

SB0767/413725/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 767
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “Commissioners” and substitute “Administrator”; and in line 7, strike “health care premium share” and substitute “benefits”.

AMENDMENT NO. 2

On page 2, in line 6, after “APPLICABLE” insert “, PROVIDED THAT ANY ADDITIONAL FUNDING REQUIRED DUE TO THE COLLECTIVE BARGAINING AGREEMENT IS SUBJECT TO APPROVAL BY THE COUNTY COMMISSIONERS”.

On pages 2 and 3, strike beginning with “SHALL” in line 11 on page 2 down through “REPRESENTATIVE” in line 1 on page 3 and substitute “MAY”:

(I) TAKE PART OR REFRAIN FROM TAKING PART IN FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR ORGANIZATION OR ITS LAWFUL ACTIVITIES;

(II) SELECT A LABOR ORGANIZATION AS THEIR EXCLUSIVE REPRESENTATIVE;

(III) ENGAGE IN COLLECTIVE BARGAINING WITH THE SHERIFF AND THE COUNTY ADMINISTRATOR CONCERNING WAGES AND EMPLOYEE BENEFITS THROUGH A LABOR ORGANIZATION CERTIFIED AS THEIR EXCLUSIVE REPRESENTATIVE;

(IV) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, THROUGH THE EXCLUSIVE REPRESENTATIVE, COVERING THOSE WAGES AND BENEFITS; AND

(V) DECERTIFY A LABOR ORGANIZATION AS THEIR EXCLUSIVE REPRESENTATIVE.

(3) ANY ADDITIONAL FUNDING REQUIRED AS A RESULT OF A NEGOTIATED COLLECTIVE BARGAINING AGREEMENT IS SUBJECT TO APPROVAL BY THE COUNTY COMMISSIONERS.

(4) (I) A LABOR ORGANIZATION SHALL BE DEEMED CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE IF THE FOLLOWING CONDITIONS ARE MET:

1. A PETITION FOR THE LABOR ORGANIZATION TO BE RECOGNIZED BY THE SHERIFF IS SIGNED BY AT LEAST 51% OF THE SWORN DEPUTY SHERIFFS AT THE RANK OF SERGEANT AND BELOW INDICATING THEIR DESIRE TO BE EXCLUSIVELY REPRESENTED BY THE PETITIONER FOR THE PURPOSE OF COLLECTIVE BARGAINING; AND

2. THE PETITION IS SUBMITTED TO THE SHERIFF.

(II) IF THE SHERIFF DOES NOT CHALLENGE THE VALIDITY OF THE PETITION WITHIN 20 CALENDAR DAYS FOLLOWING RECEIPT OF THE PETITION, THE LABOR ORGANIZATION SHALL BE DEEMED CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE.

(III) IF THE SHERIFF CHALLENGES THE VALIDITY OF THE PETITION, THE AMERICAN ARBITRATION ASSOCIATION SHALL BE REQUESTED

TO APPOINT A THIRD-PARTY NEUTRAL ARBITRATOR TO CONDUCT A SECRET BALLOT ELECTION AND TO CERTIFY WHETHER THE LABOR ORGANIZATION HAS BEEN SELECTED AS THE EXCLUSIVE REPRESENTATIVE BY A 51% VOTE OF THE SWORN DEPUTY SHERIFFS AND CORRECTIONAL DEPUTIES WITH THE RANK OF MAJOR AND BELOW.

(IV) THE COSTS ASSOCIATED WITH THE AMERICAN ARBITRATION ASSOCIATION AND THE THIRD-PARTY NEUTRAL ARBITRATOR SHALL BE SHARED EQUALLY BY THE PARTIES.

(5) (I) FOLLOWING THE CERTIFICATION OF AN EXCLUSIVE REPRESENTATIVE AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE PARTIES SHALL MEET AT REASONABLE TIMES AND ENGAGE IN COLLECTIVE BARGAINING IN GOOD FAITH.

(II) THE PARTIES SHALL MAKE EVERY REASONABLE EFFORT TO CONCLUDE NEGOTIATIONS IN A TIMELY MANNER TO ALLOW FOR INCLUSION BY THE SHERIFF'S OFFICE OF MATTERS AGREED ON IN ITS BUDGET REQUEST.

(III) THE SHERIFF AND THE COUNTY ADMINISTRATOR MAY NOT BE REQUIRED TO ENGAGE IN COLLECTIVE BARGAINING NEGOTIATIONS WITH THE EXCLUSIVE REPRESENTATIVE AFTER THE TIME THAT THE COUNTY COMMISSIONERS APPROVE THE ANNUAL OPERATING BUDGET WITH REGARD TO CONDITIONS OF EMPLOYMENT REQUIRING THE APPROPRIATION OF FUNDS IN THE ANNUAL OPERATING BUDGET.

(6) (I) A COLLECTIVE BARGAINING AGREEMENT SHALL CONTAIN ALL MATTERS OF AGREEMENT REACHED IN THE COLLECTIVE BARGAINING PROCESS.

(Over)

(II) THE AGREEMENT MAY CONTAIN A GRIEVANCE PROCEDURE PROVIDING FOR NONBINDING ARBITRATION OR GRIEVANCES.

(III) AN AGREEMENT REACHED IN ACCORDANCE WITH THIS PARAGRAPH SHALL BE IN WRITING AND SIGNED BY THE DESIGNATED REPRESENTATIVES OF THE PARTIES INVOLVED IN THE COLLECTIVE BARGAINING PROCESS.

(IV) SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, AN AGREEMENT IS NOT EFFECTIVE UNTIL IT IS RATIFIED BY A MAJORITY OF VOTES CAST BY THE MEMBERS IN THE BARGAINING UNIT, THE SHERIFF, AND THE COUNTY COMMISSIONERS.

(V) ADDITIONAL FUNDING, IF ANY, REQUIRED AS A RESULT OF THE AGREEMENT SHALL BE SUBJECT TO APPROVAL BY THE COUNTY COMMISSIONERS.

(VI) THE EXCLUSIVE REPRESENTATIVE, THE SHERIFF, AND THE COUNTY ADMINISTRATOR MAY EACH DESIGNATE AT LEAST ONE BUT NOT MORE THAN FOUR INDIVIDUALS FOR REPRESENTATION IN COLLECTIVE BARGAINING NEGOTIATIONS.

(VII) AN AGREEMENT IS NOT VALID IF IT EXTENDS FOR LESS THAN 1 YEAR OR MORE THAN 4 YEARS.

(7) THIS SUBSECTION MAY NOT BE CONSTRUED AS AUTHORIZING OR OTHERWISE ALLOWING A CORRECTIONAL DEPUTY TO ENGAGE IN A STRIKE AS DEFINED IN § 3-303 OF THE STATE PERSONNEL AND PENSIONS ARTICLE”.