
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

Re-referred to: Appropriations, March 13, 2006

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2006

CHAPTER _____

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~~ representation unit; authorizing certain deputy
8 sheriffs to engage in collective bargaining with the ~~Sheriff of Baltimore County~~
9 Administration, or its designee, concerning certain wages and benefits through
10 a certain ~~representative~~ representation unit; authorizing certain deputy sheriffs
11 to enter into a collective bargaining agreement through a certain ~~representative~~
12 representation unit; authorizing certain deputy sheriffs to decertify a certain
13 labor organization; requiring that any additional funding required as a result of
14 a negotiated agreement be subject to the approval of the Baltimore County
15 Council; providing for the procedures for certifying a labor organization as an
16 exclusive ~~representative~~ representation unit; requiring certain parties to meet
17 at reasonable times and engage in collective bargaining in good faith; requiring
18 a collective bargaining agreement to contain certain matters and be subject to
19 certain requirements; providing for the effect of certain provisions of this Act;
20 and generally relating to collective bargaining rights for certain deputy sheriffs
21 in the Baltimore County Sheriff's Office.

22 BY repealing and reenacting, with amendments,

23 Article - Courts and Judicial Proceedings

24 Section 2-309(e)

1 Annotated Code of Maryland
2 (2002 Replacement Volume and 2005 Supplement)

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

5 **Article - Courts and Judicial Proceedings**

6 2-309.

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

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

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

27 A. TAKE PART IN OR REFRAIN FROM TAKING PART IN
28 FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR ORGANIZATION OR
29 ITS LAWFUL ACTIVITIES;

30 B. SELECT A LABOR ORGANIZATION AS THEIR EXCLUSIVE
31 ~~REPRESENTATIVE REPRESENTATION UNIT;~~

32 C. ENGAGE IN COLLECTIVE BARGAINING WITH THE
33 ~~SHERIFF, OR THE SHERIFF'S DESIGNEE, BALTIMORE COUNTY ADMINISTRATION, OR~~
34 ~~ITS DESIGNEE.~~ CONCERNING WAGES AND BENEFITS, NOT REGULATED BY THE
35 SHERIFF, THROUGH A LABOR ORGANIZATION CERTIFIED AS THEIR EXCLUSIVE
36 ~~REPRESENTATIVE REPRESENTATION UNIT;~~

37 D. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
38 SUBPARAGRAPH, ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, THROUGH

1 THEIR EXCLUSIVE ~~REPRESENTATIVE~~ REPRESENTATION UNIT, COVERING THOSE
2 WAGES AND BENEFITS NOT REGULATED BY THE SHERIFF; AND

3 E. DECERTIFY A LABOR ORGANIZATION AS THEIR
4 EXCLUSIVE ~~REPRESENTATIVE~~ REPRESENTATION UNIT.

5 2. ANY ADDITIONAL FUNDING REQUIRED AS A RESULT OF A
6 NEGOTIATED COLLECTIVE BARGAINING AGREEMENT SHALL BE SUBJECT TO
7 APPROVAL BY THE COUNTY COUNCIL.

8 (III) 1. A LABOR ORGANIZATION SHALL BE DEEMED CERTIFIED
9 AS AN EXCLUSIVE ~~REPRESENTATIVE~~ REPRESENTATION UNIT IF THE FOLLOWING
10 CONDITIONS ARE MET:

11 A. A PETITION FOR THE LABOR ORGANIZATION TO BE
12 RECOGNIZED BY THE ~~SHERIFF~~ BALTIMORE COUNTY ADMINISTRATION IS SIGNED BY
13 AT LEAST 51% OF THE DEPUTY SHERIFFS AT THE RANK OF LIEUTENANT AND BELOW
14 INDICATING THEIR DESIRE TO BE EXCLUSIVELY REPRESENTED BY THE PETITIONER
15 FOR THE PURPOSE OF COLLECTIVE BARGAINING; AND

16 B. THE PETITION IS SUBMITTED TO THE ~~SHERIFF~~
17 BALTIMORE COUNTY ADMINISTRATION.

18 2. IF THE ~~SHERIFF~~ BALTIMORE COUNTY ADMINISTRATION
19 DOES NOT CHALLENGE THE VALIDITY OF THE PETITION WITHIN 10 CALENDAR DAYS
20 FOLLOWING THE RECEIPT OF THE PETITION, THE LABOR ORGANIZATION SHALL BE
21 DEEMED CERTIFIED AS THE EXCLUSIVE ~~REPRESENTATIVE~~ REPRESENTATION UNIT.

22 3. IF THE ~~SHERIFF~~ BALTIMORE COUNTY ADMINISTRATION
23 CHALLENGES THE VALIDITY OF THE PETITION, THE AMERICAN ARBITRATION
24 ASSOCIATION SHALL BE REQUESTED TO APPOINT A THIRD-PARTY NEUTRAL TO
25 CONDUCT AN ELECTION AND TO CERTIFY WHETHER THE LABOR ORGANIZATION HAS
26 BEEN SELECTED AS THE EXCLUSIVE ~~REPRESENTATIVE~~ REPRESENTATION UNIT BY A
27 MAJORITY OF THE VOTES CAST IN THE ELECTION.

28 4. THE COSTS ASSOCIATED WITH THE AMERICAN
29 ARBITRATION ASSOCIATION AND THE THIRD-PARTY NEUTRAL SHALL BE SHARED
30 EQUALLY BY THE PARTIES.

31 (IV) 1. FOLLOWING CERTIFICATION OF AN EXCLUSIVE
32 ~~REPRESENTATIVE~~ REPRESENTATION UNIT AS PROVIDED IN SUBPARAGRAPH (III) OF
33 THIS PARAGRAPH, THE PARTIES SHALL MEET AT REASONABLE TIMES AND ENGAGE
34 IN COLLECTIVE BARGAINING IN GOOD FAITH.

35 2. THE PARTIES SHALL MAKE EVERY REASONABLE EFFORT
36 TO CONCLUDE NEGOTIATIONS IN A TIMELY MANNER TO ALLOW FOR INCLUSION BY
37 THE OFFICE OF THE SHERIFF OF MATTERS AGREED ON IN ITS BUDGET REQUEST TO
38 THE COUNTY COUNCIL.

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

3 2. THE AGREEMENT MAY CONTAIN A GRIEVANCE
4 PROCEDURE PROVIDING FOR NONBINDING ARBITRATION OF GRIEVANCES.

5 3. AN AGREEMENT REACHED IN ACCORDANCE WITH THIS
6 SUBPARAGRAPH SHALL BE IN WRITING AND SIGNED BY THE DESIGNATED
7 REPRESENTATIVES OF THE PARTIES INVOLVED IN THE COLLECTIVE BARGAINING
8 NEGOTIATIONS.

9 4. A. SUBJECT TO SUBSUBSUBPARAGRAPH B OF THIS
10 SUBSUBPARAGRAPH, AN AGREEMENT IS NOT EFFECTIVE UNTIL IT IS RATIFIED BY A
11 MAJORITY OF THE VOTES CAST BY THE DEPUTY SHERIFFS IN THE BARGAINING UNIT
12 AND THE ~~SHERIFF~~ BALTIMORE COUNTY ADMINISTRATION.

13 B. ADDITIONAL FUNDING, IF ANY, REQUIRED AS A RESULT
14 OF THE AGREEMENT SHALL BE SUBJECT TO THE APPROVAL OF THE COUNTY
15 COUNCIL.

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

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