

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 390

(Senator Middleton)

Finance

Environment and Transportation and
Appropriations

Charles County Sheriff - Salaries and Collective Bargaining

This bill requires the salary schedule for deputy sheriffs in the Charles County Sheriff's Office to correspond to the Department of State Police salary schedule. The bill authorizes sworn law enforcement officers and correctional officers in Charles County to bargain collectively with the Charles County Commissioners, in addition to the Sheriff, with respect to specified benefits. The bill establishes procedures for the mediation and arbitration of collective bargaining disputes between officers and Charles County Commissioners and the Sheriff.

Fiscal Summary

State Effect: None.

Local Effect: Charles County expenditures may increase depending on salary and benefits packages that are developed through collective bargaining agreements. County expenditures increase by approximately \$500,000 for each 1% increase in the additional personnel cost relating to collective bargaining. In addition, county expenditures increase by approximately \$25,000 in years when mediation or arbitration takes place for the hiring of outside legal counsel. County revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill requires the salary schedule for deputy sheriffs in the Charles County Sheriff's Office, based on rank and length of service, to correspond to the Department of State Police (DSP) salary schedule, including longevity steps. The county salary schedule must be revised to reflect revisions made to the DSP salary schedule. Except in cases of a fiscal emergency, the Charles County Commissioners must appropriate in the county budget the amount necessary to provide for the salaries of deputy sheriffs.

The bill authorizes sworn law enforcement officers and correctional officers at or below the rank of sergeant of the Charles County Sheriff's Office to seek recognition to organize and collectively bargain in good faith with the county commissioners and the Sheriff concerning merit step increases (deputies only), salary and wages (correctional officers only), and those benefits determined, offered, administered, controlled, or managed by the county commissioners. Resolutions or adjustments of specified disputes may not be inconsistent with the terms of a collective bargaining agreement.

The bill provides for the decertification of an exclusive representative under certain circumstances. The bill increases from three to four, the maximum number of individuals that the Sheriff and the exclusive representative may designate to represent the Sheriff or the exclusive representative in collective bargaining. The county commissioners are authorized to designate up to four individuals to represent them in collective bargaining. The bill specifies that negotiations for collective bargaining agreements must begin by September 1 of each year, rather than July 1 as provided under current law. The bill increases the time period during which an exclusive bargaining agreement may be valid from up to two years to up to four years.

The bill establishes the procedures and timelines for the mediation and arbitration of collective bargaining disputes involving the exclusive representative of sworn law enforcement officers or correctional officers in the Charles County Sheriff's Office. The bill provides a process for the selection of an arbitrator and specifies the powers of the arbitrator. The bill specifies the factors that the arbitrator may consider in determining which of the parties' final offer is more reasonable, but also specifies that recommendations of the arbitrator are not binding. The county commissioners may not accept a recommendation of the arbitrator that requires an appropriation of funds unless the county commissioners and the sheriff first agree on a funding source for the appropriation. The bill provides that if a collective bargaining agreement expires after the exclusive representative provides notice of a desire to bargain collectively for a successor agreement, the previous agreement will remain in effect until a new agreement is adopted or 180 days from the date the parties reject the arbitrator's recommendations. If the parties fail to reach a new agreement within the 180-day time period, the terms and conditions of the prior collective bargaining agreement cease to be effective.

The bill specifies that if sworn law enforcement officers or correctional officers seek to bargain collectively, the Sheriff and the Charles County Commissioners must recognize the exclusive representative of the law enforcement officers or correctional officers as of September 30, 2016, as the exclusive representative unless the exclusive representative is decertified in accordance with the provisions of the bill.

Current Law: Eight counties in Maryland have collective bargaining for deputy sheriffs including Allegany, Anne Arundel, Baltimore, Charles, Frederick, Howard, Montgomery, and Prince George's counties. In Allegany, Anne Arundel, and Prince George's counties, binding arbitration is provided. The scope of collective bargaining is limited in a few counties: Charles County does not authorize bargaining on salaries and other issues controlled by the county commissioners; Frederick County authorizes bargaining for wages and benefits only.

Background: The Charles County Sheriff's Office currently employs 269 sworn law enforcement officers at or below the rank of sergeant and 128 correctional officers at or below the rank of sergeant. The fiscal 2016 budget for the Charles County Sheriff's Office totals \$79.9 million, of which \$67.7 million represents the cost for personal services and fringe benefits.

The current DSP salary schedule can be found at <http://www.dbm.maryland.gov/employees/Pages/SalaryInformation.aspx>.

Local Fiscal Effect: Charles County indicates that the pay scale for officers in the county sheriff's office currently corresponds to the pay scale for DSP, and this provision of the bill will not materially affect county finances. Charles County advises that the bill will eliminate mandatory steps for officers, which will be subject to negotiation under the bill. As a result, expenditures for step increases cannot be reliably estimated at this time and will vary from year to year, depending on collective bargaining agreements.

Because the bill authorizes Charles County sheriff deputies to bargain collectively over merit step increases and other specified benefits and correctional officers to bargain collectively over salary, wages, and other specified benefits, the county may incur additional expenditures in future years depending on future collective bargaining agreements. These expenditures cannot be reliably estimated and will depend on the wage and benefits packages that are developed for county sheriff deputies and correctional officers. However, for illustrative purposes only, based on current personnel cost, county expenditures would increase by approximately \$500,000 for each 1% increase in the additional personnel cost relating to collective bargaining.

In years when arbitration or mediation occur, Charles County expenditures will increase by approximately \$25,000 to hire outside legal counsel to represent the county during the collective bargaining process.

Additional Information

Prior Introductions: None.

Cross File: HB 505 (Charles County Delegation) - Environment and Transportation and Appropriations.

Information Source(s): Charles County, Department of Legislative Services

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