

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 823
Finance

(Senator McCray)

Sheriff of Baltimore City - Salaries and Collective Bargaining

This bill authorizes full-time sworn law enforcement officers who are deputy sheriffs at a rank of captain or below and court security officers in the Baltimore City Sheriff's Office to bargain collectively with the Secretary of Budget and Management and the Baltimore City Sheriff, with respect to specified benefits. The bill establishes procedures for the mediation and arbitration of collective bargaining disputes between officers and the Department of Budget and Management (DBM) and the Sheriff.

Fiscal Summary

State Effect: General fund expenditures at DBM may increase minimally in years when mediation takes place, as discussed below. Revenues are not affected.

Local Effect: Baltimore City expenditures may increase depending on collective bargaining agreements. In addition, city expenditures increase in years when mediation or arbitration takes place for the hiring of outside legal counsel. Local revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill authorizes full-time sworn law enforcement officers at or below the rank of captain and court security officers of the Baltimore City Sheriff's Office to seek recognition to organize and collectively bargain in good faith with the Sheriff concerning the following matters: (1) compensation, excluding salary, wages, and those benefits determined, offered, administered, controlled, or managed by DBM; (2) leave, holidays,

and vacations; and (3) hours, working conditions, and job security. Sworn law enforcement officers and court security officers may seek recognition in order to organize and bargain collectively in good faith with the Secretary of Budget and Management concerning merit step increases and those benefits determined, offered, administered, controlled, or managed by the Secretary.

The bill specifies that the Sheriff's office, the State, and the exclusive representative of the law enforcement officers and court security officers may each have up to four representatives for negotiations. Negotiations for collective bargaining agreements must begin by September 1 of the year before the expiration of any existing agreement. An agreement may be valid for between one and four years.

The bill establishes the procedures and timelines for the mediation and arbitration of collective bargaining disputes involving the exclusive representative. The bill provides a process for the selection of an arbitrator and specifies the powers of the arbitrator and the factors that the arbitrator may consider in determining which of the parties' final offer is more reasonable. The recommendations of the arbitrator are not binding.

To the extent that any matters negotiated between the Sheriff, the Secretary of Budget and Management, and the collective bargaining unit require legislative approval or the appropriation of funds, the matters must be recommended to the General Assembly for the approval of legislation or to the Secretary for the appropriation of funds.

If a collective bargaining agreement expires after the exclusive representative provides notice of a desire to bargain collectively for a successor agreement, the previous agreement will remain in effect until a new agreement is adopted or 180 days from the date the parties reject the arbitrator's recommendations. If the parties fail to reach a new agreement within the 180-day time period, the terms and conditions of the prior collective bargaining agreement cease to be effective.

Current Law: Ten counties in Maryland have collective bargaining for deputy sheriffs: Allegany, Anne Arundel, Baltimore, Cecil, Charles, Frederick, Harford, Howard, Montgomery, and Prince George's counties. In Allegany, Anne Arundel, and Prince George's counties, binding arbitration is provided.

Background: The Baltimore City Sheriff's Office currently employs 84 deputy sheriffs and 70 court safety personnel. The fiscal 2020 budget for the Baltimore City Sheriff's Office totals \$21.2 million, of which \$19.6 million is for salaries and other personnel costs.

State Fiscal Effect: DBM advises that although deputy sheriffs in Baltimore City participate in the State Employees Health Benefits Program, DBM does not provide

operational oversight and the Sheriff's Office operates as an entity of Baltimore City. Regardless, the bill requires DBM to participate in the collective bargaining process for deputy sheriffs and court security officers in the Baltimore City Sheriff's Office. State expenditures increase to the extent that mediation is required and DBM, if a party to the negotiations that necessitate mediation, is required to pay 25% of the mediation costs.

Local Fiscal Effect: Because the bill authorizes Baltimore City sheriff deputies and court security officers to bargain collectively regarding specified matters, the city may incur additional expenditures in future years depending on future collective bargaining agreements. These expenditures cannot be reliably estimated beforehand.

In years when arbitration or mediation occur, Baltimore City expenditures may increase to hire outside legal counsel to represent the city during the collective bargaining process.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore City; Department of Budget and Management; Maryland Department of Labor; Office of Administrative Hearings; Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2020
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