appointment to their positions; granting collective bargaining rights to
7 certain deputy sheriffs and civilian employees in the Sheriff's office; providing
8 that collective bargaining may be engaged in with respect to wages, pensions,
9 fringe benefits, hours, performance standards and evaluations, and other terms
10 and conditions of employment with the Sheriff's office; providing that a
11 collective bargaining agreement reached under the authority of this Act may not
12 impair the rights and responsibility of the Sheriff to perform certain duties
13 relating to the mission and operation of the Sheriff's office and the direction and
14 supervision of employees of the office of the Sheriff; providing that the Sheriff's
15 rights set forth under this Act shall be considered to be a part of each collective
16 bargaining agreement reached between the Sheriff and an employee
17 organization; and generally relating to collective bargaining rights for certain
18 sworn law enforcement officers and certain civilian employees in the Sheriff's
19 office of Montgomery County.

20 BY repealing and reenacting, with amendments,
21 Article - Courts and Judicial Proceedings
22 Section 2-309(q)
23 Annotated Code of Maryland
24 (2002 Replacement Volume and 2003 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 2-309.

3 (q) (1) The Sheriff of Montgomery County shall receive a salary, subject to §
4 35 of Article III of the Constitution, and an allowance for expenses, as the County
5 Council provides in its annual budget. The County Council shall provide an
6 automobile for the use of the Sheriff and his deputies for the general public work of
7 the office and the expense of operating the automobile shall be paid by the county.

8 (2) (i) The Sheriff may appoint 2 full-time assistant sheriffs and the
9 number of deputies provided in the county budget[, who shall provide motor vehicles
10 for their own use in performing their duties].

11 (ii) The Sheriff shall also appoint the other clerical and
12 administrative employees [necessary] PROVIDED IN THE COUNTY BUDGET, all of
13 whom shall be paid by the county.

14 (III) 1. WITH THE EXCEPTION OF THE ASSISTANT SHERIFFS, ALL
15 FULL-TIME DEPUTY SHERIFFS OF ALL RANKS MAY, UPON APPOINTMENT, BE
16 REQUIRED BY THE SHERIFF TO SERVE A PROBATIONARY PERIOD OF 12 MONTHS
17 FOLLOWING ATTAINMENT OF SWORN STATUS.

18 2. A. CIVILIAN EMPLOYEES MAY, UPON APPOINTMENT, BE
19 REQUIRED BY THE SHERIFF TO SERVE A PROBATIONARY PERIOD OF 6 MONTHS.

20 B. THE PROBATIONARY PERIOD MAY BE EXTENDED BY THE
21 SHERIFF FOR REASONABLE CAUSE.

22 C. DURING THE PROBATIONARY PERIOD, THE
23 DETERMINATION OF THE EMPLOYEE'S QUALIFICATIONS AND ABILITY TO SERVE IN
24 THE POSITION OF A PERMANENT, NONPROBATIONARY EMPLOYEE SHALL BE WITHIN
25 THE EXCLUSIVE DISCRETION OF THE SHERIFF, SUBJECT TO THE MONTGOMERY
26 COUNTY MERIT SYSTEM LAWS AND PERSONNEL REGULATIONS.

27 (3) (i) The Sheriff shall fix the compensation of, and may discharge,
28 the deputy sheriffs, and other employees appointed, subject to budget limitations
29 [and the regulations of the Montgomery County Personnel Board], THE
30 MONTGOMERY COUNTY MERIT SYSTEM LAW, PERSONNEL REGULATIONS, OR
31 APPLICABLE COLLECTIVE BARGAINING AGREEMENT. The Sheriff shall fix the
32 compensation of the assistant sheriffs subject to budget limitations.

33 (ii) Except for the assistant sheriffs, personnel appointed by the
34 Sheriff shall be considered for all purposes as Montgomery County merit system
35 employees and subject to [all rules and regulations of the Personnel Board of] THE
36 Montgomery County MERIT SYSTEM LAW AND PERSONNEL REGULATIONS. Assistant
37 sheriffs shall serve at the pleasure of the Sheriff and shall meet the qualifications of
38 the Maryland Police Training Commission standards for law enforcement officers.

1 (III) 1. NONPROBATIONARY DEPUTY SHERIFFS BELOW THE RANK
2 OF SERGEANT AND NONPROBATIONARY CIVILIAN EMPLOYEES AS DEFINED IN THE
3 MONTGOMERY COUNTY CODE, § 33-102(4), SHALL HAVE THE RIGHT TO ORGANIZE
4 AND BARGAIN COLLECTIVELY IN ACCORDANCE WITH THE MONTGOMERY COUNTY
5 CODE, CHAPTER 33, ARTICLE VII, WITH REGARD TO COMPENSATION, PENSION FOR
6 ACTIVE EMPLOYEES, FRINGE BENEFITS, HOURS, AND TERMS AND CONDITIONS OF
7 EMPLOYMENT, INCLUDING PERFORMANCE STANDARDS AND EVALUATION
8 PROCEDURES.

