

# HOUSE BILL 1167

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CF SB 509

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By: **Delegates Oaks, Carter, Harrison, Haynes, McHale, and Stukes**

Introduced and read first time: February 19, 2007

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

### 2 **Baltimore City – Binding Arbitration – Police Officers**

3 FOR the purpose of requiring binding arbitration between certain employee  
4 organizations representing certain Baltimore City police officers and the City of  
5 Baltimore under certain circumstances; applying certain procedures governing  
6 binding arbitration for firefighters and fire officers to certain police officers;  
7 providing for the selection of a certain board of arbitration; requiring a certain  
8 board of arbitration to consider certain matters; requiring the adoption of  
9 certain salary and wage scales for certain police officers under certain  
10 circumstances; making a technical change; and generally relating to binding  
11 arbitration between certain police officers and the City of Baltimore.

12 BY repealing and reenacting, with amendments,

13 The Charter of Baltimore City

14 Article II – General Powers

15 Section (55)

16 (2006 Edition)

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

### 19 **The Charter of Baltimore City**

20 Article II – General Powers

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

[Brackets] indicate matter deleted from existing law.



1        The Mayor and City Council of Baltimore shall have full power and authority to  
2 exercise all of the powers heretofore or hereafter granted to it by the Constitution of  
3 Maryland or by any Public General or Public Local Laws of the State of Maryland; and  
4 in particular, without limitation upon the foregoing, shall have power by ordinance, or  
5 such other method as may be provided for in its Charter, subject to the provisions of  
6 said Constitution and Public General Laws:

7        (55)

8                (a) To provide by ordinance an orderly procedure for participation by  
9 municipal employees and their representatives in the formulation of labor relations  
10 and personnel policies, recognizing the right of employees to organize and bargain  
11 collectively through representatives of their own choosing and generally authorizing  
12 the Mayor and City Council of Baltimore to provide for

13                (1) the manner of establishing units appropriate for collective  
14 bargaining and of designating or selecting exclusive bargaining representatives;

15                (2) the rights of the employer, employees and the employee  
16 organization designated as the exclusive representative in an appropriate unit;

17                (3) the procedure for the negotiation of a collective bargaining  
18 agreement with respect to the terms and conditions of employment and the manner for  
19 resolution of a negotiation impasse;

20                (4) the payment of a service fee, as a condition of continuing  
21 employment, for administration of the collective bargaining agreement and the right of  
22 the exclusive representative to the checkoff of dues or service fees;

23                (5) the designation of unfair labor practices and remedies for the  
24 same;

25                (6) the definition of a grievance and the procedure for resolution; and

26                (7) other related matters to effectuate the ordinance.

27        The Mayor and City Council of Baltimore are authorized, consistent with the  
28 provisions of the Charter of Baltimore City, to submit to binding arbitration any  
29 dispute arising from the interpretation of, or the application of, any collective  
30 bargaining agreement with an exclusive representative. Binding arbitration for fire  
31 fighters [and], fire officers, **AND POLICE OFFICERS** shall be conducted as provided in  
32 subsection (b).

1        This section does not authorize a strike by any municipal employee or  
2 employees.

3        Until amended by ordinance, the presently existing municipal employee  
4 relations ordinance shall remain in force and effect.

5                (b) (1) If the certified employee organization or organizations  
6 representing fire fighters and fire officers within the Fire Department **OR POLICE**  
7 **OFFICERS WITHIN THE POLICE DEPARTMENT** and the employer have not reached a  
8 written agreement concerning terms and conditions of employment by March 1 of any  
9 year, either party may request arbitration by a board of arbitration, as herein  
10 provided, which request must be honored.

11               (2) The board of arbitration shall be composed of 3 members, 1  
12 appointed by the Mayor, and 1 appointed jointly by the certified employee  
13 organizations representing the fire fighters and fire officers **OR POLICE OFFICERS**  
14 involved. These members shall be selected within 4 days of the request for arbitration.  
15 The third member shall be selected within 4 additional days by the 2 arbitrators  
16 previously chosen and in accordance with the procedures of the American Arbitration  
17 Association from a list furnished by the Association. Such member selected shall act as  
18 chairman of the board of arbitration.

19               The board of arbitration thus established shall commence the arbitration  
20 proceedings within 7 days after the chairman is selected and shall make its decision,  
21 by a majority vote, within 15 days after the commencement of the arbitration  
22 proceedings. For good cause the chairman may extend the time requirement set forth  
23 herein.

24               (3) Within 3 days after the selection of the chairman of the board of  
25 arbitration, the Labor Commissioner or his designated representative shall provide to  
26 each member of the board of arbitration and to all parties, a detailed itemization of the  
27 last proposal made by the respective parties during the negotiations.

28               (4) The board of arbitration shall identify the major issues in the  
29 dispute, review the positions of all parties and shall take into consideration wages,  
30 benefits, hours, and other working conditions of other fire **OR POLICE** department and  
31 public safety employees in Maryland as well as in comparable metropolitan political  
32 subdivisions in other states, and shall also consider the value of other benefits  
33 available to or received by other employees of the Mayor and City Council of Baltimore  
34 as compared with private sector employees in the metropolitan Baltimore City area  
35 and as compared with employees of other fire **OR POLICE** departments and other  
36 public safety employees. The board of arbitration shall further consider consumer

1        prices for goods and services and other related items, cost of living data, and such  
2        other factors, not confined to the foregoing, which are normally utilized in the  
3        determination of wages and other benefits in the collective bargaining process, and  
4        shall also take into account the financial condition of the City.

5                (5)        The board of arbitration shall have the power to administer oaths,  
6        compel the attendance of witnesses, and require the production of evidence by  
7        subpoena.

8                (6)        The board of arbitration after hearing witnesses and considering  
9        and receiving such written evidence as may be submitted shall, by written decision,  
10        order the implementation, in its entirety, of the last proposal of one of the respective  
11        parties previously submitted in accordance with [subparagraph (c) of this section]  
12        **PARAGRAPH (3) OF THIS SUBSECTION.**

13               (7)        The decision of the majority of the board of arbitration thus  
14        established shall be final and binding upon the Mayor and City Council of Baltimore  
15        and upon the certified employee organizations involved in the proceedings. No appeal  
16        therefrom shall be allowed. Such decision shall constitute a mandate to the Mayor of  
17        Baltimore City in respect to such matters which can be remedied administratively by  
18        him, and as a mandate to the Board of Estimates and the City Council with respect to  
19        matter(s) which require legislative action necessary to implement the decision of the  
20        board of arbitration.

21               With respect to matters which require legislative action for implementation,  
22        such legislation shall be enacted within 45 days following the date of the arbitration  
23        decision.

24               With respect to salaries and wage scales, the amounts determined by the final  
25        decision of the board of arbitration shall be included in the proposed Ordinance of  
26        Estimates in accordance with Section 2(c)(1) of Article VI, shall not be reduced by the  
27        City Council in accordance with Section 2(g) of Article VI, and shall be adopted by the  
28        Board of Estimates as the salary and wage scales for employees of the Fire  
29        Department **OR POLICE DEPARTMENT** in accordance with Section 5 of Article VI.

30               (8)        The cost of the arbitration proceedings provided for herein shall be  
31        borne equally by the parties involved.

32               SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33        October 1, 2007.