

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 428

(Washington County Senators)

Judicial Proceedings

Appropriations

**Washington County - Deputy Sheriffs and Correctional Deputies - Employment
Conditions and Collective Bargaining**

This bill authorizes full-time sworn deputy sheriffs and correctional deputies in the Washington County Sheriff's Office, at or below the rank of sergeant, to engage in collective bargaining with the Washington County Sheriff and the Washington County Administrator. Any additional funding required as a result of a collective bargaining agreement is subject to approval by the County Commissioners. The bill's provisions may not be construed to authorize or otherwise allow sworn deputy sheriffs or correctional deputies to engage in a strike, as specified. The bill also alters the statutory provisions that specify the grounds on which a deputy sheriff of a specified rank may be discharged. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: None.

Local Effect: Washington County expenditures may increase minimally, as discussed below. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary

Collective Bargaining

Full-time sworn deputy sheriffs and correctional deputies of Washington County, at or below the rank of sergeant, are authorized to (1) take part in or refrain from taking part in

forming, joining, supporting, or participating in a labor organization (or its lawful activities); (2) select a labor organization as their exclusive representative; (3) engage in collective bargaining concerning wages and benefits through a labor organization certified as their exclusive representative; (4) enter into a collective bargaining agreement; and (5) decertify a labor organization as their exclusive representative. However, any additional funding required as a result of a negotiated collective bargaining agreement is subject to approval by the County Commissioners.

A labor organization must be deemed certified as the exclusive representative if certain conditions are met. At least 51% of the sworn deputy sheriffs (or correctional deputies, as applicable) at or below the rank of sergeant must sign a petition indicating their desire to have the labor organization be their exclusive representative. The petition must be submitted to the Sheriff. If, after 20 days from the date the petition is submitted to the Sheriff, the Sheriff does not challenge the validity of the petition, the labor organization must be deemed certified as the exclusive representative. If the Sheriff challenges the validity of the petition, the American Arbitration Association (AAA) must be requested to appoint a neutral third party to conduct an election (by secret ballot) and certify whether the labor organization has been selected as the exclusive representative by a majority (51%) of votes cast. These costs must be shared equally by the parties.

Following certification, the parties must meet at reasonable times and engage in collective bargaining in good faith. The parties must make every reasonable effort to conclude negotiations in a timely manner to allow for inclusion by the Sheriff's Office of matters agreed on in its budget request. The Sheriff and County Administrator may not be required to engage in collective bargaining negotiations with the exclusive representative after the time that the County Commissioners approve the annual operating budget with regard to conditions of employment that require the appropriation of funds.

A collective bargaining agreement must contain all matters of agreement reached in the collective bargaining process. Additionally, the agreement may contain a grievance procedure providing for nonbinding arbitration. The agreement must be in writing and must be signed by the designated representatives of the parties involved. The agreement, however, is not effective until ratified by a majority of votes cast by the sworn deputy sheriffs (or correctional deputies, as applicable) in the bargaining unit, the Washington County Sheriff, and the County Commissioners. Additional funding, if any, required as a result of the agreement must be subject to approval by the County Commissioners.

The bill also (1) authorizes the exclusive representative, the Sheriff, and the County Administrator to each designate up to four individuals for representation in collective bargaining negotiations and (2) establishes that an agreement is not valid if it extends for less than one year or more than four years.

Employment Conditions

The bill alters the grounds on which a deputy sheriff (at or below the rank of major) may be discharged at the conclusion of continuous employment for two years by specifying that such an individual may be discharged by the Sheriff only for “police misconduct.” “Police misconduct” is a pattern, practice, or conduct by a deputy sheriff that includes (1) depriving a person of rights protected by the Constitution or State or federal laws; (2) a violation of a criminal statute; or (3) a violation of agency standards and policies of the Washington County Sheriff’s Office. This definition is consistent with the definition in Title 3, Subtitle 1 of the Public Safety Article (Police Accountability and Discipline), as established by Chapter 59 of 2021. The bill also specifies that a deputy sheriff in probationary status may be dismissed by the Sheriff for any reason during the probationary period, *except as otherwise provided by law*.

The bill also specifies that for the purpose of employment security or employee benefits, a special deputy sheriff in Washington County is not a State employee.

Current Law: The Sheriff of Washington County has the authority to appoint deputy sheriffs and other personnel necessary to perform the duties of the office at salary levels set by the County Commissioners. Washington County deputy sheriffs and correctional deputies do not have statutory authority to collectively bargain for wages and benefits.

The Sheriff may also appoint special deputy sheriffs, who are under the authority of the Sheriff while performing duties as a special deputy sheriff and are not employees of the county for the purpose of employment security or employee benefits.

Local Expenditures: Washington County does not anticipate the bill to materially affect local finances or operations. Because any additional funding required as a result of a collective bargaining agreement is subject to approval by the County Commissioners, any impact on wages and benefits solely attributable to the bill is not anticipated to be material. Washington County expenditures may also increase if the Sheriff challenges the validity of a petition and AAA services are utilized, as required in the bill; any associated costs are shared equally by the parties and assumed by the county to be minimal.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 637 (Washington County Delegation) - Appropriations.

Information Source(s): Washington County; Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2023
km/jkb Third Reader - March 20, 2023

Analysis by: Valarie Munroe

Direct Inquiries to:
(410) 946-5510
(301) 970-5510