

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND  
LEGISLATIVE SESSION 2020-14**

**BILL NO. 2020-09**

**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.

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**Amendment – Collective Bargaining –**  
**Law Enforcement Deputy Sheriffs and Correctional Deputy Sheriffs**

1           **WHEREAS**, pursuant to Section 402 of the Cecil County Charter (the “Charter”), the County  
2 Executive (the “Executive”) shall see that the affairs of the executive branch are administered properly and  
3 efficiently, and that employees of the executive branch faithfully perform their duties; and

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

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

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

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

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

23           **WHEREAS**, the County Executive proposes that the County Council amend Chapter 70 (Officers  
24 and Employees), Article II, of the Cecil County Code, pursuant to authority set forth in the Annotated Code  
25 of Maryland, to now include the labor organization representing certain Law Enforcement Deputy Sheriffs  
26 in the Cecil County Sheriff’s Office, Correctional Deputy Sheriffs in the Cecil County Sheriff’s Office, and  
27 Paramedics in the Cecil County Department of Emergency Services, respectively, in order to establish  
28 defined terms, County Council authority to amend this ordinance, formulation of a memorandum of  
29 understanding of agreements made pursuant to collective bargaining, and dispute resolution procedures,

30 timeframes and rules for conducting non-binding arbitration where the County and a bargaining unit are  
31 unable to reach an agreement on the contents of a memorandum of understanding or collective  
32 bargaining agreement through mediation, as well as rules for remedying unfair labor practices.

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

36 **Article II ~~Emergency Medical Services~~ Collective Bargaining**

37 **§ 70-4 Definitions.**

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

39 COLLECTIVE BARGAINING

- 40 A. To meet in good faith at reasonable times to attempt to negotiate an agreement  
41 concerning subjects of bargaining authorized by law.
- 42 B. Does not include a meeting in which only representatives of the Cecil County Council are in  
43 attendance or a meeting in which only representatives of the exclusive representative are in  
44 attendance.

45 EMPLOYEE

- 46 **A. A SWORN LAW ENFORCEMENT DEPUTY SHERIFF IN THE CECIL COUNTY SHERIFF’S OFFICE;**  
47 **B. A SWORN CORRECTIONAL DEPUTY SHERIFF IN THE CECIL COUNTY SHERIFF’S OFFICE; OR,**  
48 C. A regular, nonexempt, uniformed employee within the Cecil County Division of Emergency  
49 Medical Services at the rank of Medical Services at the rank of captain or below.

50 EMPLOYEE ORGANIZATION

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

53 EXCLUSIVE REPRESENTATIVE

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

57 **§ 70-5 Council authority to enact ordinances.**

58 The Cecil County Council may enact an ordinance to:

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59           A.       Authorize recognition of an exclusive representative by election or voluntary recognition  
60 through a check of authorization cards at the County's option and provide a process for such  
61 authorization.

62           B.       Authorize withdrawal of recognition of an exclusive representative based on circumstances  
63 specified in the ordinance and provide a process for the withdrawal.

64           C.       Allow collective bargaining between Cecil County and the exclusive representative of its  
65 employees concerning terms and conditions of employment, and a process to resolve  
66 disagreements concerning the interpretation of any agreement made between the exclusive  
67 representative and the County.

68           D.       Set forth the subjects of collective bargaining and the rights reserved by the County from  
69 those subject.

70           E.       Set forth the time frames of the collective bargaining process.

71           F.       Provide rules of conduct for collective bargaining; and

72           G.       Provide a process and remedies for violations of established rules.

73 **§ 70-6 Memorandum of understanding.**

74           A.       Once authorized by an ordinance, collective bargaining between the County and the  
75 exclusive representative shall include a memorandum of understanding concerning the  
76 agreements made as a result of bargaining.

77           B.       Subject to an annual exercise of authority concerning fiscal procedures in state law or  
78 County ordinance, a memorandum of understanding between the County and an exclusive  
79 representative shall be binding between Cecil County and an exclusive representative.

80 **§ 70-7 Designation of negotiators.**

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

83 **§ 70-8 Limitations.**

84           This article does not:

85           A.       Authorize or otherwise permit an employee to engage in a strike as defined in § 3-303 of  
86 the State Personnel and Pensions Article of the Annotated Code of Maryland.

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87 B. Authorize or otherwise permit the County to engage in a lockout as defined in § 3-304 of  
88 the State Personnel and Pensions Article of the Annotated Code of Maryland.

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

91 D. Authorize binding interest arbitration; and

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

94 **AND IT IS FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that this  
95 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