

SENATE BILL 726

D2, K3

(0lr2608)

ENROLLED BILL
— Finance/Appropriations —

Introduced by **Cecil County Senators**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Cecil County – Collective Bargaining – Representation of Deputy Sheriffs**

3 ~~**Arbitration – Referendum**~~

4 FOR the purpose of authorizing the representatives of certain full-time sworn law
5 enforcement deputy sheriffs in the Cecil County Sheriff's Office and the County
6 Commissioners of Cecil County to bargain collectively with the Sheriff and the
7 County Commissioners on certain issues; authorizing certain sworn law
8 enforcement deputy sheriffs to take or refrain from taking certain actions in
9 connection with certain labor organizations with regard to certain collective
10 bargaining activities; providing for the procedures for certifying a labor
11 organization as a certified labor organization for certain collective bargaining
12 negotiations; requiring the certified labor organization, the Sheriff, and the
13 County Commissioners to follow certain procedures for collective bargaining;
14 providing for a certain ~~means~~ method to resolve a dispute if the certified labor
15 organization and the Sheriff and the County Commissioners are unable to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 negotiate a certain agreement; *requiring the governing body of Cecil County to*
 2 *enact a certain local ordinance*; requiring a collective bargaining agreement to
 3 contain certain matters; providing for certain rights and responsibilities of the
 4 Sheriff that are not impaired by the provisions of this Act; requiring that any
 5 additional funding required as a result of a certain agreement be subject to
 6 approval by the County Commissioners; ~~providing a certain cost-sharing cap for~~
 7 ~~certain costs associated with this Act~~; providing for the construction of this Act;
 8 ~~submitting this Act to a referendum of the legally qualified voters of Cecil~~
 9 ~~County~~; and generally relating to collective bargaining of deputy sheriffs in
 10 Cecil County.

11 BY adding to
 12 Article – Courts and Judicial Proceedings
 13 Section 2-309(i)(4)
 14 Annotated Code of Maryland
 15 (2006 Replacement Volume and 2009 Supplement)

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

18 ~~Article – Courts and Judicial Proceedings~~

19 ~~2-309.~~

20 ~~(i) (4) (i) THIS PARAGRAPH APPLIES ONLY TO ALL FULL-TIME~~
 21 ~~SWORN LAW ENFORCEMENT DEPUTY SHERIFFS IN THE OFFICE OF THE SHERIFF~~
 22 ~~OF CECIL COUNTY AT THE RANK OF FIRST SERGEANT AND BELOW.~~

23 ~~(ii) A FULL-TIME SWORN LAW ENFORCEMENT DEPUTY~~
 24 ~~SHERIFF AT THE RANK OF FIRST SERGEANT AND BELOW MAY:~~

25 ~~1. TAKE PART IN OR REFRAIN FROM TAKING PART IN~~
 26 ~~FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR~~
 27 ~~ORGANIZATION OR ITS LAWFUL ACTIVITIES;~~

28 ~~2. SELECT A LABOR ORGANIZATION AS THE~~
 29 ~~EXCLUSIVE REPRESENTATIVE OF THE DEPUTY SHERIFFS SUBJECT TO THIS~~
 30 ~~PARAGRAPH;~~

31 ~~3. ENGAGE IN COLLECTIVE BARGAINING WITH THE~~
 32 ~~SHERIFF AND THE COUNTY COMMISSIONERS OF CECIL COUNTY, OR THE~~
 33 ~~DESIGNEE OF THE SHERIFF AND THE COUNTY COMMISSIONERS, CONCERNING~~
 34 ~~WAGES, BENEFITS, AND ANY WORKING CONDITIONS THAT ARE NOT INCLUDED IN~~
 35 ~~SUBPARAGRAPH (v)4A OF THIS PARAGRAPH THROUGH A LABOR ORGANIZATION~~

1 ~~CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE OF THE DEPUTY SHERIFFS~~
2 ~~SUBJECT TO THIS PARAGRAPH;~~

3 ~~4. SUBJECT TO ITEM 2 OF THIS SUBPARAGRAPH,~~
4 ~~ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, THROUGH THE~~
5 ~~EXCLUSIVE REPRESENTATIVE OF THE DEPUTY SHERIFFS SUBJECT TO THIS~~
6 ~~PARAGRAPH, COVERING THE WAGES, BENEFITS, AND OTHER WORKING~~
7 ~~CONDITIONS OF THE DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH, TO THE~~
8 ~~EXTENT THAT THE AGREEMENT DOES NOT IMPAIR THE RIGHTS OF THE SHERIFF~~
9 ~~SET FORTH IN SUBPARAGRAPH (V)4 OF THIS PARAGRAPH; AND~~

10 ~~5. DECERTIFY A LABOR ORGANIZATION AS THE~~
11 ~~EXCLUSIVE REPRESENTATIVE OF THE DEPUTY SHERIFFS SUBJECT TO THIS~~
12 ~~PARAGRAPH.~~

