

HOUSE BILL 1606

L2

8lr1962

By: **Delegates Smigiel and Sossi**

Introduced and read first time: March 3, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Cecil County – Office of Sheriff – Collective Bargaining**

3 FOR the purpose of authorizing certain deputies of the Office of the Sheriff for Cecil
4 County to take part in or refrain from taking part in actions concerning a
5 certain labor organization; authorizing the deputies to engage in certain
6 collective bargaining through a certain labor organization under certain
7 circumstances; requiring the Board of County Commissioners for Cecil County
8 and a certain labor organization to engage in good faith negotiations to reach a
9 certain agreement concerning the deputies; providing for binding arbitration
10 concerning certain labor disagreements; providing for the construction of this
11 Act; and generally relating to authorizing certain deputies of the Office of the
12 Sheriff for Cecil County to engage in collective bargaining through a certain
13 labor organization under certain circumstances.

14 BY adding to

15 Article – Courts and Judicial Proceedings

16 Section 2–309(i)(4)

17 Annotated Code of Maryland

18 (2006 Replacement Volume and 2007 Supplement)

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

21 **Article – Courts and Judicial Proceedings**

22 2–309.

23 (i) (4) (I) **THIS PARAGRAPH APPLIES TO DEPUTIES IN THE**
24 **OFFICE OF THE SHERIFF FOR CECIL COUNTY AT OR BELOW THE RANK OF**
25 **CAPTAIN.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) DEPUTIES OF THE OFFICE OF THE SHERIFF FOR CECIL**
2 **COUNTY MAY:**

3 **1. TAKE PART IN OR REFRAIN FROM TAKING PART IN**
4 **FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR**
5 **ORGANIZATION OR ITS LAWFUL ACTIVITIES;**

6 **2. SELECT A LABOR ORGANIZATION AS THEIR**
7 **EXCLUSIVE REPRESENTATION UNIT IF A PETITION IS SIGNED BY A MAJORITY OF**
8 **THE DEPUTIES INDICATING THEIR DESIRE TO BE EXCLUSIVELY REPRESENTED**
9 **BY PETITIONER AND IS SUBMITTED TO THE BOARD OF COUNTY**
10 **COMMISSIONERS FOR CECIL COUNTY;**

11 **3. ENGAGE IN COLLECTIVE BARGAINING WITH THE**
12 **BOARD OF COUNTY COMMISSIONERS FOR CECIL COUNTY CONCERNING WAGES**
13 **AND BENEFITS, HOURS, WORKING CONDITIONS, DISCIPLINE PROCEDURES, AND**
14 **JOB SECURITY THROUGH A LABOR ORGANIZATION CERTIFIED AS THEIR**
15 **EXCLUSIVE REPRESENTATION UNIT; AND**

16 **4. DECERTIFY A LABOR ORGANIZATION AS THEIR**
17 **EXCLUSIVE REPRESENTATION UNIT IF A PETITION IS SIGNED BY A MAJORITY OF**
18 **THE DEPUTIES INDICATING THEIR DESIRE TO DECERTIFY THE LABOR**
19 **ORGANIZATION AS THEIR EXCLUSIVE REPRESENTATION UNIT AND IS**
20 **SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS FOR CECIL COUNTY.**

21 **(III) A LABOR ORGANIZATION MAY NOT BE RECOGNIZED BY**
22 **THE BOARD OF COUNTY COMMISSIONERS FOR CECIL COUNTY UNLESS THE**
23 **LABOR ORGANIZATION IS CERTIFIED BY THE DEPARTMENT OF LABOR,**
24 **LICENSING, AND REGULATION.**

25 **(IV) THE BOARD OF COUNTY COMMISSIONERS FOR CECIL**
26 **COUNTY SHALL MEET WITH THE LABOR ORGANIZATION AND ENGAGE IN GOOD**
27 **FAITH NEGOTIATIONS TO REACH A WRITTEN AGREEMENT ON WAGES AND**
28 **BENEFITS, HOURS, WORKING CONDITIONS, DISCIPLINE PROCEDURES, AND JOB**
29 **SECURITY.**

