

# SENATE BILL 565

D2  
HB 224/06 – APP

71r2633  
CF HB 252

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By: **Senator Brinkley**  
Introduced and read first time: February 2, 2007  
Assigned to: Finance

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## A BILL ENTITLED

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)

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

23 **Article – Courts and Judicial Proceedings**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2-309.

2 (1) (6) (I) THIS PARAGRAPH APPLIES TO ALL FULL-TIME  
3 CORRECTIONAL OFFICERS IN THE FREDERICK COUNTY SHERIFF'S OFFICE AT  
4 THE RANK OF SERGEANT AND BELOW.

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

7 A. TAKE PART IN OR REFRAIN FROM TAKING PART IN  
8 FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR  
9 ORGANIZATION OR ITS LAWFUL ACTIVITIES;

10 B. SELECT A LABOR ORGANIZATION AS THEIR  
11 EXCLUSIVE REPRESENTATIVE;

12 C. ENGAGE IN COLLECTIVE BARGAINING WITH THE  
13 SHERIFF, OR THE SHERIFF'S DESIGNEE, CONCERNING WAGES AND BENEFITS,  
14 NOT REGULATED BY THE SHERIFF, THROUGH A LABOR ORGANIZATION  
15 CERTIFIED AS THEIR EXCLUSIVE REPRESENTATIVE;

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

20 E. DECERTIFY A LABOR ORGANIZATION AS THEIR  
21 EXCLUSIVE REPRESENTATIVE.

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

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

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

6           **B. THE PETITION IS SUBMITTED TO THE SHERIFF.**

7           **2. IF THE SHERIFF DOES NOT CHALLENGE THE**  
8 **VALIDITY OF THE PETITION WITHIN 10 CALENDAR DAYS FOLLOWING THE**  
9 **RECEIPT OF THE PETITION, THE LABOR ORGANIZATION SHALL BE DEEMED**  
10 **CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE.**

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

17           **4. THE COSTS ASSOCIATED WITH THE AMERICAN**  
18 **ARBITRATION ASSOCIATION AND THE THIRD PARTY NEUTRAL SHALL BE**  
19 **SHARED EQUALLY BY THE PARTIES.**

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

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

29           **(V) 1. A COLLECTIVE BARGAINING AGREEMENT SHALL**  
30 **CONTAIN ALL MATTERS OF AGREEMENT REACHED IN THE COLLECTIVE**  
31 **BARGAINING PROCESS.**

1                   **2. THE AGREEMENT MAY CONTAIN A GRIEVANCE**  
2 **PROCEDURE PROVIDING FOR NONBINDING ARBITRATION OF GRIEVANCES.**

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

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

11                   **B. ADDITIONAL FUNDING, IF ANY, REQUIRED AS A**  
12 **RESULT OF THE AGREEMENT SHALL BE SUBJECT TO THE APPROVAL OF THE**  
13 **BOARD OF COUNTY COMMISSIONERS.**

14                   **(VI) NOTHING IN THIS PARAGRAPH MAY BE CONSTRUED AS**  
15 **AUTHORIZING OR OTHERWISE ALLOWING A CORRECTIONAL OFFICER TO**  
16 **ENGAGE IN A STRIKE AS DEFINED IN § 3-303 OF THE STATE PERSONNEL AND**  
17 **PENSIONS ARTICLE.**

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