

# HOUSE BILL 252

D2  
HB 224/06 – APP

71r1066

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By: **Frederick County Delegation**

Introduced and read first time: January 29, 2007

Assigned to: Appropriations

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Committee Report: Favorable

House action: Adopted

Read second time: February 27, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Frederick County – Collective Bargaining – Representatives for Correctional**  
3 **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 actions  
8 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  
11 of 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 (2006 Replacement Volume)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Courts and Judicial Proceedings**

4 2–309.

5 (1) (6) (I) THIS PARAGRAPH APPLIES TO ALL FULL-TIME  
6 CORRECTIONAL OFFICERS IN THE FREDERICK COUNTY SHERIFF’S OFFICE AT  
7 THE RANK OF SERGEANT AND BELOW.

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

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

13 B. SELECT A LABOR ORGANIZATION AS THEIR  
14 EXCLUSIVE REPRESENTATIVE;

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

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

23 E. DECERTIFY A LABOR ORGANIZATION AS THEIR  
24 EXCLUSIVE REPRESENTATIVE.

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

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

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

9                   B. THE PETITION IS SUBMITTED TO THE SHERIFF.

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

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

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

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

27                   2. THE PARTIES SHALL MAKE EVERY REASONABLE  
28 EFFORT TO CONCLUDE NEGOTIATIONS IN A TIMELY MANNER TO ALLOW FOR  
29 INCLUSION BY THE OFFICE OF THE SHERIFF OF MATTERS AGREED ON IN ITS  
30 BUDGET REQUEST TO THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK  
31 COUNTY.

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

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

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

10                  4. A. SUBJECT TO SUBSUBSUBPARAGRAPH B OF  
11 THIS SUBSUBPARAGRAPH, AN AGREEMENT IS NOT EFFECTIVE UNTIL IT IS  
12 RATIFIED BY A MAJORITY OF THE VOTES CAST BY THE CORRECTIONAL  
13 OFFICERS IN THE BARGAINING UNIT AND THE SHERIFF.

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

17                   (vi) NOTHING IN THIS PARAGRAPH MAY BE CONSTRUED AS  
18 AUTHORIZING OR OTHERWISE ALLOWING A CORRECTIONAL OFFICER TO  
19 ENGAGE IN A STRIKE AS DEFINED IN § 3-303 OF THE STATE PERSONNEL AND  
20 PENSIONS ARTICLE.

21                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 July 1, 2007.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.