

HOUSE BILL 1167

L2

71r3151
CF SB 509

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

Introduced and read first time: February 19, 2007

Assigned to: Rules and Executive Nominations

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

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.