

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

House Bill 1177

(Montgomery County Delegation)

Appropriations

Finance

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

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This bill provides a system of collective bargaining for full-time law enforcement officers below the rank of sergeant and civilian employees in the Montgomery County Sheriff's Office.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Personnel and administrative costs could increase depending on the scope of any negotiated provisions. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill authorizes nonprobationary civilian and deputy sheriff employees ranked below sergeant to bargain collectively over compensation, hours, and employment conditions. All full-time deputy sheriffs, except assistant sheriffs, may be required to serve a probationary period of 12 months after being sworn in. Civilian employees may be required to serve a six-month probationary period. During the probationary period, the determination of the employee's qualifications and ability to serve in a permanent position is at the exclusive discretion of the sheriff, subject to county merit system laws and personnel regulations.

The bill recognizes the County Executive as the employer for collective bargaining purposes, and recognizes the Sheriff as the employer for all other terms and conditions of employment. Any required funding for a collective bargaining agreement negotiated by the Sheriff is subject to the county's budget and fiscal policies.

The collective bargaining agreement may not impair the Sheriff's right to perform several stated functions, including, but not limited to, hiring and promotion, making employee assignments, establishing employee performance standards and incentives, and determining the office mission and budget. These rights and responsibilities must be considered to be a part of any bargaining agreement. However, the bill prohibits the Sheriff from contracting work that displaces employees unless written notice has been given to the employees' representative 90 days before the contract is signed. Disciplinary actions related to civilian employees may be subject to a grievance procedure in the bargaining agreement.

The bill states that the Sheriff must fix compensation and may discharge employees subject to the county merit system law, personnel regulations, or an applicable collective bargaining agreement rather than the Montgomery County Personnel Board. Personnel appointed by the Sheriff (except assistant sheriffs who serve at will) are subject to the county merit system law or personnel regulations under the bill.

The bill also removes the requirement for assistant sheriffs and deputies to provide vehicles for their own use in performing their duties.

**Current Law:** The Montgomery County Sheriff's Office employees do not have collective bargaining rights. Certain Montgomery County employees have bargaining rights, including firefighters, fire and rescue workers, and teachers, provided by the county charter.

**Background:** Chapter 255 of 2002 provided statutory bargaining rights for the Charles County Sheriff's Office for full-time employees with a rank of sergeant or below. Chapter 449 of 1997 expanded the scope of bargaining for full-time civilian and nonprobationary commissioned employees of the Prince George's County Sheriff's Office by allowing these employees the right to bargain collectively over pension benefits, hours, and other terms and conditions of employment.

**Local Expenditures:** A study by the Department of Legislative Services (DLS) found that collective bargaining increased salaries and salary-related fringe benefits by 1% to 1.5% per year, versus what they would be in the absence of collective bargaining. The bill applies to 86 deputies (of which 13 are probationary but assumed to be eligible later), and approximately 20 nonsupervisory civilian employees.

The Sheriff's Office estimates that the administrative costs to implement the bill would be approximately \$68,000, which includes a labor consultant, training, and operating expenses. However, DLS advises that the cost of a labor negotiator is likely to exceed the \$20,000 estimated by the Sheriff, even with the limited number of eligible employees. A labor consultant could cost approximately \$50,000, depending on the number of bargaining units and the time required to reach an agreement.

**Additional Comments:** DLS observes that the bill does not address dispute resolution procedures (*e.g.*, binding arbitration, mediation, etc.) if collective bargaining negotiations reach an impasse.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 2004  
ncs/mdr

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