13 ~~(III) 1. A LABOR ORGANIZATION SEEKING~~
14 ~~CERTIFICATION AS AN EXCLUSIVE REPRESENTATIVE MUST SUBMIT A PETITION~~
15 ~~TO THE SHERIFF AND THE COUNTY COMMISSIONERS THAT IS SIGNED BY MORE~~
16 ~~THAN 50% OF THE SWORN LAW ENFORCEMENT DEPUTY SHERIFFS AT THE RANK~~
17 ~~OF FIRST SERGEANT AND BELOW INDICATING THE DESIRE OF THE DEPUTY~~
18 ~~SHERIFFS SUBJECT TO THIS PARAGRAPH TO BE REPRESENTED EXCLUSIVELY BY~~
19 ~~THE LABOR ORGANIZATION FOR THE PURPOSE OF COLLECTIVE BARGAINING.~~

20 ~~2. IF THE SHERIFF AND THE COUNTY~~
21 ~~COMMISSIONERS DO NOT CHALLENGE THE VALIDITY OF THE PETITION WITHIN~~
22 ~~20 CALENDAR DAYS FOLLOWING THE RECEIPT OF THE PETITION, THE LABOR~~
23 ~~ORGANIZATION SHALL BE DEEMED CERTIFIED AS THE EXCLUSIVE~~
24 ~~REPRESENTATIVE.~~

25 ~~3. IF THE SHERIFF OR THE COUNTY~~
26 ~~COMMISSIONERS CHALLENGE THE VALIDITY OF THE PETITION, THE AMERICAN~~
27 ~~ARBITRATION ASSOCIATION SHALL APPOINT A NEUTRAL THIRD PARTY TO~~
28 ~~CONDUCT AN ELECTION AND TO CERTIFY WHETHER THE LABOR ORGANIZATION~~
29 ~~HAS BEEN SELECTED AS THE EXCLUSIVE REPRESENTATIVE BY A MAJORITY OF~~
30 ~~THE VOTES CAST IN THE ELECTION.~~

31 ~~4. THE COSTS ASSOCIATED WITH THE APPOINTMENT~~
32 ~~OF A NEUTRAL THIRD PARTY SHALL BE SHARED EQUALLY BY THE PARTIES.~~

33 ~~5. A LABOR ORGANIZATION SHALL BE DEEMED~~
34 ~~DECERTIFIED IF A PETITION IS SUBMITTED TO THE SHERIFF AND THE COUNTY~~
35 ~~COMMISSIONERS THAT IS SIGNED BY MORE THAN 50% OF THE FULL-TIME~~
36 ~~SWORN LAW ENFORCEMENT DEPUTY SHERIFFS AT THE RANK OF FIRST~~
37 ~~SERGEANT AND BELOW INDICATING THE DESIRE OF THE DEPUTY SHERIFFS TO~~

~~1 DECERTIFY THE LABOR ORGANIZATION AS THE EXCLUSIVE REPRESENTATIVE
2 OF THE DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH.~~

~~3 (IV) 1. FOLLOWING CERTIFICATION OF AN EXCLUSIVE
4 REPRESENTATIVE AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH,
5 THE CERTIFIED LABOR ORGANIZATION AND THE SHERIFF AND THE COUNTY
6 COMMISSIONERS SHALL MEET AT REASONABLE TIMES AND ENGAGE IN
7 COLLECTIVE BARGAINING IN GOOD FAITH.~~

~~8 2. THE CERTIFIED LABOR ORGANIZATION, THE
9 SHERIFF, AND THE COUNTY COMMISSIONERS SHALL MAKE EVERY REASONABLE
10 EFFORT TO CONCLUDE NEGOTIATIONS ON OR BEFORE FEBRUARY 15 OF THE
11 YEAR IN WHICH A COLLECTIVE BARGAINING AGREEMENT IS TO TAKE EFFECT TO
12 ALLOW FOR INCLUSION BY THE SHERIFF OF MATTERS AGREED ON IN ITS
13 BUDGET REQUEST TO THE COUNTY COMMISSIONERS.~~

~~14 3. A. IF THE CERTIFIED LABOR ORGANIZATION
15 AND THE SHERIFF AND THE COUNTY COMMISSIONERS ARE UNABLE TO REACH
16 AN AGREEMENT BEFORE THE DATE SET FORTH IN SUBSUBPARAGRAPH 2 OF
17 THIS SUBPARAGRAPH, EITHER THE CERTIFIED LABOR ORGANIZATION OR THE
18 SHERIFF AND THE COUNTY COMMISSIONERS MAY SEEK NONBINDING
19 MEDIATION THROUGH THE FEDERAL MEDIATION AND CONCILIATION SERVICE.~~

~~20 B. A PARTY SEEKING NONBINDING MEDIATION
21 UNDER SUBSUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH SHALL GIVE
22 WRITTEN NOTICE TO THE OTHER PARTY AND TO THE FEDERAL MEDIATION AND
23 CONCILIATION SERVICE AT LEAST 15 DAYS PRIOR TO THE START OF THE FIRST
24 MEDIATION MEETING.~~

