
By: **Senator Brinkley**
Introduced and read first time: February 4, 2005
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Fire and Rescue Services - Collective Bargaining**

3 FOR the purpose of authorizing the Board of County Commissioners of Frederick
4 County to allow voluntary collective bargaining concerning wages and benefits
5 between the Board and a certain organization that represents employees of the
6 Frederick County Division of Fire and Rescue Services; authorizing certain
7 collective bargaining to include a memorandum of understanding concerning
8 wages and benefits; specifying that a memorandum of understanding shall bind
9 the Board and a certain organization for a certain period of time; authorizing the
10 Board to designate individuals to negotiate on its behalf; providing that this Act
11 does not allow certain employees to strike and does not require collective
12 bargaining or any method, means, or scope of bargaining between certain
13 entities; providing that this Act does not authorize binding interest arbitration;
14 defining certain terms; and generally relating to Frederick County and
15 collective bargaining.

16 BY adding to
17 The Public Local Laws of Frederick County
18 Section 2-8-7
19 Article 11 - Public Local Laws of Maryland
20 (2004 Edition, as amended)

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

23 **Article 11 - Frederick County**

24 2-8-7.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (2) "COLLECTIVE BARGAINING" DOES NOT INCLUDE A MEETING IN
28 WHICH ONLY REPRESENTATIVES OF THE BOARD OF COUNTY COMMISSIONERS ARE

1 IN ATTENDANCE OR A MEETING IN WHICH ONLY REPRESENTATIVES OF THE
2 EXCLUSIVE REPRESENTATIVE ARE IN ATTENDANCE.

3 (3) "EMPLOYEE" MEANS A REGULAR, NONEXEMPT, UNIFORMED
4 EMPLOYEE WITHIN THE FREDERICK COUNTY DIVISION OF FIRE AND RESCUE
5 SERVICES OR OTHER EMPLOYEE WITHIN THE DIVISION OF FIRE AND RESCUE
6 SERVICES, AS DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS.

7 (4) "EMPLOYEE ORGANIZATION" MEANS A LABOR OR OTHER
8 ORGANIZATION IN WHICH EMPLOYEES PARTICIPATE AND THAT HAS REPRESENTING
9 EMPLOYEES AS ONE OF ITS PRIMARY PURPOSES.

10 (5) "EXCLUSIVE REPRESENTATIVE" MEANS THE EMPLOYEE
11 ORGANIZATION THAT HAS BEEN CERTIFIED THROUGH AN ELECTION OF ELIGIBLE
12 EMPLOYEES TO REPRESENT AND BARGAIN FOR THOSE EMPLOYEES OVER WAGES
13 AND BENEFITS.

14 (B) THE BOARD OF COUNTY COMMISSIONERS MAY ENACT AN ORDINANCE TO
15 ALLOW VOLUNTARY COLLECTIVE BARGAINING CONCERNING WAGES AND BENEFITS
16 BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND THE EMPLOYEE
17 ORGANIZATION THAT THE BOARD OF COUNTY COMMISSIONERS RECOGNIZES AS THE
18 EXCLUSIVE REPRESENTATIVE OF ITS EMPLOYEES.

19 (C) ONCE AUTHORIZED BY AN ORDINANCE, COLLECTIVE BARGAINING
20 BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND THE EXCLUSIVE
21 REPRESENTATIVE MAY INCLUDE A MEMORANDUM OF UNDERSTANDING
22 CONCERNING WAGES AND BENEFITS.

23 (D) SUBJECT TO PROVISIONS CONCERNING BUDGETARY AND FISCAL
24 PROCEDURES IN STATE LAW OR COUNTY ORDINANCE, A MEMORANDUM OF
25 UNDERSTANDING BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND AN
26 EXCLUSIVE REPRESENTATIVE SHALL BIND THE BOARD OF COUNTY COMMISSIONERS
27 FOR THE PERIOD OF TIME THAT IS STATED IN THE AGREEMENT.

28 (E) THE BOARD OF COUNTY COMMISSIONERS MAY DESIGNATE INDIVIDUALS
29 TO NEGOTIATE ON ITS BEHALF WITH THE EXCLUSIVE REPRESENTATIVE.

30 (F) THIS SECTION DOES NOT:

31 (1) AUTHORIZE OR OTHERWISE PERMIT AN EMPLOYEE TO ENGAGE IN A
32 STRIKE AS DEFINED IN § 3-303 OF THE STATE PERSONNEL AND PENSIONS ARTICLE;

33 (2) REQUIRE ANY FORM OF COLLECTIVE BARGAINING;

34 (3) REQUIRE ANY METHOD, MEANS, OR SCOPE OF BARGAINING
35 BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND AN EXCLUSIVE
36 REPRESENTATIVE; OR

37 (4) AUTHORIZE BINDING INTEREST ARBITRATION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2005.