

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

Re-referred to: Finance, March 2, 2016

Committee Report: Favorable

Senate action: Adopted

Read second time: March 22, 2016

CHAPTER _____

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(l)(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 (l) (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.

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

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

5 B. Select a labor organization as their exclusive
6 representative;

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

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

13 E. Decertify a labor organization as their exclusive
14 representative.

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

18 **3. THE COUNTY EXECUTIVE, OR THE COUNTY**
19 **EXECUTIVE'S DESIGNEE:**

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

22 **B. MAY ATTEND AND PARTICIPATE IN ALL COLLECTIVE**
23 **BARGAINING SESSIONS OF THE PARTIES.**

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

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

30 B. The petition is submitted to the Sheriff.

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

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

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

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

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

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

18 2. The agreement may contain a grievance procedure
19 providing for nonbinding arbitration of grievances.

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

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

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

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

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

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

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

3 B. Select a labor organization as their exclusive
4 representative;

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

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

11 E. Decertify a labor organization as their exclusive
12 representative.

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

16 **3. THE COUNTY EXECUTIVE, OR THE COUNTY**
17 **EXECUTIVE'S DESIGNEE:**

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

20 **B. MAY ATTEND AND PARTICIPATE IN ALL COLLECTIVE**
21 **BARGAINING SESSIONS OF THE PARTIES.**

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

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

28 B. The petition is submitted to the Sheriff.

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

32 3. If the Sheriff challenges the validity of the petition, the
33 American Arbitration Association shall be requested to appoint a third party neutral to

1 conduct an election and to certify whether the labor organization has been selected as the
2 exclusive representative by a majority of the votes cast in the election.

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

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

8 2. The parties shall make every reasonable effort to conclude
9 negotiations in a timely manner to allow for inclusion by the Office of the Sheriff of matters
10 agreed on in its budget request to the governing body of Frederick County.

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

13 2. The agreement may contain a grievance procedure
14 providing for nonbinding arbitration of grievances.

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

18 4. A. Subject to subsubsubparagraph B of this
19 subsubparagraph, an agreement is not effective until it is ratified by a majority of the votes
20 cast by the correctional officers in the bargaining unit and the Sheriff.

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2016.