

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 541
Appropriations

(Frederick County Delegation)

Finance

Frederick County - Collective Bargaining - Representatives for Deputy Sheriffs

This bill authorizes full-time deputy sheriffs of Frederick County, at or below the rank of sergeant, to engage in collective bargaining for wages and benefits. Any additional funding required as a result of a negotiated collective bargaining agreement is subject to approval by the board of county commissioners. The bill does not allow Frederick County deputy sheriffs to engage in a strike.

The bill takes effect July 1, 2005.

Fiscal Summary

State Effect: None.

Local Effect: Frederick County expenditures would increase by approximately \$123,400 beginning in FY 2006 due to increased personnel expenditures required to administer the collective bargaining process and to retain legal counsel. County revenues would not be affected.

Small Business Effect: None.

Analysis

Bill Summary: Full-time Frederick County deputy sheriffs at or below the rank of sergeant are authorized to (1) take part in or refrain from taking part in forming, joining, or participating in a labor organization; (2) select a labor organization as their exclusive representative; (3) engage in collective bargaining concerning wages and benefits not regulated by the sheriff through their exclusive representative; (4) enter into a collective

bargaining agreement, with the provision that any additional funding required as a result of this agreement be subject to the approval of the Board of County Commissioners; and (5) decertify a labor organization as their exclusive representative.

A labor organization is deemed to be the exclusive representative if 51% of the deputy sheriffs at or below the rank of sergeant sign a petition indicating their desire to have the labor organization be their exclusive representative. The petition must be submitted to the sheriff. If, after 10 days from the date the petition is submitted to the sheriff, the sheriff does not challenge the validity of the petition; the labor organization will be deemed certified as the exclusive representative. If the sheriff challenges the validity of the petition, the American Arbitration Association would be asked to appoint a third party to conduct an election and certify the exclusive representative by a majority of votes cast. The arbitration costs will be shared equally by the parties involved.

A collective bargaining agreement must contain all matters of agreement reached in the collective bargaining process, as well as grievance procedures. The agreement must be signed by the designated representative of the parties involved. The agreement, however, is not effective until ratified by a majority of votes cast by the deputy sheriffs in the bargaining unit and the Frederick County Sheriff.

Current Law: The Frederick County Sheriff has the authority to appoint as many deputies as necessary. Frederick County deputy sheriffs do not currently have the authority to collectively bargain for wages and benefits.

Background: The Frederick County fiscal 2005 approved budget includes \$27.6 million for the sheriff's office. Funding for the sheriff's office represents 8% of the county's general fund budget.

Deputies, officers, and civilian employees of the Allegany County Sheriff's office are authorized to organize and collectively bargain for wages, benefits, hours, working conditions, disciplinary procedures, and job security issues through a labor organization selected by a majority of the employees of the Allegany County Sheriff's Department. Sworn law enforcement officers of the Charles County Sheriff's Department have the authority to organize and bargain collectively for compensation (excluding salary), leave, holidays, vacation, hours, working conditions, and job security. Additionally, nonprobationary deputy sheriffs below the rank of sergeant and nonprobationary civilian employees of the Montgomery County Sheriff's Department, are authorized to organize and bargain collectively regarding compensation, pension, fringe benefits, hours, and terms and conditions of employment. Civilian employees of the Prince George's County Sheriff's Department are authorized to organize and collectively bargain.

Local Fiscal Effect: Frederick County advises that the county does not currently engage in collective bargaining with any of its employee groups. Therefore, the county does not have the staff to manage the negotiations nor legal counsel to handle any legal issues that may arise from the collective bargaining process. The county advises that a labor relations specialist would need to be hired at a cost of \$73,399 in fiscal 2006. The salary amount is based on the fiscal 2005 salary, but includes a 2% cost-of-living adjustment as advised by the county. A breakdown of the salary and benefits for this position can be found in **Exhibit 1**. Additionally, the county advises that legal counsel would be needed to represent the county in the collective bargaining process between the deputy sheriffs and the Frederick County Sheriff, at a cost of \$50,000 annually.

Exhibit 1
Labor Relations Specialist Compensation

<u>Compensation</u>	<u>FY 2006</u>
Salary	\$55,127
Social Security (FICA)	4,217
Workers Compensation	107
Health Insurance Contribution	6,215
Retirement	7,442
Life Insurance	<u>290</u>
Total	\$73,399

Note: Compensation rates are based on fiscal 2005 employer contribution percentages and a flat health insurance contribution. Fiscal 2006 salary includes an estimated 2% salary increase over fiscal 2005 salary rates.

In sum, Frederick County expenditures would increase by approximately \$123,400 annually beginning in fiscal 2006.

Costs associated with the collective bargaining agreements produced by the parties would depend on the wages and benefits associated with the final agreement, which cannot be reliably quantified at this time. Any additional funding required by a collective bargaining agreement, however, would be subject to approval by the board of county commissioners.

Additional Information

Prior Introductions: None.

Cross File: SB 352 (Senator Brinkley) – Finance.

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

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n/hlb

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