~~25 C. THE COSTS ASSOCIATED WITH THE MEDIATOR OR
26 MEDIATION PROCESS SHALL BE SHARED EQUALLY BY THE PARTIES.~~

~~27 D. THE CERTIFIED LABOR ORGANIZATION, THE
28 SHERIFF, AND THE COUNTY COMMISSIONERS SHALL ENGAGE IN NONBINDING
29 MEDIATION FOR AT LEAST 30 DAYS UNLESS THEY MUTUALLY AGREE IN WRITING
30 TO TERMINATION OR EXTENSION OF THE MEDIATION OR REACH AN
31 AGREEMENT.~~

~~32 E. THE CONTENTS OF THE MEDIATION
33 PROCEEDINGS MAY NOT BE DISCLOSED BY ANY OF THE PARTIES OR THE
34 MEDIATOR.~~

~~35 4. A. IF THE CERTIFIED LABOR ORGANIZATION,
36 THE SHERIFF, AND THE COUNTY COMMISSIONERS ARE UNABLE TO REACH AN~~

~~1 AGREEMENT THROUGH MEDIATION UNDER SUBSUBPARAGRAPH 3 OF THIS
2 SUBPARAGRAPH, ANY OF THE PARTIES MAY DEMAND AN ARBITRATOR.~~

~~3 B. THE ARBITRATOR SHALL BE SELECTED FROM A
4 PANEL OF SEVEN ARBITRATORS WHO ARE MEMBERS OF THE NATIONAL
5 ACADEMY OF ARBITRATORS.~~

~~6 C. THE PARTIES SHALL SELECT AN ARBITRATOR BY
7 ALTERNATIVE STRIKES FROM THE PANEL.~~

~~8 D. THE ARBITRATOR SELECTED MAY SCHEDULE A
9 HEARING, ISSUE SUBPOENAS TO COMPEL THE TESTIMONY OF WITNESSES AND
10 THE PRODUCTION OF DOCUMENTS, ADMINISTER OATHS, AND DECLARE THE
11 RECORD CLOSED.~~

~~12 E. THE ARBITRATOR SELECTED SHALL RECEIVE AND
13 ENTER INTO THE RECORD THE FINAL OFFERS OF THE CERTIFIED LABOR
14 ORGANIZATION AND THE SHERIFF AND THE COUNTY COMMISSIONERS.~~

~~15 F. THE ARBITRATOR MAY RECEIVE AND CONSIDER
16 EVIDENCE REGARDING HOURS, WAGES, AND BENEFITS OF SIMILAR SWORN LAW
17 ENFORCEMENT EMPLOYEES IN COMPARABLE SURROUNDING JURISDICTIONS,
18 THE COST OF LIVING IN CECIL COUNTY, THE CONDITION OF CECIL COUNTY'S
19 GENERAL OPERATING FUND AND CECIL COUNTY'S ABILITY TO FUND THE FINAL
20 PROPOSED OFFERS, THE NATURE OF THE WORK PERFORMED BY EMPLOYEES
21 REPRESENTED BY THE CERTIFIED LABOR ORGANIZATION, AND OTHER
22 INFORMATION THAT THE ARBITRATOR CONSIDERS NECESSARY TO WEIGH
23 FULLY THE FINAL PROPOSED OFFERS OF THE CERTIFIED LABOR ORGANIZATION
24 AND THE SHERIFF AND THE COUNTY COMMISSIONERS.~~

~~25 G. UNLESS THE PARTIES MUTUALLY AGREE TO AN
26 EXTENSION, THE ARBITRATOR SHALL ISSUE A FINAL REPORT TO THE SHERIFF
27 AND THE COUNTY COMMISSIONERS WITHIN 30 DAYS AFTER THE RECORD IS
28 CLOSED.~~

~~29 H. THE WRITTEN DECISION OF THE ARBITRATOR IS
30 BINDING ON THE SHERIFF AND THE COUNTY COMMISSIONERS.~~

~~31 I. THE COSTS OF ARBITRATION SHALL BE SHARED
32 EQUALLY BY THE PARTIES.~~

~~33 (v) 1. A COLLECTIVE BARGAINING AGREEMENT SHALL
34 CONTAIN ALL MATTERS OF AGREEMENT REACHED IN THE COLLECTIVE
35 BARGAINING PROCESS.~~

1 ~~2. A COLLECTIVE BARGAINING AGREEMENT MAY~~
2 ~~CONTAIN A GRIEVANCE PROCEDURE PROVIDING FOR BINDING ARBITRATION OF~~
3 ~~GRIEVANCES IN REFERENCE TO A LABOR CONTRACT, INCLUDING GRIEVANCES~~
4 ~~RELATED TO INTERPRETATION OR BREACH OF CONTRACT.~~

5 ~~3. A COLLECTIVE BARGAINING AGREEMENT~~
6 ~~REACHED IN ACCORDANCE WITH THIS PARAGRAPH SHALL BE IN WRITING AND~~
7 ~~SIGNED BY THE CERTIFIED REPRESENTATIVES OF THE PARTIES INVOLVED IN~~
8 ~~THE COLLECTIVE BARGAINING NEGOTIATIONS.~~

