

SENATE BILL 613

L2, K3
SB 509/07 – FIN

0lr2333
CF 0lr2664

By: **Senators Della, Conway, and Pugh**
Introduced and read first time: February 5, 2010
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Binding Arbitration – Police Officers**

3 FOR the purpose of requiring binding arbitration between certain employee
4 organizations representing certain Baltimore City police officers and the City of
5 Baltimore under certain circumstances; applying certain procedures governing
6 binding arbitration for firefighters and fire officers to certain police officers;
7 providing for the selection of a certain board of arbitration; requiring a certain
8 board of arbitration to consider certain matters; requiring the adoption of
9 certain salary and wage scales for certain police officers under certain
10 circumstances; making a technical change; and generally relating to binding
11 arbitration between certain police officers and the City of Baltimore.

12 BY repealing and reenacting, with amendments,
13 The Charter of Baltimore City
14 Article II – General Powers
15 Section (55)
16 (2007 Replacement Volume, as amended)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **The Charter of Baltimore City**

20 Article II – General Powers

21 The Mayor and City Council of Baltimore shall have full power and authority to
22 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
23 Maryland or by any Public General or Public Local Laws of the State of Maryland; and
24 in particular, without limitation upon the foregoing, shall have power by ordinance, or
25 such other method as may be provided for in its Charter, subject to the provisions of
26 said Constitution and Public General Laws:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (55)

2 (a) To provide by ordinance an orderly procedure for participation by
3 municipal employees and their representatives in the formulation of labor relations
4 and personnel policies, recognizing the right of employees to organize and bargain
5 collectively through representatives of their own choosing and generally authorizing
6 the Mayor and City Council of Baltimore to provide for

7 (1) the manner of establishing units appropriate for collective
8 bargaining and of designating or selecting exclusive bargaining representatives;

9 (2) the rights of the employer, employees and the employee
10 organization designated as the exclusive representative in an appropriate unit;

11 (3) the procedure for the negotiation of a collective bargaining
12 agreement with respect to the terms and conditions of employment and the manner for
13 resolution of a negotiation impasse;

14 (4) the payment of a service fee, as a condition of continuing
15 employment, for administration of the collective bargaining agreement and the right of
16 the exclusive representative to the checkoff of dues or service fees;

17 (5) the designation of unfair labor practices and remedies for the
18 same;

19 (6) the definition of a grievance and the procedure for resolution; and

20 (7) other related matters to effectuate the ordinance.

21 The Mayor and City Council of Baltimore are authorized, consistent with
22 the provisions of the Charter of Baltimore City, to submit to binding arbitration any
23 dispute arising from the interpretation of, or the application of, any collective
24 bargaining agreement with an exclusive representative. Binding arbitration for fire
25 fighters [and], fire officers, **AND POLICE OFFICERS** shall be conducted as provided in
26 subsection (b).

27 This section does not authorize a strike by any municipal employee or
28 employees.

29 Until amended by ordinance, the presently existing municipal employee
30 relations ordinance shall remain in force and effect.

31 (b) (1) If the certified employee organization or organizations
32 representing fire fighters and fire officers within the Fire Department **OR POLICE**
33 **OFFICERS WITHIN THE POLICE DEPARTMENT** and the employer have not reached a
34 written agreement concerning terms and conditions of employment by March 1 of any

1 year, either party may request arbitration by a board of arbitration, as herein
2 provided, which request must be honored.

3 (2) The board of arbitration shall be composed of 3 members, 1
4 appointed by the Mayor, and 1 appointed jointly by the certified employee
5 organizations representing the fire fighters and fire officers **OR POLICE OFFICERS**
6 involved. These members shall be selected within 4 days of the request for arbitration.
7 The third member shall be selected within 4 additional days by the 2 arbitrators
8 previously chosen and in accordance with the procedures of the American Arbitration
9 Association from a list furnished by the Association. Such member selected shall act as
10 chairman of the board of arbitration.

11 The board of arbitration thus established shall commence the
12 arbitration proceedings within 7 days after the chairman is selected and shall make its
13 decision, by a majority vote, within 15 days after the commencement of the arbitration
14 proceedings. For good cause the chairman may extend the time requirement set forth
15 herein.

16 (3) Within 3 days after the selection of the chairman of the board of
17 arbitration, the Labor Commissioner or his designated representative shall provide to
18 each member of the board of arbitration and to all parties, a detailed itemization of the
19 last proposal made by the respective parties during the negotiations.

20 (4) The board of arbitration shall identify the major issues in the
21 dispute, review the positions of all parties and shall take into consideration wages,
22 benefits, hours, and other working conditions of other fire **OR POLICE** department and
23 public safety employees in Maryland as well as in comparable metropolitan political
24 subdivisions in other states, and shall also consider the value of other benefits
25 available to or received by other employees of the Mayor and City Council of Baltimore
26 as compared with private sector employees in the metropolitan Baltimore City area
27 and as compared with employees of other fire **OR POLICE** departments and other
28 public safety employees. The board of arbitration shall further consider consumer
29 prices for goods and services and other related items, cost of living data, and such
30 other factors, not confined to the foregoing, which are normally utilized in the
31 determination of wages and other benefits in the collective bargaining process, and
32 shall also take into account the financial condition of the City.

33 (5) The board of arbitration shall have the power to administer oaths,
34 compel the attendance of witnesses, and require the production of evidence by
35 subpoena.

36 (6) The board of arbitration after hearing witnesses and considering
37 and receiving such written evidence as may be submitted shall, by written decision,
38 order the implementation, in its entirety, of the last proposal of one of the respective
39 parties previously submitted in accordance with [subparagraph (c) of this section]
40 **PARAGRAPH (3) OF THIS SUBSECTION.**

1 (7) The decision of the majority of the board of arbitration thus
2 established shall be final and binding upon the Mayor and City Council of Baltimore
3 and upon the certified employee organizations involved in the proceedings. No appeal
4 therefrom shall be allowed. Such decision shall constitute a mandate to the Mayor of
5 Baltimore City in respect to such matters which can be remedied administratively by
6 him, and as a mandate to the Board of Estimates and the City Council with respect to
7 matter(s) which require legislative action necessary to implement the decision of the
8 board of arbitration.

9 With respect to matters which require legislative action for
10 implementation, such legislation shall be enacted within 45 days following the date of
11 the arbitration decision.

12 With respect to salaries and wage scales, the amounts determined
13 by the final decision of the board of arbitration shall be included in the proposed
14 Ordinance of Estimates in accordance with Section 2(c)(1) of Article VI, shall not be
15 reduced by the City Council in accordance with Section 2(g) of Article VI, and shall be
16 adopted by the Board of Estimates as the salary and wage scales for employees of the
17 Fire Department **OR POLICE DEPARTMENT** in accordance with Section 5 of Article
18 VI.

19 (8) The cost of the arbitration proceedings provided for herein shall be
20 borne equally by the parties involved.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2010.