9 2. A. EMPLOYEES, OTHER THAN THE ASSISTANT
10 SHERIFFS, ARE SUBJECT TO THE MONTGOMERY COUNTY MERIT SYSTEM LAW AND
11 PERSONNEL REGULATIONS AND MAY BE EXCLUDED FROM THOSE PROVISIONS ONLY
12 TO THE EXTENT THAT THE APPLICABILITY OF THOSE PROVISIONS IS MADE THE
13 SUBJECT OF COLLECTIVE BARGAINING.

14 B. AS TO THE EMPLOYEES DESCRIBED IN
15 SUBSUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH, THE MONTGOMERY COUNTY
16 EXECUTIVE SHALL BE CONSIDERED THE EMPLOYER OF THE EMPLOYEES UNDER
17 THE MONTGOMERY COUNTY CODE, CHAPTER 33, ARTICLE VII, ONLY FOR THE
18 PURPOSE OF COLLECTIVE BARGAINING FOR COMPENSATION, PENSION, FRINGE
19 BENEFITS, AND HOURS.

20 3. THE SHERIFF SHALL BE CONSIDERED THE EMPLOYER
21 FOR ALL OTHER PURPOSES AND SHALL BE CONSIDERED THE EMPLOYER UNDER THE
22 MONTGOMERY COUNTY CODE, CHAPTER 33, ARTICLE VII, FOR ALL OTHER TERMS
23 AND CONDITIONS OF EMPLOYMENT.

24 (IV) ANY REQUIRED FUNDING FOR A COLLECTIVE BARGAINING
25 AGREEMENT NEGOTIATED BY THE SHERIFF IS SUBJECT TO THE BUDGET AND FISCAL
26 POLICIES OF MONTGOMERY COUNTY.

27 (V) THE PROVISIONS OF SUBPARAGRAPH (III) OF THIS PARAGRAPH
28 AND ANY AGREEMENT MADE UNDER IT MAY NOT IMPAIR THE RIGHT AND
29 RESPONSIBILITY OF THE SHERIFF TO:

30 1. DETERMINE THE OVERALL MISSION OF THE SHERIFF'S
31 OFFICE AND, SUBJECT TO THE BUDGET AND FISCAL POLICIES OF MONTGOMERY
32 COUNTY, THE SHERIFF'S OFFICE BUDGET;

33 2. MAINTAIN AND IMPROVE THE EFFICIENCY AND
34 EFFECTIVENESS OF OPERATIONS;

35 3. DETERMINE THE SERVICES TO BE RENDERED AND THE
36 OPERATIONS TO BE PERFORMED;

37 4. DETERMINE THE OVERALL ORGANIZATIONAL
38 STRUCTURE, METHODS, PROCESSES, MEANS, AND PERSONNEL BY WHICH
39 OPERATIONS ARE TO BE CONDUCTED AND THE LOCATION OF FACILITIES;