9 ~~4. EXCEPT AS PROVIDED IN THE CODE AND~~
10 ~~REGULATIONS OF CECIL COUNTY, THE PROVISIONS OF THIS SUBPARAGRAPH~~
11 ~~AND ANY AGREEMENT MADE UNDER IT MAY NOT IMPAIR THE RIGHT AND THE~~
12 ~~RESPONSIBILITY OF THE SHERIFF TO:~~

13 ~~A. DETERMINE THE MISSION, BUDGET,~~
14 ~~ORGANIZATION, NUMBERS, TYPES, CLASSES, GRADES, AND RANKS OF DEPUTY~~
15 ~~SHERIFFS ASSIGNED, THE SERVICES TO BE RENDERED, OPERATIONS TO BE~~
16 ~~PERFORMED, AND THE TECHNOLOGY TO BE USED;~~

17 ~~B. SET THE STANDARDS OF SERVICE AND EXERCISE~~
18 ~~CONTROL OVER OPERATIONS, INCLUDING THE RIGHTS TO DETERMINE WORK~~
19 ~~SHIFTS AND THE NUMBER OF DEPUTY SHERIFFS ON EACH SHIFT;~~

20 ~~C. ASSIGN AND RETAIN DEPUTY SHERIFFS IN~~
21 ~~POSITIONS WITHIN THE OFFICE;~~

22 ~~D. DETERMINE AND SET WORK PROJECTS, TOURS OF~~
23 ~~DUTY, SCHEDULES, ASSIGNMENTS, AND METHODS, MEANS, AND PERSONNEL BY~~
24 ~~WHICH OPERATIONS ARE CONDUCTED;~~

25 ~~E. DETERMINE AND SET TECHNOLOGY NEEDS,~~
26 ~~INTERNAL SECURITY PRACTICES, EQUIPMENT, AND THE LOCATION OF~~
27 ~~FACILITIES;~~

28 ~~F. MAINTAIN AND IMPROVE THE EFFICIENCY AND~~
29 ~~EFFECTIVENESS OF OPERATIONS;~~

30 ~~G. HIRE, DIRECT, SUPERVISE, PROMOTE, DEMOTE,~~
31 ~~DISCIPLINE, ASSIGN, AND WITH REASONABLE CAUSE DISCHARGE FULL-TIME~~
32 ~~SWORN LAW ENFORCEMENT DEPUTY SHERIFFS, WITH THE EXCEPTION THAT~~
33 ~~THE PROMOTIONAL PROCESS FOR DEPUTY SHERIFFS UP TO THE RANK OF FIRST~~
34 ~~SERGEANT AND THE NUMBER AND COMPOSITION OF TRIAL BOARDS FOR THE~~

~~1 DISCIPLINE PROCESS FOR DEPUTY SHERIFFS AT THE RANK OF FIRST
2 SERGEANT AND BELOW ARE SUBJECT TO COLLECTIVE BARGAINING;~~

~~3 H. DETERMINE AND SET THE QUALIFICATIONS OF
4 DEPUTY SHERIFFS FOR APPOINTMENT AND PROMOTIONS; AND~~

~~5 I. DETERMINE AND SET THE STANDARDS OF
6 CONDUCT, AND WITH CONSULTATION AND INPUT FROM THE CERTIFIED LABOR
7 ORGANIZATION, ADOPT RULES, ORDERS, POLICIES, REGULATIONS, AND
8 PROCEDURES ON MUTUALLY AGREED ON SUBJECTS.~~

~~9 5. A COLLECTIVE BARGAINING AGREEMENT IS NOT
10 EFFECTIVE UNTIL IT IS RATIFIED BY THE MAJORITY OF VOTES CAST BY THE
11 DEPUTY SHERIFFS IN THE BARGAINING UNIT AND APPROVED BY THE SHERIFF
12 AND THE COUNTY COMMISSIONERS.~~

~~13 (VI) 1. THE COSTS PAID BY THE COUNTY
14 COMMISSIONERS UNDER SUBPARAGRAPHS (III)4, (IV)3C, AND (IV)4I MAY NOT
15 EXCEED \$15,000 IN TOTAL FOR FISCAL YEAR 2010.~~

~~16 2. A. THE COUNTY COMMISSIONERS AND
17 CERTIFIED LABOR ORGANIZATION SHALL NEGOTIATE A COST SHARING CAP FOR
18 FISCAL YEAR 2011 AND EACH SUBSEQUENT FISCAL YEAR.~~

~~19 B. IF THE COUNTY COMMISSIONERS AND CERTIFIED
20 LABOR ORGANIZATION ARE UNABLE TO REACH AN AGREEMENT BY DECEMBER 1
21 OF THE PRIOR FISCAL YEAR, THE COST SHARING CAP SHALL INCREASE BY A
22 PERCENTAGE EQUAL TO THE ANNUAL PERCENTAGE INCREASE IN
23 COMPENSATION COSTS FOR CIVILIAN WORKERS FOR THE PRIOR CALENDAR
24 YEAR, AS MEASURED BY THE EMPLOYMENT COST INDEX AS PUBLISHED BY THE
25 BUREAU OF LABOR STATISTICS OF THE U.S. DEPARTMENT OF LABOR.~~

