



Maryland's First  
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## SHERIFF MAXWELL C. UY

TO: Delegate Ben Barnes, Chair of Appropriations Committee

FROM: Maxwell C. Uy, Sheriff

DATE: March 7, 2023

RE: **HB 763 – Collective Bargaining for Sheriff's Office Employees – Binding Arbitration Procedures**

POSITION: **Letter of Information**

The Montgomery County Sheriff's Office (MCSO) is providing this letter of information to the Appropriations Committee concerning HB 763.

The MCSO strongly supports collective bargaining rights, including arbitration procedures. However, the MCSO thinks that this information about both the constitutionality and the practical considerations of binding interest arbitration should be seriously considered in evaluating HB 763.

Under the proposed Md. Code, Courts & Judicial Proceedings (CJP) Article, § 2-329(f)(4)(iv), the delicate balance that the legislature developed nearly 20 years ago, and that has resulted in the successful completion of six (6) separate term collective bargaining negotiations between the MCSO and the Union will be upset. Specifically, the bifurcated nature of the collective bargaining whereby the County first negotiates economic matters (compensation, pension, fringe benefits and hours) and thereafter, the MCSO negotiates "all other conditions of employment" makes binding arbitration problematic. Since the MCSO negotiations must necessarily *follow* County negotiations over economic items by virtue of the mandated "appendix or addendum" requirement of CJP §2-329(f)(5)+-, compliance with existing procedural deadlines under the County's collective bargaining law, i.e., Chapter 33 of the Montgomery County Code, will not be possible. Moreover, Chapter 33 contains no relevant standards for an arbitrator to make an appropriate determination over the unique conditions of employment controlled by the MCSO.

In addition, the MCSO believes that the proposed CJP § 2-329(f)(4)(iv) is problematic insofar as it requires an independently elected *judicial* official of the State, i.e., a sheriff, to comply with the binding determination of an arbitrator appointed by a *county* executive branch official and using arbitration standards relevant only to County employment. In other words, by relegating the Sheriff to the County's processes and standards, the proposed legislation does not take into account the unique functions performed by the MCSO that are separate and distinct from those County employees. Since no other sheriff in Maryland is subject to binding arbitration for resolving bargaining disputes over non-economic conditions of employment, we think making this proposed change will be problematic and that other alternatives, e.g., required mediation and advisory arbitration, would likely accomplish the desired purpose, i.e., promoting an equitable resolution of collective bargaining disputes.