

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1606
Appropriations

(Delegates Smigiel and Sossi)

Cecil County - Office of Sheriff - Collective Bargaining

This bill authorizes all deputies of the Cecil County Sheriff's Office at or below the rank of captain to collectively bargain with the Cecil County Commissioners for wages and benefits. If the county commissioners are unable to enter into a written agreement during the collective bargaining process, either party may request binding arbitration. The bill does not authorize the Cecil County deputy sheriffs to engage in a strike.

Fiscal Summary

State Effect: None.

Local Effect: Any increase in personnel or arbitration expenditures for Cecil County resulting from authorizing Cecil County deputy sheriffs to collectively bargain with the county commissioners cannot be reliably quantified at this time. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill authorizes Cecil County deputy sheriffs at or below the rank of captain to • take part in or refrain from taking part in forming, joining, or participating in a labor organization; • select a labor organization as their exclusive representation unit; • engage in collective bargaining with the Cecil County Commissioners concerning wages and benefits, hours, working conditions, discipline procedures, and job security; and • decertify a labor organization as their exclusive representation unit.

A labor organization is deemed to be the exclusive representation unit if a petition signed by a majority of the deputies indicating their desire to be exclusively represented by the petitioner and the petition is submitted to the county commissioners. The Cecil County Commissioners must meet with a labor organization and engage in good faith negotiations to reach a written agreement on wages and benefits, hours, working conditions, discipline procedures, and job security. If the county commissioners and the labor organization are unable to enter a written agreement during the collective bargaining process, either party may demand binding arbitration before a neutral labor arbitrator. Also, if either party is unable to agree to the interpretation or application of a written agreement, either party may demand binding arbitration before a neutral labor arbitrator.

If binding arbitration is requested, it must be conducted before a single arbitrator. The arbitrator to hear the dispute would be selected by alternative strikes from a panel of seven arbitrators who are members of the National Academy of Arbitrators and the panel must be requested from the Federal Mediation and Conciliation Service. The arbitrator selected may schedule a hearing, issue subpoenas to compel the testimony of witnesses and the production of documents, administer oaths, and declare the record closed. Unless otherwise agreed by the county commissioners and the labor organization, the cost of arbitration proceeding would be split equally. The written decision of the arbitrator is final and binding. The bill does not authorize a deputy sheriff to engage in a strike.

Current Law: Statute does not specifically authorize Cecil County deputies at or below the rank of captain to collectively bargain for wages and benefits with the Cecil County Commissioners.

Background: There are currently 74 Cecil County deputy sheriffs. **Exhibit 1** shows the number of deputies in the Cecil County Sheriff's Office by rank. There is an active Fraternal Order of Police in Cecil County; however, there have been no recent salary or benefit negotiations with the Fraternal Order of Police or any other organization.

Exhibit 1
Composition of Cecil County Sheriff's Office

<u>Rank</u>	<u>Number</u>
Corporal	11
Deputy	13
Deputy First Class	38
First Sergeant	1
Lieutenant	1
Sergeant	10
Total	74

Source: Cecil County

Local Fiscal Effect: Any fiscal effect resulting from Cecil County deputy sheriffs collectively bargaining for wages and benefits would depend on the items included in the memorandum of understanding between the parties, and whether funding for these items are approved by the county commissioners.

To the extent that collective bargaining negotiations with the deputy sheriffs do not conclude with a memorandum of understanding and either party requests binding arbitration, Cecil County expenditures could increase to cover half of the costs associated with the arbitration proceedings. County expenditures could increase even further, to the extent that there is a dispute regarding the interpretation of the collective bargaining agreement that results in binding arbitration. The cost of binding arbitration would depend on how many times it was required each year and the length of the hearing, neither of which can be reliably quantified at this time.

For illustrative purposes only, according to the Federal Mediation and Conciliation Service, the average arbitrator per diem rate in Maryland is \$1,044. Assuming five billable days of arbitration, the total cost for the arbitrator alone would be \$5,220 – Cecil County would be responsible for paying half of this, or \$2,610. This estimate does not include the cost for transcription services or additional legal fees incurred by the county.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Cecil County; Department of Labor, Licensing, and Regulation; Department of Legislative Services

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mcp/hlb

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