~~26 (VII) NOTHING IN THIS PARAGRAPH MAY BE CONSTRUED TO:~~

~~27 1. AUTHORIZE OR OTHERWISE ALLOW A DEPUTY
28 SHERIFF TO ENGAGE IN A STRIKE AS DEFINED IN § 3-303 OF THE STATE
29 PERSONNEL AND PENSIONS ARTICLE; AND~~

~~30 2. AUTHORIZE THE COLLECTION OF MANDATORY
31 MEMBERSHIP FEES FROM NONMEMBERS OF THE EMPLOYEE ORGANIZATION.~~

~~32 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
33 read as follows:~~

1 Article – Courts and Judicial Proceedings

2 2–309.

3 (i) (4) (I) THIS PARAGRAPH APPLIES ONLY TO ALL FULL–TIME
4 SWORN LAW ENFORCEMENT DEPUTY SHERIFFS IN THE OFFICE OF THE SHERIFF
5 OF CECIL COUNTY AT THE RANK OF ~~FIRST~~ SERGEANT AND BELOW.

6 (II) A FULL–TIME SWORN LAW ENFORCEMENT DEPUTY
7 SHERIFF AT THE RANK OF ~~FIRST~~ SERGEANT AND BELOW MAY:

8 1. TAKE PART IN OR REFRAIN FROM TAKING PART IN
9 FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR
10 ORGANIZATION OR ITS LAWFUL ACTIVITIES;

11 2. SELECT A LABOR ORGANIZATION AS THE
12 EXCLUSIVE REPRESENTATIVE OF THE DEPUTY SHERIFFS SUBJECT TO THIS
13 PARAGRAPH;

14 3. ENGAGE IN COLLECTIVE BARGAINING WITH THE
15 SHERIFF AND THE COUNTY COMMISSIONERS OF CECIL COUNTY, OR THE
16 DESIGNEE OF THE SHERIFF AND THE COUNTY COMMISSIONERS, CONCERNING
17 WAGES, BENEFITS, AND ANY WORKING CONDITIONS THAT ARE NOT INCLUDED IN
18 SUBPARAGRAPH (V)4A OF THIS PARAGRAPH THROUGH A LABOR ORGANIZATION
19 CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE OF THE DEPUTY SHERIFFS
20 SUBJECT TO THIS PARAGRAPH;

21 4. SUBJECT TO ITEM 2 OF THIS SUBPARAGRAPH,
22 ENTER INTO A COLLECTIVE BARGAINING AGREEMENT, THROUGH THE
23 EXCLUSIVE REPRESENTATIVE OF THE DEPUTY SHERIFFS SUBJECT TO THIS
24 PARAGRAPH, COVERING THE WAGES, BENEFITS, AND OTHER WORKING
25 CONDITIONS OF THE DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH, TO THE
26 EXTENT THAT THE AGREEMENT DOES NOT IMPAIR THE RIGHTS OF THE SHERIFF
27 SET FORTH IN SUBPARAGRAPH (V)4 OF THIS PARAGRAPH; AND

28 5. DECERTIFY A LABOR ORGANIZATION AS THE
29 EXCLUSIVE REPRESENTATIVE OF THE DEPUTY SHERIFFS SUBJECT TO THIS
30 PARAGRAPH.

31 (III) 1. A LABOR ORGANIZATION SEEKING
32 CERTIFICATION AS AN EXCLUSIVE REPRESENTATIVE MUST SUBMIT A PETITION
33 TO THE SHERIFF AND THE COUNTY COMMISSIONERS THAT IS SIGNED BY MORE
34 THAN 50% OF THE SWORN LAW ENFORCEMENT DEPUTY SHERIFFS AT THE RANK
35 OF ~~FIRST~~ SERGEANT AND BELOW INDICATING THE DESIRE OF THE DEPUTY

1 SHERIFFS SUBJECT TO THIS PARAGRAPH TO BE REPRESENTED EXCLUSIVELY BY
2 THE LABOR ORGANIZATION FOR THE PURPOSE OF COLLECTIVE BARGAINING.

3 2. IF THE SHERIFF AND THE COUNTY
4 COMMISSIONERS DO NOT CHALLENGE THE VALIDITY OF THE PETITION WITHIN
5 20 CALENDAR DAYS FOLLOWING THE RECEIPT OF THE PETITION, THE LABOR
6 ORGANIZATION SHALL BE DEEMED CERTIFIED AS THE EXCLUSIVE
7 REPRESENTATIVE.

