

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 224
Appropriations

(Frederick County Delegation)

Finance

Frederick County - Collective Bargaining - Representatives for Correctional
Officers

This bill authorizes full-time correctional officers in the Frederick County Sheriff's Office, 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 Frederick County Commissioners. The bill does not allow Frederick County correctional officers to engage in a strike.

The bill takes effect July 1, 2006.

Fiscal Summary

State Effect: None.

Local Effect: Frederick County personnel expenditures would increase by approximately \$77,000 beginning in FY 2007 to hire a labor relations manager. County revenues would not be affected.

Small Business Effect: None.

Analysis

Bill Summary: Full-time Frederick County correctional officers in the sheriff's office 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 by the county commissioners; and (5) decertify a labor organization as their exclusive representative.

A labor organization is deemed to be the exclusive representative if at least 51% of the correctional officers 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, and it may contain a grievance procedure providing for nonbinding arbitration. 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 correctional officers in the bargaining unit and the Frederick County Sheriff.

Current Law: The Frederick County Sheriff is authorized to appoint deputies and jail wardens as necessary. Chapter 144 of 2005 authorized collective bargaining for wages and benefits for full-time Frederick County deputy sheriffs at or below the rank of sergeant. Correctional officers in the Frederick County Sheriff's Office do not currently have the authority to collectively bargain for wages and benefits.

Background: The Frederick County fiscal 2006 adopted budget includes \$31.6 million for the sheriff's office. Funding for the sheriff's office represents 8% of the county's general fund budget.

Local Fiscal Effect: Frederick County advises that they would need to hire a labor relations manager at an annual compensation of \$76,945 for salary (\$55,668) and fringe benefits (\$21,277) in order to administer collective bargaining with the correctional officers of the county sheriff's office. This estimate is similar to the estimate given in the fiscal and policy note for Chapter 144 of 2005. The county advises that since a labor relations manager was not authorized by the county commissioners, it would still need to hire one. The county advises, however, that it would not need to hire additional counsel to conduct the collective bargaining negotiations.

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 county commissioners.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Frederick County, Department of Public Safety and Correctional Services, Department of Legislative Services

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ncs/hlb

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