
By: **Delegates Malone, Bromwell, Burns, Cluster, DeBoy, Impallaria,
Morhaim, and Weir**

Rules suspended

Introduced and read first time: March 9, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Sheriff's Office - Collective Bargaining**

3 FOR the purpose of authorizing certain full-time deputy sheriffs in the Baltimore
4 County Sheriff's Office to take certain actions or refrain from taking certain
5 actions in connection with certain labor organizations and collective bargaining
6 activities; authorizing certain deputy sheriffs to select a labor organization as
7 their exclusive representative; authorizing certain deputy sheriffs to engage in
8 collective bargaining with the Sheriff of Baltimore County concerning certain
9 wages and benefits through a certain representative; authorizing certain deputy
10 sheriffs to enter into a collective bargaining agreement through a certain
11 representative; authorizing certain deputy sheriffs to decertify a certain labor
12 organization; requiring that any additional funding required as a result of a
13 negotiated agreement be subject to the approval of the Baltimore County
14 Council; providing for the procedures for certifying a labor organization as an
15 exclusive representative; requiring certain parties to meet at reasonable times
16 and engage in collective bargaining in good faith; requiring a collective
17 bargaining agreement to contain certain matters and be subject to certain
18 requirements; providing for the effect of certain provisions of this Act; and
19 generally relating to collective bargaining rights for certain deputy sheriffs in
20 the Baltimore County Sheriff's Office.

21 BY repealing and reenacting, with amendments,
22 Article - Courts and Judicial Proceedings
23 Section 2-309(e)
24 Annotated Code of Maryland
25 (2002 Replacement Volume and 2005 Supplement)

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

1

Article - Courts and Judicial Proceedings

2 2-309.

3 (e) (1) The Sheriff of Baltimore County shall receive a salary of not more
4 than \$70,000. The Sheriff shall appoint an under-sheriff and any number of deputies
5 and any clerical assistant required by the duties of the office. The Sheriff may also
6 appoint a number of deputies to the ranks of chief deputy, captain, lieutenant, and
7 sergeant as his duties and responsibilities require. The cost and expense of these
8 supervisory, administrative, and clerical positions, including salaries, shall be as
9 provided in the budget of the county by the County Executive and as approved by the
10 County Council. All full-time employees under this subsection are subject to the
11 provisions of the county merit system and the rules and regulations passed by the
12 County Council pursuant to the charter, as to qualifications, compensation, and other
13 regulations. Part-time deputies may not be employed by the Sheriff's office. However,
14 the Sheriff may appoint as part-time deputies persons employed in specific plants,
15 institutions, colleges, and hospitals situated within Baltimore County who are limited
16 to service only within the particular facility where they are employed, and who may
17 not be compensated by Baltimore County for their services.

18 (2) (I) THIS PARAGRAPH APPLIES TO ALL FULL-TIME DEPUTY
19 SHERIFFS IN THE BALTIMORE COUNTY SHERIFF'S OFFICE AT THE RANK OF
20 LIEUTENANT AND BELOW.

21 (II) 1. FULL-TIME DEPUTY SHERIFFS AT THE RANK OF
22 LIEUTENANT AND BELOW MAY:

23 A. TAKE PART IN OR REFRAIN FROM TAKING PART IN
24 FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR ORGANIZATION OR
25 ITS LAWFUL ACTIVITIES;

26 B. SELECT A LABOR ORGANIZATION AS THEIR EXCLUSIVE
27 REPRESENTATIVE;

28 C. ENGAGE IN COLLECTIVE BARGAINING WITH THE
29 SHERIFF, OR THE SHERIFF'S DESIGNEE, CONCERNING WAGES AND BENEFITS, NOT
30 REGULATED BY THE SHERIFF, THROUGH A LABOR ORGANIZATION CERTIFIED AS
31 THEIR EXCLUSIVE REPRESENTATIVE;

32 D. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
33 SUBPARAGRAPH, ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, THROUGH
34 THEIR EXCLUSIVE REPRESENTATIVE, COVERING THOSE WAGES AND BENEFITS NOT
35 REGULATED BY THE SHERIFF; AND

36 E. DECERTIFY A LABOR ORGANIZATION AS THEIR
37 EXCLUSIVE REPRESENTATIVE.

38 2. ANY ADDITIONAL FUNDING REQUIRED AS A RESULT OF A
39 NEGOTIATED COLLECTIVE BARGAINING AGREEMENT SHALL BE SUBJECT TO
40 APPROVAL BY THE COUNTY COUNCIL.

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

3 A. A PETITION FOR THE LABOR ORGANIZATION TO BE
4 RECOGNIZED BY THE SHERIFF IS SIGNED BY AT LEAST 51% OF THE DEPUTY
5 SHERIFFS AT THE RANK OF LIEUTENANT AND BELOW INDICATING THEIR DESIRE TO
6 BE EXCLUSIVELY REPRESENTED BY THE PETITIONER FOR THE PURPOSE OF
7 COLLECTIVE BARGAINING; AND

8 B. THE PETITION IS SUBMITTED TO THE SHERIFF.

9 2. IF THE SHERIFF DOES NOT CHALLENGE THE VALIDITY OF
10 THE PETITION WITHIN 10 CALENDAR DAYS FOLLOWING THE RECEIPT OF THE
11 PETITION, THE LABOR ORGANIZATION SHALL BE DEEMED CERTIFIED AS THE
12 EXCLUSIVE REPRESENTATIVE.

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

18 4. THE COSTS ASSOCIATED WITH THE AMERICAN
19 ARBITRATION ASSOCIATION AND THE THIRD-PARTY NEUTRAL SHALL BE SHARED
20 EQUALLY BY THE PARTIES.

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

25 2. THE PARTIES SHALL MAKE EVERY REASONABLE EFFORT
26 TO CONCLUDE NEGOTIATIONS IN A TIMELY MANNER TO ALLOW FOR INCLUSION BY
27 THE OFFICE OF THE SHERIFF OF MATTERS AGREED ON IN ITS BUDGET REQUEST TO
28 THE COUNTY COUNCIL.

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

31 2. THE AGREEMENT MAY CONTAIN A GRIEVANCE
32 PROCEDURE PROVIDING FOR NONBINDING ARBITRATION OF GRIEVANCES.

33 3. AN AGREEMENT REACHED IN ACCORDANCE WITH THIS
34 SUBPARAGRAPH SHALL BE IN WRITING AND SIGNED BY THE DESIGNATED
35 REPRESENTATIVES OF THE PARTIES INVOLVED IN THE COLLECTIVE BARGAINING
36 NEGOTIATIONS.

37 4. A. SUBJECT TO SUBSUBSUBPARAGRAPH B OF THIS
38 SUBSUBPARAGRAPH, AN AGREEMENT IS NOT EFFECTIVE UNTIL IT IS RATIFIED BY A

1 MAJORITY OF THE VOTES CAST BY THE DEPUTY SHERIFFS IN THE BARGAINING UNIT
2 AND THE SHERIFF.

3 B. ADDITIONAL FUNDING, IF ANY, REQUIRED AS A RESULT
4 OF THE AGREEMENT SHALL BE SUBJECT TO THE APPROVAL OF THE COUNTY
5 COUNCIL.

6 (VI) NOTHING IN THIS PARAGRAPH MAY BE CONSTRUED AS
7 AUTHORIZING OR OTHERWISE ALLOWING A DEPUTY SHERIFF TO ENGAGE IN A
8 STRIKE AS DEFINED IN § 3-303 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

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