8 3. IF THE SHERIFF OR THE COUNTY
9 COMMISSIONERS CHALLENGE THE VALIDITY OF THE PETITION, THE AMERICAN
10 ARBITRATION ASSOCIATION SHALL APPOINT A NEUTRAL THIRD PARTY TO
11 CONDUCT AN ELECTION AND TO CERTIFY WHETHER THE LABOR ORGANIZATION
12 HAS BEEN SELECTED AS THE EXCLUSIVE REPRESENTATIVE BY A MAJORITY OF
13 THE VOTES CAST IN THE ELECTION.

14 4. THE COSTS ASSOCIATED WITH THE APPOINTMENT
15 OF A NEUTRAL THIRD PARTY SHALL BE SHARED EQUALLY BY THE PARTIES.

16 5. A LABOR ORGANIZATION SHALL BE DEEMED
17 DECERTIFIED IF A PETITION IS SUBMITTED TO THE SHERIFF AND THE COUNTY
18 COMMISSIONERS THAT IS SIGNED BY MORE THAN 50% OF THE FULL-TIME
19 SWORN LAW ENFORCEMENT DEPUTY SHERIFFS AT THE RANK OF ~~FIRST~~
20 SERGEANT AND BELOW INDICATING THE DESIRE OF THE DEPUTY SHERIFFS TO
21 DECERTIFY THE LABOR ORGANIZATION AS THE EXCLUSIVE REPRESENTATIVE
22 OF THE DEPUTY SHERIFFS SUBJECT TO THIS PARAGRAPH.

23 (iv) 1. FOLLOWING CERTIFICATION OF AN EXCLUSIVE
24 REPRESENTATIVE AS PROVIDED IN SUBPARAGRAPH (iii) OF THIS PARAGRAPH,
25 THE CERTIFIED LABOR ORGANIZATION AND THE SHERIFF AND THE COUNTY
26 COMMISSIONERS SHALL MEET AT REASONABLE TIMES AND ENGAGE IN
27 COLLECTIVE BARGAINING IN GOOD FAITH.

28 2. THE CERTIFIED LABOR ORGANIZATION, THE
29 SHERIFF, AND THE COUNTY COMMISSIONERS SHALL MAKE EVERY REASONABLE
30 EFFORT TO CONCLUDE NEGOTIATIONS ON OR BEFORE FEBRUARY 15 OF THE
31 YEAR IN WHICH A COLLECTIVE BARGAINING AGREEMENT IS TO TAKE EFFECT TO
32 ALLOW FOR INCLUSION BY THE SHERIFF OF MATTERS AGREED UPON IN ITS
33 BUDGET REQUEST TO THE COUNTY COMMISSIONERS.

34 3. A. IF THE CERTIFIED LABOR ORGANIZATION
35 AND THE SHERIFF AND THE COUNTY COMMISSIONERS ARE UNABLE TO REACH
36 AN AGREEMENT BEFORE THE DATE SET FORTH IN SUBSUBPARAGRAPH 2 OF
37 THIS SUBPARAGRAPH, EITHER THE CERTIFIED LABOR ORGANIZATION OR THE

1 SHERIFF AND THE COUNTY COMMISSIONERS MAY SEEK NONBINDING
2 MEDIATION THROUGH THE FEDERAL MEDIATION AND CONCILIATION SERVICE.

3 B. A PARTY SEEKING NONBINDING MEDIATION
4 UNDER SUBSUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH SHALL GIVE
5 WRITTEN NOTICE TO THE OTHER PARTY AND TO THE FEDERAL MEDIATION AND
6 CONCILIATION SERVICE AT LEAST 15 DAYS PRIOR TO THE START OF THE FIRST
7 MEDIATION MEETING.

8 C. THE COSTS ASSOCIATED WITH THE MEDIATOR OR
9 MEDIATION PROCESS SHALL BE SHARED EQUALLY BY THE PARTIES.

10 D. THE CERTIFIED LABOR ORGANIZATION, THE
11 SHERIFF, AND THE COUNTY COMMISSIONERS SHALL ENGAGE IN NONBINDING
12 MEDIATION FOR AT LEAST 30 DAYS UNLESS THEY MUTUALLY AGREE IN WRITING
13 TO TERMINATION OR EXTENSION OF THE MEDIATION OR REACH AN
14 AGREEMENT.

15 E. THE CONTENTS OF THE MEDIATION
16 PROCEEDINGS MAY NOT BE DISCLOSED BY ANY OF THE PARTIES OR THE
17 MEDIATOR.

18 4. ~~A. IF~~ THE GOVERNING BODY OF CECIL
19 COUNTY SHALL ENACT A LOCAL ORDINANCE THAT ALLOWS FOR NONBINDING
20 ARBITRATION IF THE CERTIFIED LABOR ORGANIZATION, THE SHERIFF, AND THE
21 COUNTY COMMISSIONERS ARE UNABLE TO REACH AN AGREEMENT THROUGH
22 MEDIATION UNDER SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH, ~~ANY OF THE~~
23 ~~PARTIES MAY DEMAND AN ARBITRATOR.~~

24 ~~B. THE ARBITRATOR SHALL BE SELECTED FROM A~~
25 ~~PANEL OF SEVEN ARBITRATORS WHO ARE MEMBERS OF THE NATIONAL~~
26 ~~ACADEMY OF ARBITRATORS.~~