- 1 5. DIRECT AND SUPERVISE EMPLOYEES, SUBJECT TO THE
2 MONTGOMERY COUNTY MERIT SYSTEM LAW AND PERSONNEL REGULATIONS;
- 3 6. HIRE, SELECT, AND ESTABLISH THE STANDARDS
4 GOVERNING PROMOTION OF EMPLOYEES, SUBJECT TO THE MONTGOMERY COUNTY
5 MERIT SYSTEM LAW AND PERSONNEL REGULATIONS;
- 6 7. RELIEVE EMPLOYEES FROM DUTIES BECAUSE OF LACK
7 OF WORK OR FUNDS OR UNDER CONDITIONS WHEN THE EMPLOYER DETERMINES
8 CONTINUED WORK WOULD BE INEFFICIENT OR NONPRODUCTIVE, SUBJECT TO THE
9 MONTGOMERY COUNTY MERIT SYSTEM LAW AND PERSONNEL REGULATIONS;
- 10 8. TAKE ACTIONS TO CARRY OUT THE MISSION OF
11 GOVERNMENT IN SITUATIONS OF EMERGENCY;
- 12 9. TRANSFER, ASSIGN, AND SCHEDULE EMPLOYEES,
13 SUBJECT TO THE MONTGOMERY COUNTY MERIT SYSTEM LAW AND PERSONNEL
14 REGULATIONS;
- 15 10. DETERMINE THE SIZE AND COMPOSITION OF THE
16 WORKFORCE, SUBJECT TO THE COUNTY'S BUDGET AND FISCAL POLICIES;
- 17 11. SET THE STANDARDS OF PRODUCTIVITY AND
18 TECHNOLOGY;
- 19 12. ESTABLISH EMPLOYEE PERFORMANCE STANDARDS AND
20 EVALUATE EMPLOYEES, SUBJECT TO THE MONTGOMERY COUNTY MERIT SYSTEM
21 LAW AND PERSONNEL REGULATIONS;
- 22 13. MAKE AND IMPLEMENT SYSTEMS FOR AWARDING
23 OUTSTANDING SERVICE INCREMENTS, EXTRAORDINARY PERFORMANCE AWARDS,
24 AND OTHER MERIT AWARDS, SUBJECT TO THE BUDGET AND FISCAL POLICIES OF
25 MONTGOMERY COUNTY AND THE MONTGOMERY COUNTY MERIT SYSTEM LAW AND
26 PERSONNEL REGULATIONS;
- 27 14. INTRODUCE NEW OR IMPROVED TECHNOLOGY,
28 RESEARCH, DEVELOPMENT, AND SERVICES;
- 29 15. CONTROL AND REGULATE THE USE OF MACHINERY,
30 EQUIPMENT, AND OTHER PROPERTY AND FACILITIES OF THE SHERIFF'S OFFICE;
- 31 16. MAINTAIN INTERNAL SECURITY STANDARDS;
- 32 17. CREATE, ALTER, COMBINE, CONTRACT OUT, OR ABOLISH
33 ANY OPERATION, UNIT, OR OTHER DIVISION OR SERVICE, EXCEPT THAT:
- 34 A. CONTRACTING OUT WORK THAT WILL DISPLACE
35 EMPLOYEES MAY NOT BE UNDERTAKEN BY THE EMPLOYER UNLESS 90 DAYS PRIOR
36 TO SIGNING THE CONTRACT, OR ON ANOTHER DATE OF NOTICE AS AGREED TO BY

1 THE PARTIES, WRITTEN NOTICE HAS BEEN GIVEN TO THE CERTIFIED
2 REPRESENTATIVE; AND

3 B. ANY DISPLACEMENT OF BARGAINING UNIT MEMBERS
4 SHALL BE CONDUCTED IN A MANNER THAT IS CONSISTENT WITH THE COUNTY
5 COLLECTIVE BARGAINING LAW;

6 18. SUSPEND, DISCHARGE, OR OTHERWISE DISCIPLINE:

7 A. SWORN EMPLOYEES FOR CAUSE UNDER THE MARYLAND
8 LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS; AND

9 B. CIVILIAN EMPLOYEES, SUBJECT TO THE MONTGOMERY
10 COUNTY MERIT SYSTEM LAW AND COLLECTIVE BARGAINING AGREEMENT,
11 PROVIDED THAT, SUBJECT TO § 404 OF THE MONTGOMERY COUNTY CHARTER, ANY
12 ACTION TO SUSPEND, DISCHARGE, OR OTHERWISE DISCIPLINE A CIVILIAN
13 EMPLOYEE MAY BE SUBJECT TO THE GRIEVANCE PROCEDURE SET FORTH IN THE
14 COLLECTIVE BARGAINING AGREEMENT; AND

15 19. ISSUE AND ENFORCE RULES, POLICIES, AND
16 REGULATIONS NECESSARY TO CARRY OUT THE FUNCTIONS OF THIS SUBPARAGRAPH
17 AND ALL OTHER MANAGERIAL FUNCTIONS THAT ARE NOT INCONSISTENT WITH LAW
18 OR THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT.

19 (VI) THE RIGHTS AND RESPONSIBILITY OF THE SHERIFF UNDER
20 SUBPARAGRAPH (III) OF THIS PARAGRAPH SHALL BE CONSIDERED TO BE A PART OF
21 EACH COLLECTIVE BARGAINING AGREEMENT REACHED BY THE SHERIFF AND AN
22 EMPLOYEE ORGANIZATION.

23 [(iii)] (VII) Each assistant sheriff and deputy sheriff whose duty
24 assignment requires the use of a motor vehicle shall be reimbursed in such amounts
25 as shall be set forth in the budget for expenses for traveling, transportation, or use of
26 motor vehicles, or may, in the alternative, be allowed the use of a publicly owned
27 motor vehicle [for use on duty].

28 (4) [Deputies] DEPUTY SHERIFFS are not entitled to any additional
29 compensation for rendering services incident to their office. The County Council shall
30 levy and collect annual taxes on the assessable property in the county in an amount
31 sufficient to pay the salaries and allowances of the Sheriff and [his] THE SHERIFF'S
32 deputies.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2004.