
By: **Frederick County Delegation**

Introduced and read first time: January 23, 2006

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Collective Bargaining - Representatives for**
3 **Correctional Officers**

4 FOR the purpose of authorizing the representatives of certain full-time correctional
5 officers in the Frederick County Sheriff's Office to collectively bargain with the
6 Sheriff of Frederick County concerning wages and benefits; authorizing certain
7 correctional officers to take certain actions or refrain from taking certain
8 actions in connection with certain labor organizations and collective bargaining
9 activities; requiring that any additional funding required as a result of a
10 negotiated agreement be subject to the approval of the County Commissioners of
11 Frederick County; providing for the procedures for certifying a labor
12 organization as an exclusive representative and for collective bargaining
13 negotiations; requiring a collective bargaining agreement to contain certain
14 matters; and generally relating to collective bargaining with the Sheriff of
15 Frederick County.

16 BY adding to
17 Article - Courts and Judicial Proceedings
18 Section 2-309(1)(6)
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2005 Supplement)

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

23 **Article - Courts and Judicial Proceedings**

24 2-309.

25 (I) (6) (I) THIS PARAGRAPH APPLIES TO ALL FULL-TIME CORRECTIONAL
26 OFFICERS IN THE FREDERICK COUNTY SHERIFF'S OFFICE AT THE RANK OF
27 SERGEANT AND BELOW.

28 (II) 1. FULL-TIME CORRECTIONAL OFFICERS AT THE RANK OF
29 SERGEANT AND BELOW MAY:

1 A. TAKE PART IN OR REFRAIN FROM TAKING PART IN
2 FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR ORGANIZATION OR
3 ITS LAWFUL ACTIVITIES;

4 B. SELECT A LABOR ORGANIZATION AS THEIR EXCLUSIVE
5 REPRESENTATIVE;

6 C. ENGAGE IN COLLECTIVE BARGAINING WITH THE
7 SHERIFF, OR THE SHERIFF'S DESIGNEE, CONCERNING WAGES AND BENEFITS, NOT
8 REGULATED BY THE SHERIFF, THROUGH A LABOR ORGANIZATION CERTIFIED AS
9 THEIR EXCLUSIVE REPRESENTATIVE;

10 D. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
11 SUBPARAGRAPH, ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, THROUGH
12 THEIR EXCLUSIVE REPRESENTATIVE, COVERING THOSE WAGES AND BENEFITS NOT
13 REGULATED BY THE SHERIFF; AND

14 E. DECERTIFY A LABOR ORGANIZATION AS THEIR
15 EXCLUSIVE REPRESENTATIVE.

16 2. ANY ADDITIONAL FUNDING REQUIRED AS A RESULT OF A
17 NEGOTIATED COLLECTIVE BARGAINING AGREEMENT SHALL BE SUBJECT TO
18 APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY.

19 (III) 1. A LABOR ORGANIZATION SHALL BE DEEMED CERTIFIED
20 AS AN EXCLUSIVE REPRESENTATIVE IF THE FOLLOWING CONDITIONS ARE MET:

21 A. A PETITION FOR THE LABOR ORGANIZATION TO BE
22 RECOGNIZED BY THE SHERIFF IS SIGNED BY AT LEAST 51% OF THE CORRECTIONAL
23 OFFICERS AT THE RANK OF SERGEANT AND BELOW INDICATING THEIR DESIRE TO
24 BE EXCLUSIVELY REPRESENTED BY THE PETITIONER FOR THE PURPOSE OF
25 COLLECTIVE BARGAINING; AND

26 B. THE PETITION IS SUBMITTED TO THE SHERIFF.

27 2. IF THE SHERIFF DOES NOT CHALLENGE THE VALIDITY OF
28 THE PETITION WITHIN 10 CALENDAR DAYS FOLLOWING THE RECEIPT OF THE
29 PETITION, THE LABOR ORGANIZATION SHALL BE DEEMED CERTIFIED AS THE
30 EXCLUSIVE REPRESENTATIVE.

31 3. IF THE SHERIFF CHALLENGES THE VALIDITY OF THE
32 PETITION, THE AMERICAN ARBITRATION ASSOCIATION SHALL BE REQUESTED TO
33 APPOINT A THIRD PARTY NEUTRAL TO CONDUCT AN ELECTION AND TO CERTIFY
34 WHETHER THE LABOR ORGANIZATION HAS BEEN SELECTED AS THE EXCLUSIVE
35 REPRESENTATIVE BY A MAJORITY OF THE VOTES CAST IN THE ELECTION.

36 4. THE COSTS ASSOCIATED WITH THE AMERICAN
37 ARBITRATION ASSOCIATION AND THE THIRD PARTY NEUTRAL SHALL BE SHARED
38 EQUALLY BY THE PARTIES.

1 (IV) 1. FOLLOWING CERTIFICATION OF AN EXCLUSIVE
2 REPRESENTATIVE AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE
3 PARTIES SHALL MEET AT REASONABLE TIMES AND ENGAGE IN COLLECTIVE
4 BARGAINING IN GOOD FAITH.

5 2. THE PARTIES SHALL MAKE EVERY REASONABLE EFFORT
6 TO CONCLUDE NEGOTIATIONS IN A TIMELY MANNER TO ALLOW FOR INCLUSION BY
7 THE OFFICE OF THE SHERIFF OF MATTERS AGREED ON IN ITS BUDGET REQUEST TO
8 THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY.

9 (V) 1. A COLLECTIVE BARGAINING AGREEMENT SHALL CONTAIN
10 ALL MATTERS OF AGREEMENT REACHED IN THE COLLECTIVE BARGAINING PROCESS.

11 2. THE AGREEMENT MAY CONTAIN A GRIEVANCE
12 PROCEDURE PROVIDING FOR NONBINDING ARBITRATION OF GRIEVANCES.

13 3. AN AGREEMENT REACHED IN ACCORDANCE WITH THIS
14 SUBPARAGRAPH SHALL BE IN WRITING AND SIGNED BY THE DESIGNATED
15 REPRESENTATIVES OF THE PARTIES INVOLVED IN THE COLLECTIVE BARGAINING
16 NEGOTIATIONS.

17 4. A. SUBJECT TO SUBSUBSUBPARAGRAPH B OF THIS
18 SUBSUBPARAGRAPH, AN AGREEMENT IS NOT EFFECTIVE UNTIL IT IS RATIFIED BY A
19 MAJORITY OF THE VOTES CAST BY THE CORRECTIONAL OFFICERS IN THE
20 BARGAINING UNIT AND THE SHERIFF.

21 B. ADDITIONAL FUNDING, IF ANY, REQUIRED AS A RESULT
22 OF THE AGREEMENT SHALL BE SUBJECT TO THE APPROVAL OF THE BOARD OF
23 COUNTY COMMISSIONERS.

24 (VI) NOTHING IN THIS PARAGRAPH MAY BE CONSTRUED AS
25 AUTHORIZING OR OTHERWISE ALLOWING A CORRECTIONAL OFFICER TO ENGAGE IN
26 A STRIKE AS DEFINED IN § 3-303 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 2006.