27 ~~C. THE PARTIES SHALL SELECT AN ARBITRATOR BY~~
28 ~~ALTERNATIVE STRIKES FROM THE PANEL.~~

29 ~~D. THE ARBITRATOR SELECTED MAY SCHEDULE A~~
30 ~~HEARING, ISSUE SUBPOENAS TO COMPEL THE TESTIMONY OF WITNESSES AND~~
31 ~~THE PRODUCTION OF DOCUMENTS, ADMINISTER OATHS, AND DECLARE THE~~
32 ~~RECORD CLOSED.~~

33 ~~E. THE ARBITRATOR SELECTED SHALL RECEIVE AND~~
34 ~~ENTER INTO THE RECORD THE FINAL OFFERS OF THE CERTIFIED LABOR~~
35 ~~ORGANIZATION AND THE SHERIFF AND THE COUNTY COMMISSIONERS.~~

~~F. THE ARBITRATOR MAY RECEIVE AND CONSIDER EVIDENCE REGARDING HOURS, WAGES, AND BENEFITS OF SIMILAR SWORN LAW ENFORCEMENT EMPLOYEES IN COMPARABLE SURROUNDING JURISDICTIONS, THE COST OF LIVING IN CECIL COUNTY, THE CONDITION OF CECIL COUNTY'S GENERAL OPERATING FUND AND CECIL COUNTY'S ABILITY TO FUND THE FINAL PROPOSED OFFERS, THE NATURE OF THE WORK PERFORMED BY EMPLOYEES REPRESENTED BY THE CERTIFIED LABOR ORGANIZATION, AND OTHER INFORMATION THAT THE ARBITRATOR CONSIDERS NECESSARY TO WEIGH FULLY THE FINAL PROPOSED OFFERS OF THE CERTIFIED LABOR ORGANIZATION AND THE SHERIFF AND THE COUNTY COMMISSIONERS.~~

~~G. UNLESS THE PARTIES MUTUALLY AGREE TO AN EXTENSION, THE ARBITRATOR SHALL ISSUE A FINAL REPORT TO THE SHERIFF AND THE COUNTY COMMISSIONERS WITHIN 30 DAYS AFTER THE RECORD IS CLOSED.~~

~~H. THE WRITTEN DECISION OF THE ARBITRATOR IS NONBINDING ON THE SHERIFF AND THE COUNTY COMMISSIONERS.~~

~~I. THE COSTS OF ARBITRATION SHALL BE SHARED EQUALLY BY THE PARTIES.~~

(v) 1. A COLLECTIVE BARGAINING AGREEMENT SHALL CONTAIN ALL MATTERS OF AGREEMENT REACHED IN THE COLLECTIVE BARGAINING PROCESS.

2. A COLLECTIVE BARGAINING AGREEMENT MAY CONTAIN A GRIEVANCE PROCEDURE PROVIDING FOR BINDING ARBITRATION OF GRIEVANCES IN REFERENCE TO A LABOR CONTRACT, INCLUDING GRIEVANCES RELATED TO INTERPRETATION OR BREACH OF CONTRACT.

3. A COLLECTIVE BARGAINING AGREEMENT REACHED IN ACCORDANCE WITH THIS PARAGRAPH SHALL BE IN WRITING AND SIGNED BY THE CERTIFIED REPRESENTATIVES OF THE PARTIES INVOLVED IN THE COLLECTIVE BARGAINING NEGOTIATIONS.

4. EXCEPT AS PROVIDED IN THE CODE AND REGULATIONS OF CECIL COUNTY, THE PROVISIONS OF THIS SUBPARAGRAPH AND ANY AGREEMENT MADE UNDER IT MAY NOT IMPAIR THE RIGHT AND THE RESPONSIBILITY OF THE SHERIFF TO:

A. DETERMINE THE MISSION, BUDGET, ORGANIZATION, NUMBERS, TYPES, CLASSES, GRADES, AND RANKS OF DEPUTY

1 SHERIFFS ASSIGNED, THE SERVICES TO BE RENDERED, OPERATIONS TO BE
2 PERFORMED, AND THE TECHNOLOGY TO BE USED;

3 B. SET THE STANDARDS OF SERVICE AND EXERCISE
4 CONTROL OVER OPERATIONS, INCLUDING THE RIGHTS TO DETERMINE WORK
5 SHIFTS AND THE NUMBER OF DEPUTY SHERIFFS ON EACH SHIFT;

6 C. ASSIGN AND RETAIN DEPUTY SHERIFFS IN
7 POSITIONS WITHIN THE OFFICE;

8 D. DETERMINE AND SET WORK PROJECTS, TOURS OF
9 DUTY, SCHEDULES, ASSIGNMENTS, AND METHODS, MEANS, AND PERSONNEL BY
10 WHICH OPERATIONS ARE CONDUCTED;

