

SENATE BILL 565

D2
HB 224/06 – APP

71r2633
CF HB 252

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

Committee Report: Favorable
Senate action: Adopted
Read second time: March 26, 2007

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)

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:

Governor.

President of the Senate.

Speaker of the House of Delegates.