

SENATE BILL 509

L2

71r1702

By: **Senator Della**

Introduced and read first time: February 2, 2007

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2007

CHAPTER _____

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; providing for a delayed effective
11 date; and generally relating to binding arbitration between certain police
12 officers and the City of Baltimore.

13 BY repealing and reenacting, with amendments,
14 The Charter of Baltimore City
15 Article II – General Powers
16 Section (55)
17 (2006 Edition)

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

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.



The Charter of Baltimore City

Article II – General Powers

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

(55)

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

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

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

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

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

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

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

(7) other related matters to effectuate the ordinance.

The Mayor and City Council of Baltimore are authorized, consistent with the provisions of the Charter of Baltimore City, to submit to binding arbitration any

1 dispute arising from the interpretation of, or the application of, any collective
2 bargaining agreement with an exclusive representative. Binding arbitration for fire
3 fighters [and], fire officers, **AND POLICE OFFICERS** shall be conducted as provided in
4 subsection (b).

5 This section does not authorize a strike by any municipal employee or
6 employees.

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

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

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

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

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

32 (4) The board of arbitration shall identify the major issues in the
33 dispute, review the positions of all parties and shall take into consideration wages,
34 benefits, hours, and other working conditions of other fire **OR POLICE** department and
35 public safety employees in Maryland as well as in comparable metropolitan political

1 subdivisions in other states, and shall also consider the value of other benefits
2 available to or received by other employees of the Mayor and City Council of Baltimore
3 as compared with private sector employees in the metropolitan Baltimore City area
4 and as compared with employees of other fire **OR POLICE** departments and other
5 public safety employees. The board of arbitration shall further consider consumer
6 prices for goods and services and other related items, cost of living data, and such
7 other factors, not confined to the foregoing, which are normally utilized in the
8 determination of wages and other benefits in the collective bargaining process, and
9 shall also take into account the financial condition of the City.

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

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

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

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

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, ~~2007~~ 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.