11 E. DETERMINE AND SET TECHNOLOGY NEEDS,
12 INTERNAL SECURITY PRACTICES, EQUIPMENT, AND THE LOCATION OF
13 FACILITIES;

14 F. MAINTAIN AND IMPROVE THE EFFICIENCY AND
15 EFFECTIVENESS OF OPERATIONS;

16 G. HIRE, DIRECT, SUPERVISE, PROMOTE, DEMOTE,
17 DISCIPLINE, ASSIGN, AND WITH REASONABLE CAUSE DISCHARGE FULL-TIME
18 SWORN LAW ENFORCEMENT DEPUTY SHERIFFS, WITH THE EXCEPTION THAT
19 THE PROMOTIONAL PROCESS FOR DEPUTY SHERIFFS UP TO THE RANK OF ~~FIRST~~
20 SERGEANT AND THE NUMBER AND COMPOSITION OF TRIAL BOARDS FOR THE
21 DISCIPLINE PROCESS FOR DEPUTY SHERIFFS AT THE RANK OF ~~FIRST~~
22 SERGEANT AND BELOW ARE SUBJECT TO COLLECTIVE BARGAINING;

23 H. DETERMINE AND SET THE QUALIFICATIONS OF
24 DEPUTY SHERIFFS FOR APPOINTMENT AND PROMOTIONS; AND

25 I. DETERMINE AND SET THE STANDARDS OF
26 CONDUCT, AND WITH CONSULTATION AND INPUT FROM THE CERTIFIED LABOR
27 ORGANIZATION, ADOPT RULES, ORDERS, POLICIES, REGULATIONS, AND
28 PROCEDURES ON MUTUALLY AGREED ON SUBJECTS.

29 5. A COLLECTIVE BARGAINING AGREEMENT IS NOT
30 EFFECTIVE UNTIL IT IS RATIFIED BY THE MAJORITY OF VOTES CAST BY THE
31 DEPUTY SHERIFFS IN THE BARGAINING UNIT AND APPROVED BY THE SHERIFF
32 AND THE COUNTY COMMISSIONERS.

~~(VI) 1. THE COSTS PAID BY THE COUNTY COMMISSIONERS UNDER SUBPARAGRAPHS (III)4, (IV)3C, AND (IV)4I OF THIS PARAGRAPH MAY NOT EXCEED \$15,000 IN TOTAL FOR FISCAL YEAR 2010 2011.~~

~~2. A. THE COUNTY COMMISSIONERS AND CERTIFIED LABOR ORGANIZATION SHALL NEGOTIATE A COST SHARING CAP FOR FISCAL YEAR 2011 2012 AND EACH SUBSEQUENT FISCAL YEAR.~~

~~B. IF THE COUNTY COMMISSIONERS AND CERTIFIED LABOR ORGANIZATION ARE UNABLE TO REACH AN AGREEMENT BY DECEMBER 1 OF THE PRIOR FISCAL YEAR, THE COST SHARING CAP SHALL INCREASE BY A PERCENTAGE EQUAL TO THE ANNUAL PERCENTAGE INCREASE IN COMPENSATION COSTS FOR CIVILIAN WORKERS FOR THE PRIOR CALENDAR YEAR, AS MEASURED BY THE EMPLOYMENT COST INDEX AS PUBLISHED BY THE BUREAU OF LABOR STATISTICS OF THE U.S. DEPARTMENT OF LABOR.~~

~~(VII) (VI) NOTHING IN THIS PARAGRAPH MAY BE CONSTRUED TO:~~

1. AUTHORIZE OR OTHERWISE ALLOW A DEPUTY SHERIFF TO ENGAGE IN A STRIKE AS DEFINED IN § 3-303 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

2. AUTHORIZE THE COLLECTION OF MANDATORY MEMBERSHIP FEES FROM NONMEMBERS OF THE EMPLOYEE ORGANIZATION.

~~SECTION 3. AND BE IT FURTHER ENACTED, That before this Act becomes effective it shall first be submitted to a referendum of the legally qualified voters of Cecil County at the general election to be held in November of 2010. The County governing body and the Cecil County Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. There shall be printed on the ballot to be used at this election the title of this Act and underneath the title, on separate lines, a square or box opposite the words "For collective bargaining with binding arbitration" and a corresponding square or box opposite the words "For collective bargaining with nonbinding arbitration". A voter may choose only one of the methods of arbitration. If a majority of the votes cast on the question are "For collective bargaining with binding arbitration" the provisions of Section 1 of this Act shall become effective on the 30th day following the official canvass of votes for the referendum and the provisions of Section 2 of this Act are of no effect and null and void. If a majority of the votes cast on the question are "For collective bargaining with nonbinding arbitration" the provisions of Section 2 of this Act become effective on the 30th day following the official canvass of votes for the referendum and the provisions of Section 1 of this Act are of no effect and null and void.~~

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1 SECTION ~~4~~ 2. AND BE IT FURTHER ENACTED, That, ~~subject to the~~
2 ~~provisions of Section 3 of this Act and for the sole purpose of providing for the~~
3 ~~referendum required by Section 3 of this Act,~~ this Act shall take effect July 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.