

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 565

(Senator Brinkley)

Finance

Appropriations

Frederick County - Collective Bargaining - Representatives for Correctional Officers

This bill authorizes full-time correctional officers in the Frederick County Sheriff's Office, at or below the rank of sergeant, to form or join a labor organization, to select an organization as their exclusive representative, and to engage in collective bargaining for wages and benefits through this exclusive representative. The parties are required to meet at reasonable times and collectively bargain in good faith. A collective bargaining agreement must contain all matters of agreement reached in the bargaining process; however, any additional funding required as a result the agreement is subject to approval by the Frederick County Commissioners. The bill does not authorize Frederick County correctional officers to engage in a strike.

The bill takes effect July 1, 2007.

Fiscal Summary

State Effect: None.

Local Effect: None. The Frederick County Sheriff's Office will not incur any additional expenses relating to collective bargaining.

Small Business Effect: None.

Analysis

Bill Summary: A labor organization is deemed to be the exclusive representative if at least 51% of the correctional officers at or below the rank of sergeant sign a petition indicating their desire to have the labor organization be their exclusive representative. The petition must be submitted to the sheriff. If, after 10 days from the date the petition is submitted to the sheriff, the sheriff does not challenge the validity of the petition; the labor organization will be deemed certified as the exclusive representative. If the sheriff challenges the validity of the petition, the American Arbitration Association would be asked to appoint a third party to conduct an election and certify the exclusive representative by a majority of votes cast. The arbitration costs will be shared equally by the parties involved.

A collective bargaining agreement may contain a grievance procedure providing for nonbinding arbitration. The agreement must be signed by the designated representative of the parties involved. The agreement, however, is not effective until ratified by a majority of votes cast by the correctional officers in the bargaining unit and the Frederick County Sheriff.

Current Law: The Frederick County Sheriff is authorized to appoint deputies and jail wardens as necessary. Chapter 144 of 2005 authorized collective bargaining for wages and benefits for full-time Frederick County deputy sheriffs at or below the rank of sergeant. Correctional officers in the Frederick County Sheriff's Office do not currently have the authority to collectively bargain for wages and benefits.

Background: The Frederick County fiscal 2007 budget includes \$34.7 million for the sheriff's office. Funding for the sheriff's office represents 7.9% of the county's general fund budget.

Local Fiscal Effect: Frederick County advises that when the sheriff's office and the deputy sheriffs collectively bargained for fiscal 2007 wages and benefits, the correctional officers were included in the bargaining process as an auxiliary unit. The collective bargaining agreement resulted in a separate pay scale for the correctional officers, which became effective December 23, 2006.

Any future costs associated with collective bargaining agreements produced by negotiation would depend on the wages and benefits associated with the final agreement, which cannot be reliably quantified at this time. In any event, additional funding required by a collective bargaining agreement would be subject to approval by the county commissioners.

Additional Information

Prior Introductions: This bill is a reintroduction of HB 224 of 2006. It passed the House and passed the Senate on the second reading; however, no further action was taken.

Cross File: HB 252 (Frederick County Delegation) – Appropriations.

Information Source(s): Frederick County, Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2007
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