

SENATE BILL 1128

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6lr3800
CF HB 1556

By: **Senators Young and Hough**

Introduced and read first time: February 26, 2016

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County Sheriff – Collective Bargaining**

3 FOR the purpose of providing that the County Executive of Frederick County may not be a
4 party to certain collective bargaining agreements but may attend and participate in
5 all collective bargaining sessions of certain deputy sheriffs and correctional officers
6 of the Frederick County Sheriff's Office; and generally relating to collective
7 bargaining rights of deputy sheriffs and correctional officers of the Frederick County
8 Sheriff's Office.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 2–309(1)(5) and (6)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2015 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 2–309.

18 (1) (5) (i) This paragraph applies to all full-time deputy sheriffs in the
19 Frederick County Sheriff's Office at the rank of sergeant and below.

20 (ii) 1. Full-time deputy sheriffs at the rank of sergeant and
21 below may:

22 A. Take part in or refrain from taking part in forming,
23 joining, supporting, or participating in a labor organization or its lawful activities;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 B. Select a labor organization as their exclusive
2 representative;

3 C. Engage in collective bargaining with the Sheriff, or the
4 Sheriff's designee, concerning wages and benefits, not regulated by the Sheriff, through a
5 labor organization certified as their exclusive representative;

6 D. Subject to subsubparagraph 2 of this subparagraph, enter
7 into a collective bargaining agreement, through their exclusive representative, covering
8 those wages and benefits not regulated by the Sheriff; and

9 E. Decertify a labor organization as their exclusive
10 representative.

11 2. Any additional funding required as a result of a negotiated
12 collective bargaining agreement shall be subject to approval by the governing body of
13 Frederick County.

14 3. **THE COUNTY EXECUTIVE, OR THE COUNTY**
15 **EXECUTIVE'S DESIGNEE:**

16 **A. MAY NOT BE A PARTY TO A COLLECTIVE BARGAINING**
17 **AGREEMENT ENTERED INTO UNDER THIS SUBPARAGRAPH; BUT**

18 **B. MAY ATTEND AND PARTICIPATE IN ALL COLLECTIVE**
19 **BARGAINING SESSIONS OF THE PARTIES.**

20 (iii) 1. A labor organization shall be deemed certified as an
21 exclusive representative if the following conditions are met:

22 A. A petition for the labor organization to be recognized by
23 the Sheriff is signed by at least 51% of the deputy sheriffs at the rank of sergeant and below
24 indicating their desire to be exclusively represented by the petitioner for the purpose of
25 collective bargaining; and

26 B. The petition is submitted to the Sheriff.

27 2. If the Sheriff does not challenge the validity of the petition
28 within 10 calendar days following the receipt of the petition, the labor organization shall
29 be deemed certified as the exclusive representative.

30 3. If the Sheriff challenges the validity of the petition, the
31 American Arbitration Association shall be requested to appoint a third party neutral to
32 conduct an election and to certify whether the labor organization has been selected as the
33 exclusive representative by a majority of the votes cast in the election.

1 4. The costs associated with the American Arbitration
2 Association and the third party neutral shall be shared equally by the parties.

3 (iv) 1. Following certification of an exclusive representative as
4 provided in subparagraph (iii) of this paragraph, the parties shall meet at reasonable times
5 and engage in collective bargaining in good faith.

6 2. The parties shall make every reasonable effort to conclude
7 negotiations in a timely manner to allow for inclusion by the Office of the Sheriff of matters
8 agreed upon in its budget request.

9 (v) 1. A collective bargaining agreement shall contain all
10 matters of agreement reached in the collective bargaining process.

11 2. The agreement may contain a grievance procedure
12 providing for nonbinding arbitration of grievances.

13 3. An agreement reached in accordance with this
14 subparagraph shall be in writing and signed by the designated representatives of the
15 parties involved in the collective bargaining negotiations.

16 4. A. Subject to subsubsubparagraph B of this
17 subsubparagraph, an agreement is not effective until it is ratified by a majority of the votes
18 cast by the deputy sheriffs in the bargaining unit and the Sheriff.

19 B. Additional funding, if any, required as a result of the
20 agreement shall be subject to the approval of the governing body of Frederick County.

21 (vi) Nothing in this paragraph may be construed as authorizing or
22 otherwise allowing a deputy sheriff to engage in a strike as defined in § 3–303 of the State
23 Personnel and Pensions Article.

24 (6) (i) This paragraph applies to all full–time correctional officers in the
25 Frederick County Sheriff’s Office at the rank of sergeant and below.

26 (ii) 1. Full–time correctional officers at the rank of sergeant and
27 below may:

28 A. Take part in or refrain from taking part in forming,
29 joining, supporting, or participating in a labor organization or its lawful activities;

30 B. Select a labor organization as their exclusive
31 representative;

32 C. Engage in collective bargaining with the Sheriff, or the
33 Sheriff’s designee, concerning wages and benefits, not regulated by the Sheriff, through a
34 labor organization certified as their exclusive representative;

1 D. Subject to subsubparagraph 2 of this subparagraph, enter
2 into a collective bargaining agreement, through their exclusive representative, covering
3 those wages and benefits not regulated by the Sheriff; and

4 E. Decertify a labor organization as their exclusive
5 representative.

6 2. Any additional funding required as a result of a negotiated
7 collective bargaining agreement shall be subject to approval by the governing body of
8 Frederick County.

9 **3. THE COUNTY EXECUTIVE, OR THE COUNTY**
10 **EXECUTIVE'S DESIGNEE:**

11 **A. MAY NOT BE A PARTY TO A COLLECTIVE BARGAINING**
12 **AGREEMENT ENTERED INTO UNDER THIS SUBPARAGRAPH; BUT**

13 **B. MAY ATTEND AND PARTICIPATE IN ALL COLLECTIVE**
14 **BARGAINING SESSIONS OF THE PARTIES.**

15 (iii) 1. A labor organization shall be deemed certified as an
16 exclusive representative if the following conditions are met:

17 A. A petition for the labor organization to be recognized by
18 the Sheriff is signed by at least 51% of the correctional officers at the rank of sergeant and
19 below indicating their desire to be exclusively represented by the petitioner for the purpose
20 of collective bargaining; and

21 B. The petition is submitted to the Sheriff.

22 2. If the Sheriff does not challenge the validity of the petition
23 within 10 calendar days following the receipt of the petition, the labor organization shall
24 be deemed certified as the exclusive representative.

25 3. If the Sheriff challenges the validity of the petition, the
26 American Arbitration Association shall be requested to appoint a third party neutral to
27 conduct an election and to certify whether the labor organization has been selected as the
28 exclusive representative by a majority of the votes cast in the election.

29 4. The costs associated with the American Arbitration
30 Association and the third party neutral shall be shared equally by the parties.

31 (iv) 1. Following certification of an exclusive representative as
32 provided in subparagraph (iii) of this paragraph, the parties shall meet at reasonable times
33 and engage in collective bargaining in good faith.

