
By: **Frederick County Delegation**

Introduced and read first time: January 23, 2006

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 22, 2006

CHAPTER_____

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:

1 **Article - Courts and Judicial Proceedings**

2 2-309.

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

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

8 A. TAKE PART IN OR REFRAIN FROM TAKING PART IN
9 FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR ORGANIZATION OR
10 ITS LAWFUL ACTIVITIES;

11 B. SELECT A LABOR ORGANIZATION AS THEIR EXCLUSIVE
12 REPRESENTATIVE;

13 C. ENGAGE IN COLLECTIVE BARGAINING WITH THE
14 SHERIFF, OR THE SHERIFF'S DESIGNEE, CONCERNING WAGES AND BENEFITS, NOT
15 REGULATED BY THE SHERIFF, THROUGH A LABOR ORGANIZATION CERTIFIED AS
16 THEIR EXCLUSIVE REPRESENTATIVE;

17 D. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
18 SUBPARAGRAPH, ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, THROUGH
19 THEIR EXCLUSIVE REPRESENTATIVE, COVERING THOSE WAGES AND BENEFITS NOT
20 REGULATED BY THE SHERIFF; AND

21 E. DECERTIFY A LABOR ORGANIZATION AS THEIR
22 EXCLUSIVE REPRESENTATIVE.

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

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

28 A. A PETITION FOR THE LABOR ORGANIZATION TO BE
29 RECOGNIZED BY THE SHERIFF IS SIGNED BY AT LEAST 51% OF THE CORRECTIONAL
30 OFFICERS AT THE RANK OF SERGEANT AND BELOW INDICATING THEIR DESIRE TO
31 BE EXCLUSIVELY REPRESENTED BY THE PETITIONER FOR THE PURPOSE OF
32 COLLECTIVE BARGAINING; AND

33 B. THE PETITION IS SUBMITTED TO THE SHERIFF.

34 2. IF THE SHERIFF DOES NOT CHALLENGE THE VALIDITY OF
35 THE PETITION WITHIN 10 CALENDAR DAYS FOLLOWING THE RECEIPT OF THE
36 PETITION, THE LABOR ORGANIZATION SHALL BE DEEMED CERTIFIED AS THE
37 EXCLUSIVE REPRESENTATIVE.

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

6 4. THE COSTS ASSOCIATED WITH THE AMERICAN
7 ARBITRATION ASSOCIATION AND THE THIRD PARTY NEUTRAL SHALL BE SHARED
8 EQUALLY BY THE PARTIES.

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

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

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

19 2. THE AGREEMENT MAY CONTAIN A GRIEVANCE
20 PROCEDURE PROVIDING FOR NONBINDING ARBITRATION OF GRIEVANCES.

21 3. AN AGREEMENT REACHED IN ACCORDANCE WITH THIS
22 SUBPARAGRAPH SHALL BE IN WRITING AND SIGNED BY THE DESIGNATED
23 REPRESENTATIVES OF THE PARTIES INVOLVED IN THE COLLECTIVE BARGAINING
24 NEGOTIATIONS.

25 4. A. SUBJECT TO SUBSUBSUBPARAGRAPH B OF THIS
26 SUBSUBPARAGRAPH, AN AGREEMENT IS NOT EFFECTIVE UNTIL IT IS RATIFIED BY A
27 MAJORITY OF THE VOTES CAST BY THE CORRECTIONAL OFFICERS IN THE
28 BARGAINING UNIT AND THE SHERIFF.

29 B. ADDITIONAL FUNDING, IF ANY, REQUIRED AS A RESULT
30 OF THE AGREEMENT SHALL BE SUBJECT TO THE APPROVAL OF THE BOARD OF
31 COUNTY COMMISSIONERS.

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

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