

SENATE BILL 731

L2, K3

0lr3108
CF HB 1490

By: **Cecil County Senators**

Introduced and read first time: February 10, 2010

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: March 19, 2010

CHAPTER _____

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**

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 15-13.

2 A. (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (2) (A) "COLLECTIVE BARGAINING" MEANS TO MEET IN GOOD
5 FAITH AT REASONABLE TIMES TO ATTEMPT TO NEGOTIATE AN AGREEMENT
6 CONCERNING SUBJECTS OF BARGAINING AUTHORIZED BY LAW.

7 (B) "COLLECTIVE BARGAINING" DOES NOT INCLUDE A
8 MEETING IN WHICH ONLY REPRESENTATIVES OF THE BOARD OF COUNTY
9 COMMISSIONERS ARE IN ATTENDANCE OR A MEETING IN WHICH ONLY
10 REPRESENTATIVES OF THE EXCLUSIVE REPRESENTATIVE ARE IN ATTENDANCE.

11 (3) "EMPLOYEE" MEANS A REGULAR, NONEXEMPT, UNIFORMED
12 EMPLOYEE WITHIN THE CECIL COUNTY DIVISION OF EMERGENCY MEDICAL
13 SERVICES AT THE RANK OF CAPTAIN OR BELOW.

14 (4) "EMPLOYEE ORGANIZATION" MEANS AN ORGANIZATION OF
15 EMPLOYEES THAT, AS ONE OF ITS PRIMARY PURPOSES, REPRESENTS
16 EMPLOYEES IN COLLECTIVE BARGAINING WITH THE EMPLOYER.

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

23 B. THE BOARD OF COUNTY COMMISSIONERS MAY ENACT AN
24 ORDINANCE TO:

25 (1) AUTHORIZE RECOGNITION OF AN EXCLUSIVE
26 REPRESENTATIVE BY ELECTION OR VOLUNTARY RECOGNITION THROUGH A
27 CHECK OF AUTHORIZATION CARDS AT THE BOARD'S OPTION AND PROVIDE A
28 PROCESS FOR SUCH AUTHORIZATION;

29 (2) AUTHORIZE WITHDRAWAL OF RECOGNITION OF AN
30 EXCLUSIVE REPRESENTATIVE BASED ON CIRCUMSTANCES SPECIFIED IN THE
31 ORDINANCE AND PROVIDE A PROCESS FOR THE WITHDRAWAL;

32 (3) ALLOW COLLECTIVE BARGAINING BETWEEN THE BOARD OF
33 COUNTY COMMISSIONERS AND THE EXCLUSIVE REPRESENTATIVE OF ITS

1 EMPLOYEES CONCERNING TERMS AND CONDITIONS OF EMPLOYMENT, AND A
2 PROCESS TO RESOLVE DISAGREEMENTS CONCERNING THE INTERPRETATION OF
3 ANY AGREEMENT MADE BETWEEN THE EXCLUSIVE REPRESENTATIVE AND THE
4 BOARD;

5 (4) SET FORTH THE SUBJECTS OF COLLECTIVE BARGAINING AND
6 THE RIGHTS RESERVED BY THE BOARD FROM THOSE SUBJECTS;

7 (5) SET FORTH THE TIME FRAMES OF THE COLLECTIVE
8 BARGAINING PROCESS;

9 (6) PROVIDE RULES OF CONDUCT FOR COLLECTIVE BARGAINING;
10 AND

11 (7) PROVIDE A PROCESS AND REMEDIES FOR VIOLATIONS OF
12 ESTABLISHED RULES.

13 C. ONCE AUTHORIZED BY AN ORDINANCE, COLLECTIVE BARGAINING
14 BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND THE EXCLUSIVE
15 REPRESENTATIVE SHALL INCLUDE A MEMORANDUM OF UNDERSTANDING
16 CONCERNING THE AGREEMENTS MADE AS A RESULT OF BARGAINING.

17 D. SUBJECT TO AN ANNUAL EXERCISE OF AUTHORITY CONCERNING
18 FISCAL PROCEDURES IN STATE LAW OR COUNTY ORDINANCE, A MEMORANDUM
19 OF UNDERSTANDING BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND
20 AN EXCLUSIVE REPRESENTATIVE SHALL BE BINDING ON THE BOARD AND THE
21 EXCLUSIVE REPRESENTATIVE.

22 E. THE BOARD OF COUNTY COMMISSIONERS MAY RETAIN OR
23 DESIGNATE INDIVIDUALS TO NEGOTIATE ON ITS BEHALF WITH THE EXCLUSIVE
24 REPRESENTATIVE.

25 F. THIS SECTION DOES NOT:

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

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

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

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

5 **(5) AUTHORIZE THE COLLECTION OF MANDATORY MEMBERSHIP**
6 **FEEES FROM NONMEMBERS OF THE EMPLOYEE ORGANIZATION.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.