

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 15
Appropriations

(Delegate Lisanti, *et al.*)

**Harford County Sheriff - Deputy Sheriffs and Correctional Officers -
Organization and Negotiation**

This bill establishes the right for full-time deputy sheriffs and correctional officers in the Office of the Sheriff of Harford County at the rank of captain and below to organize and negotiate with the Harford County Sheriff and the Harford County Executive with regard to wages and health care benefits not regulated by the sheriff. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: None.

Local Effect: Harford County expenditures may increase depending on wage and benefits packages that are developed and consulting services necessary for negotiations. County revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: The right to organize and negotiate must be conducted in accordance with specified provisions of the Harford County Code. The terms of any agreement with regard to wages and health care premium share not regulated by the sheriff must be set forth in a memorandum of agreement entered into between the sheriff, the county executive, and the employee organization. The agreement is not effective until it has been ratified by the parties. A modification to an existing memorandum of agreement is not valid unless the modification is in writing and ratified by the parties. If the parties fail to reach an agreement by dates specified in the county code, procedures as set forth in the county code

must apply, with the county executive and the employee organization as parties to the proceedings.

The bill establishes that the application of procedures specified in the county code during the negotiations may not be construed to create an employer-employee relationship between Harford County and the deputy sheriffs and correctional officers.

Current Law/Background: The Harford County Code sets forth collective bargaining procedures for most county employees, including provisions regarding the recognition and certification of employee organizations, the rights and duties of certified employee organizations, and negotiation procedures. A Memorandum of Understanding between the current Harford County Executive and Sheriff, the deputy sheriff's union, and the correctional association that allowed for nonbinding negotiations on wages and the employee share of health care premiums was signed in 2017; this bill further codifies that agreement and ensures future collective bargaining rights.

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 authorized. 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, and Frederick County authorizes bargaining for wages and benefits only.

Local Expenditures: Harford County advises that the county may incur expenditures for consulting services to negotiate any collective bargaining agreements. In addition, future year expenditures may increase depending on future collective bargaining agreements. These expenditures cannot be reliably estimated and depend on the wage and benefits packages that are ratified.

Additional Comments: The Department of Labor, Licensing, and Regulation (DLLR) notes that although the Harford County Code specifies that DLLR will conduct secret ballot elections, due to a lack of funding and staff since 1991, DLLR has historically taken the position that it is not bound by local ordinances and does not currently provide such services for Harford County employees who are already authorized to engage in collective bargaining. It further notes that when approached to perform collective bargaining services, it encourages parties to use an outside entity such as the American Arbitration Association or the Federal Mediation and Conciliation Service.

Additional Information

Prior Introductions: HB 670 of 2017, a similar bill, was referred to the House Appropriations Committee but subsequently withdrawn. HB 1431 of 2017, a similar bill, passed the House as amended and the Senate as amended.

Cross File: None.

Information Source(s): Harford County; Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; *Baltimore Sun*; Department of Legislative Services

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mm/kdm

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