30 **(V) IF THE BOARD OF COUNTY COMMISSIONERS FOR CECIL**
31 **COUNTY AND THE LABOR ORGANIZATION ARE UNABLE TO ENTER INTO A**
32 **WRITTEN AGREEMENT DURING THE COLLECTIVE BARGAINING PROCESS, THE**
33 **LABOR ORGANIZATION OR THE BOARD OF COUNTY COMMISSIONERS FOR CECIL**
34 **COUNTY MAY DEMAND BINDING ARBITRATION BEFORE A NEUTRAL LABOR**
35 **ARBITRATOR IN ACCORDANCE WITH THIS PARAGRAPH.**

1 (VI) IF THE BOARD OF COUNTY COMMISSIONERS FOR
2 CECIL COUNTY AND THE LABOR ORGANIZATION ARE UNABLE TO AGREE TO THE
3 INTERPRETATION OR APPLICATION OF A WRITTEN AGREEMENT ENTERED
4 UNDER THIS PARAGRAPH, THE BOARD OF COUNTY COMMISSIONERS FOR
5 CECIL COUNTY OR THE LABOR ORGANIZATION MAY DEMAND BINDING
6 ARBITRATION BEFORE A NEUTRAL LABOR ARBITRATOR IN ACCORDANCE WITH
7 THIS PARAGRAPH.

8 (VII) 1. AN ARBITRATION INITIATED UNDER THIS
9 PARAGRAPH SHALL BE CONDUCTED BEFORE A SINGLE ARBITRATOR.

10 2. THE ARBITRATOR SHALL BE SELECTED TO HEAR
11 THE DISPUTE FROM A PANEL OF SEVEN ARBITRATORS WHO ARE MEMBERS OF
12 THE NATIONAL ACADEMY OF ARBITRATORS.

13 3. THE PANEL SHALL BE REQUESTED FROM THE
14 FEDERAL MEDIATION AND CONCILIATION SERVICE.

15 4. THE PARTIES SHALL SELECT AN ARBITRATOR BY
16 ALTERNATIVE STRIKES FROM THE PANEL.

17 5. THE ARBITRATOR SELECTED MAY SCHEDULE A
18 HEARING, ISSUE SUBPOENAS TO COMPEL THE TESTIMONY OF WITNESSES AND
19 THE PRODUCTION OF DOCUMENTS, ADMINISTER OATHS, AND DECLARE THE
20 RECORD CLOSED.

21 6. THE WRITTEN DECISION OF THE ARBITRATOR
22 SHALL BE FINAL AND BINDING ON THE BOARD OF COUNTY COMMISSIONERS
23 FOR CECIL COUNTY, THE OFFICE OF THE SHERIFF FOR CECIL COUNTY, THE
24 DEPUTIES OF THE OFFICE OF THE SHERIFF FOR CECIL COUNTY, AND THE
25 LABOR ORGANIZATION.

26 7. THE BOARD OF COUNTY COMMISSIONERS FOR
27 CECIL COUNTY AND THE LABOR ORGANIZATION SHALL SHARE EQUALLY IN THE
28 COSTS OF AN ARBITRATION PROCEEDING UNDER THIS PARAGRAPH, UNLESS
29 OTHERWISE AGREED TO BY THE BOARD OF COUNTY COMMISSIONERS FOR
30 CECIL COUNTY AND THE LABOR ORGANIZATION.

31 (VIII) THIS SUBSECTION MAY NOT BE CONSTRUED TO
32 AUTHORIZE A DEPUTY SHERIFF OF THE OFFICE OF THE SHERIFF FOR CECIL
33 COUNTY TO ENGAGE IN A STRIKE AS DEFINED IN § 3-303 OF THE STATE
34 PERSONNEL AND PENSIONS ARTICLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2008.