

# HOUSE BILL 1490

L2, K3

0lr2735  
CF SB 731

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By: **Cecil County Delegation**

Introduced and read first time: March 2, 2010

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Cecil County – Emergency Medical Services – Collective Bargaining**

3 FOR the purpose of authorizing the representatives of certain employees in the  
4 Division of Emergency Medical Services to bargain collectively with the Cecil  
5 County Commissioners on certain issues; authorizing the County  
6 Commissioners to recognize or withdraw recognition of a certain representative  
7 under certain circumstances; providing for the subject of, the time frame of, the  
8 rules of conduct for, and the process and remedies for violations of the collective  
9 bargaining agreement; requiring a certain memorandum between the County  
10 Commissioners and a certain representative; authorizing the County  
11 Commissioners to also have a certain representative; establishing certain  
12 actions not authorized by this Act; defining certain terms; and generally  
13 relating to collective bargaining of emergency medical services employees in  
14 Cecil County.

15 BY adding to

16 The Public Local Laws of Cecil County

17 Section 15–13

18 Article 8 – Public Local Laws of Maryland

19 (1989 Edition and July 2009 Supplement, as amended)

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

22 **Article 8 – Cecil County**

23 **15–13.**

24 **A. (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
25 **MEANINGS INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) (A) **“COLLECTIVE BARGAINING” MEANS TO MEET IN GOOD**  
2 **FAITH AT REASONABLE TIMES TO ATTEMPT TO NEGOTIATE AN AGREEMENT**  
3 **CONCERNING SUBJECTS OF BARGAINING AUTHORIZED BY LAW.**

4           (B) **“COLLECTIVE BARGAINING” DOES NOT INCLUDE A**  
5 **MEETING IN WHICH ONLY REPRESENTATIVES OF THE BOARD OF COUNTY**  
6 **COMMISSIONERS ARE IN ATTENDANCE OR A MEETING IN WHICH ONLY**  
7 **REPRESENTATIVES OF THE EXCLUSIVE REPRESENTATIVE ARE IN ATTENDANCE.**

8           (3) **“EMPLOYEE” MEANS A REGULAR, NONEXEMPT, UNIFORMED**  
9 **EMPLOYEE WITHIN THE CECIL COUNTY DIVISION OF EMERGENCY MEDICAL**  
10 **SERVICES AT THE RANK OF CAPTAIN OR BELOW.**

11           (4) **“EMPLOYEE ORGANIZATION” MEANS AN ORGANIZATION OF**  
12 **EMPLOYEES THAT, AS ONE OF ITS PRIMARY PURPOSES, REPRESENTS**  
13 **EMPLOYEES IN COLLECTIVE BARGAINING WITH THE EMPLOYER.**

14           (5) **“EXCLUSIVE REPRESENTATIVE” MEANS THE EMPLOYEE**  
15 **ORGANIZATION THAT HAS BEEN CERTIFIED THROUGH AN ELECTION BY**  
16 **ELIGIBLE EMPLOYEES OR OTHERWISE RECOGNIZED BY THE BOARD OF COUNTY**  
17 **COMMISSIONERS TO REPRESENT AND NEGOTIATE FOR THOSE EMPLOYEES WITH**  
18 **THE BOARD OF COUNTY COMMISSIONERS TERMS AND CONDITIONS OF**  
19 **EMPLOYMENT.**

20           **B. THE BOARD OF COUNTY COMMISSIONERS MAY ENACT AN**  
21 **ORDINANCE TO:**

22           (1) **AUTHORIZE RECOGNITION OF AN EXCLUSIVE**  
23 **REPRESENTATIVE BY ELECTION OR VOLUNTARY RECOGNITION THROUGH A**  
24 **CHECK OF AUTHORIZATION CARDS AT THE BOARD’S OPTION AND PROVIDE A**  
25 **PROCESS FOR SUCH AUTHORIZATION;**

26           (2) **AUTHORIZE WITHDRAWAL OF RECOGNITION OF AN**  
27 **EXCLUSIVE REPRESENTATIVE BASED ON CIRCUMSTANCES SPECIFIED IN THE**  
28 **ORDINANCE AND PROVIDE A PROCESS FOR THE WITHDRAWAL;**

29           (3) **ALLOW COLLECTIVE BARGAINING BETWEEN THE BOARD OF**  
30 **COUNTY COMMISSIONERS AND THE EXCLUSIVE REPRESENTATIVE OF ITS**  
31 **EMPLOYEES CONCERNING TERMS AND CONDITIONS OF EMPLOYMENT, AND A**  
32 **PROCESS TO RESOLVE DISAGREEMENTS CONCERNING THE INTERPRETATION OF**  
33 **ANY AGREEMENT MADE BETWEEN THE EXCLUSIVE REPRESENTATIVE AND THE**  
34 **BOARD;**

1           **(4) SET FORTH THE SUBJECTS OF COLLECTIVE BARGAINING AND**  
2 **THE RIGHTS RESERVED BY THE BOARD FROM THOSE SUBJECTS;**

3           **(5) SET FORTH THE TIME FRAMES OF THE COLLECTIVE**  
4 **BARGAINING PROCESS;**

5           **(6) PROVIDE RULES OF CONDUCT FOR COLLECTIVE BARGAINING;**  
6 **AND**

7           **(7) PROVIDE A PROCESS AND REMEDIES FOR VIOLATIONS OF**  
8 **ESTABLISHED RULES.**

9           **C. ONCE AUTHORIZED BY AN ORDINANCE, COLLECTIVE BARGAINING**  
10 **BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND THE EXCLUSIVE**  
11 **REPRESENTATIVE SHALL INCLUDE A MEMORANDUM OF UNDERSTANDING**  
12 **CONCERNING THE AGREEMENTS MADE AS A RESULT OF BARGAINING.**

13           **D. SUBJECT TO AN ANNUAL EXERCISE OF AUTHORITY CONCERNING**  
14 **FISCAL PROCEDURES IN STATE LAW OR COUNTY ORDINANCE, A MEMORANDUM**  
15 **OF UNDERSTANDING BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND**  
16 **AN EXCLUSIVE REPRESENTATIVE SHALL BE BINDING ON THE BOARD AND THE**  
17 **EXCLUSIVE REPRESENTATIVE.**

18           **E. THE BOARD OF COUNTY COMMISSIONERS MAY RETAIN OR**  
19 **DESIGNATE INDIVIDUALS TO NEGOTIATE ON ITS BEHALF WITH THE EXCLUSIVE**  
20 **REPRESENTATIVE.**

21           **F. THIS SECTION DOES NOT:**

22           **(1) AUTHORIZE OR OTHERWISE PERMIT AN EMPLOYEE TO**  
23 **ENGAGE IN A STRIKE AS DEFINED IN § 3-303 OF THE STATE PERSONNEL AND**  
24 **PENSIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND;**

25           **(2) AUTHORIZE OR OTHERWISE PERMIT THE COUNTY TO ENGAGE**  
26 **IN A LOCKOUT AS DEFINED IN § 3-304 OF THE STATE PERSONNEL AND**  
27 **PENSIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND;**

28           **(3) REQUIRE ANY METHOD, MEANS, OR SCOPE OF BARGAINING**  
29 **BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND AN EXCLUSIVE**  
30 **REPRESENTATIVE;**

31           **(4) AUTHORIZE BINDING INTEREST ARBITRATION; AND**

1                   **(5) AUTHORIZE THE COLLECTION OF MANDATORY MEMBERSHIP**  
2 **FEES FROM NONMEMBERS OF THE EMPLOYEE ORGANIZATION.**

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2010.