Title of Bill: Amendment – Collective Bargaining – Law Enforcement Deputy Sheriffs and Correctional Deputy Sheriffs

Synopsis: A Bill to amend Chapter 70 (Officers and Employees), Article II, of the Cecil County Code, pursuant to authority set forth in the Annotated Code of Maryland, to now include the labor organization representing certain Law Enforcement Deputy Sheriffs in the Cecil County Sheriff’s Office, Correctional Deputy Sheriffs in the Cecil County Sheriff’s Office, and full-time, regular, non-exempt uniformed employees on the Public Safety pay scale within the Cecil County Department of Emergency Services at the rank of captain and below, formulation of a memorandum of understanding of agreements made pursuant to collective bargaining, and dispute resolution procedures, timeframes and rules for conducting non-binding arbitration where the County and a bargaining unit are unable to reach an agreement on the contents of a memorandum of understanding or collective bargaining agreement through mediation, as well as rules for remedying unfair labor practices.

Introduced by: Council President at the request of the Executive

Introduced and order posted on: July 7, 2020

Public hearing scheduled on: August 4, 2020 at 7:00 p.m.

Consideration scheduled on: August 18, 2020

By: ___________________________
   Council Manager

PUBLIC HEARING

Notice of time and place of public hearing and title of Bill having been posted by (date) at the County Administration Building, 200 Chesapeake Blvd., Elkton, and having been published according to the Charter on (date), a public hearing was held on (date) and concluded on (date).

By: ___________________________
   Council Manager

Explanation: CAPITAL LETTERS INDICATE LANGUAGE ADDED TO EXISTING DOCUMENT
               Strike through indicates language deleted from existing document
               Underlining indicates language added to document by amendment.
               Double Strike through indicates language stricken from document by amendment.
WHEREAS, pursuant to Section 402 of the Cecil County Charter (the “Charter”), the County Executive (the “Executive”) shall see that the affairs of the executive branch are administered properly and efficiently, and that employees of the executive branch faithfully perform their duties; and

WHEREAS, pursuant to Section 402 of the Charter, the duties and responsibilities of the Executive include, but are not limited to: (a) Supervising and directing offices, agencies and divisions of the executive branch and ensuring that County employees as well as County boards and commissions faithfully perform their duties; and, (b) preparing and submitting to the Council the annual County Budget; and

WHEREAS, a labor organization seeking certification as an exclusive representative of the correctional deputy sheriffs has now submitted a petition to the Sheriff and County Executive, signed by more than 50% of the sworn correctional deputy sheriffs at the rank of lieutenant and below, indicating the desire of the correctional deputy sheriffs to be represented exclusively by the labor organization for the purpose of collective bargaining, as required pursuant to Md. Code Ann., § 2-321, Courts and Judicial Proceedings Article; and

WHEREAS, neither the Sheriff or the County Executive have challenged the validity of the petition within 20 calendar days following their respective receipt of the petition; and

WHEREAS, the labor organization is now deemed certified as the exclusive representative of sworn correctional deputy sheriffs in Cecil County, Maryland; and

WHEREAS, in accordance with Md. Code Ann., § 2-321, Courts and Judicial Proceedings Article, the County Council must now enact a local ordinance that allows for, among other items, nonbinding arbitration if the certified labor organization, the Sheriff, and the County Executive are unable to reach an agreement through mediation; and

WHEREAS, the County Executive proposes that the County Council amend Chapter 70 (Officers and Employees), Article II, of the Cecil County Code, pursuant to authority set forth in the Annotated Code of Maryland, to now include the labor organization representing certain Law Enforcement Deputy Sheriffs in the Cecil County Sheriff’s Office, Correctional Deputy Sheriffs in the Cecil County Sheriff’s Office, and Paramedics in the Cecil County Department of Emergency Services, respectively, in order to establish defined terms, County Council authority to amend this ordinance, formulation of a memorandum of understanding of agreements made pursuant to collective bargaining, and dispute resolution procedures,
timeframes and rules for conducting non-binding arbitration where the County and a bargaining unit are unable to reach an agreement on the contents of a memorandum of understanding or collective bargaining agreement through mediation, as well as rules for remedying unfair labor practices.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that the following amendment to Chapter 70 (Officers and Employees), Article II, of the Cecil County Code, is hereby adopted with the following amendments:

Article II Emergency Medical Services Collective Bargaining

§ 70-4 Definitions.

As used in this article, the following terms shall have the meanings indicated:

COLLECTIVE BARGAINING

A. To meet in good faith at reasonable times to attempt to negotiate an agreement concerning subjects of bargaining authorized by law.

B. Does not include a meeting in which only representatives of the Cecil County Council are in attendance or a meeting in which only representatives of the exclusive representative are in attendance.

EMPLOYEE

A. A sworn law enforcement deputy sheriff in the Cecil County Sheriff’s Office;

B. A sworn correctional deputy sheriff in the Cecil County Sheriff’s Office; or,

C. A regular, nonexempt, uniformed employee within the Cecil County Division of Emergency Medical Services at the rank of Medical Services at the rank of captain or below.

EMPLOYEE ORGANIZATION

An organization of employees that, as one of its primary purposes, represents employees in collective bargaining with the employer.

EXCLUSIVE REPRESENTATIVE

The employee organization that has been certified through an election by eligible employees or otherwise recognized by the Cecil County Council to represent and negotiate for those employees with the Cecil County Council terms and conditions of employment.

§ 70-5 Council authority to enact ordinances.

The Cecil County Council may enact an ordinance to:
A. Authorize recognition of an exclusive representative by election or voluntary recognition through a check of authorization cards at the County’s option and provide a process for such authorization.
B. Authorize withdrawal of recognition of an exclusive representative based on circumstances specified in the ordinance and provide a process for the withdrawal.
C. Allow collective bargaining between Cecil County and the exclusive representative of its employees concerning terms and conditions of employment, and a process to resolve disagreements concerning the interpretation of any agreement made between the exclusive representative and the County.
D. Set forth the subjects of collective bargaining and the rights reserved by the County from those subject.
E. Set forth the time frames of the collective bargaining process.
F. Provide rules of conduct for collective bargaining; and
G. Provide a process and remedies for violations of established rules.

§ 70-6 Memorandum of understanding.

A. Once authorized by an ordinance, collective bargaining between the County and the exclusive representative shall include a memorandum of understanding concerning the agreements made as a result of bargaining.
B. Subject to an annual exercise of authority concerning fiscal procedures in state law or County ordinance, a memorandum of understanding between the County and an exclusive representative shall be binding between Cecil County and an exclusive representative.

§ 70-7 Designation of negotiators.

Cecil County may retain or designate individuals to negotiate on its behalf with the exclusive representative.

§ 70-8 Limitations.

This article does not:
A. Authorize or otherwise permit an employee to engage in a strike as defined in § 3-303 of the State Personnel and Pensions Article of the Annotated Code of Maryland.
B. Authorize or otherwise permit the County to engage in a lockout as defined in § 3-304 of the State Personnel and Pensions Article of the Annotated Code of Maryland.

C. Require any method, means, or scope of bargaining between Cecil County and an exclusive representative.

D. Authorize binding interest arbitration; and

E. Authorize the collection of mandatory membership fees from nonmembers of the employee organization.

AND IT IS FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND, that this Bill shall take effect 60 calendar days from the date that it becomes law.

CERTIFICATION

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.

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BY Council Manager