

# HOUSE BILL 1507

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HB 1167/07 – APP

8lr3278

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By: **Delegates Oaks, Carter, Conaway, Glenn, Hammen, Harrison, Haynes, Kirk, Krysiak, McHale, McIntosh, Robinson, Rosenberg, Stukes, and Tarrant**

Introduced and read first time: February 20, 2008  
Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Binding Arbitration – Police Officers**

3 FOR the purpose of requiring binding arbitration between certain employee  
4 organizations representing certain Baltimore City police officers and the City of  
5 Baltimore under certain circumstances; applying certain procedures governing  
6 binding arbitration for firefighters and fire officers to certain police officers;  
7 providing for the selection of a certain board of arbitration; requiring a certain  
8 board of arbitration to consider certain matters; requiring the adoption of  
9 certain salary and wage scales for certain police officers under certain  
10 circumstances; making a technical change; and generally relating to binding  
11 arbitration between certain police officers and the City of Baltimore.

12 BY repealing and reenacting, with amendments,  
13 The Charter of Baltimore City  
14 Article II – General Powers  
15 Section (55)  
16 (2007 Replacement Volume, as amended)

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

19 **The Charter of Baltimore City**

20 **Article II – General Powers**

21 The Mayor and City Council of Baltimore shall have full power and authority to  
22 exercise all of the powers heretofore or hereafter granted to it by the Constitution of  
23 Maryland or by any Public General or Public Local Laws of the State of Maryland; and  
24 in particular, without limitation upon the foregoing, shall have power by ordinance, or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 such other method as may be provided for in its Charter, subject to the provisions of  
2 said Constitution and Public General Laws:

3 (55)

4 (a) To provide by ordinance an orderly procedure for participation by  
5 municipal employees and their representatives in the formulation of labor relations  
6 and personnel policies, recognizing the right of employees to organize and bargain  
7 collectively through representatives of their own choosing and generally authorizing  
8 the Mayor and City Council of Baltimore to provide for

9 (1) the manner of establishing units appropriate for collective  
10 bargaining and of designating or selecting exclusive bargaining representatives;

11 (2) the rights of the employer, employees and the employee  
12 organization designated as the exclusive representative in an appropriate unit;

13 (3) the procedure for the negotiation of a collective bargaining  
14 agreement with respect to the terms and conditions of employment and the manner for  
15 resolution of a negotiation impasse;

16 (4) the payment of a service fee, as a condition of continuing  
17 employment, for administration of the collective bargaining agreement and the right of  
18 the exclusive representative to the checkoff of dues or service fees;

19 (5) the designation of unfair labor practices and remedies for the  
20 same;

21 (6) the definition of a grievance and the procedure for resolution; and

22 (7) other related matters to effectuate the ordinance.

23 The Mayor and City Council of Baltimore are authorized, consistent with the  
24 provisions of the Charter of Baltimore City, to submit to binding arbitration any  
25 dispute arising from the interpretation of, or the application of, any collective  
26 bargaining agreement with an exclusive representative. Binding arbitration for fire  
27 fighters [and], fire officers, **AND POLICE OFFICERS** shall be conducted as provided in  
28 subsection (b).

29 This section does not authorize a strike by any municipal employee or  
30 employees.

31 Until amended by ordinance, the presently existing municipal employee  
32 relations ordinance shall remain in force and effect.

33 (b) (1) If the certified employee organization or organizations  
34 representing fire fighters and fire officers within the Fire Department **OR POLICE**

1 **OFFICERS WITHIN THE POLICE DEPARTMENT** and the employer have not reached a  
2 written agreement concerning terms and conditions of employment by March 1 of any  
3 year, either party may request arbitration by a board of arbitration, as herein  
4 provided, which request must be honored.

5 (2) The board of arbitration shall be composed of 3 members, 1  
6 appointed by the Mayor, and 1 appointed jointly by the certified employee  
7 organizations representing the fire fighters and fire officers **OR POLICE OFFICERS**  
8 involved. These members shall be selected within 4 days of the request for arbitration.  
9 The third member shall be selected within 4 additional days by the 2 arbitrators  
10 previously chosen and in accordance with the procedures of the American Arbitration  
11 Association from a list furnished by the Association. Such member selected shall act as  
12 chairman of the board of arbitration.

13 The board of arbitration thus established shall commence the arbitration  
14 proceedings within 7 days after the chairman is selected and shall make its decision,  
15 by a majority vote, within 15 days after the commencement of the arbitration  
16 proceedings. For good cause the chairman may extend the time requirement set forth  
17 herein.

18 (3) Within 3 days after the selection of the chairman of the board of  
19 arbitration, the Labor Commissioner or his designated representative shall provide to  
20 each member of the board of arbitration and to all parties, a detailed itemization of the  
21 last proposal made by the respective parties during the negotiations.

22 (4) The board of arbitration shall identify the major issues in the  
23 dispute, review the positions of all parties and shall take into consideration wages,  
24 benefits, hours, and other working conditions of other fire **OR POLICE** department and  
25 public safety employees in Maryland as well as in comparable metropolitan political  
26 subdivisions in other states, and shall also consider the value of other benefits  
27 available to or received by other employees of the Mayor and City Council of Baltimore  
28 as compared with private sector employees in the metropolitan Baltimore City area  
29 and as compared with employees of other fire **OR POLICE** departments and other  
30 public safety employees. The board of arbitration shall further consider consumer  
31 prices for goods and services and other related items, cost of living data, and such  
32 other factors, not confined to the foregoing, which are normally utilized in the  
33 determination of wages and other benefits in the collective bargaining process, and  
34 shall also take into account the financial condition of the City.

35 (5) The board of arbitration shall have the power to administer oaths,  
36 compel the attendance of witnesses, and require the production of evidence by  
37 subpoena.

38 (6) The board of arbitration after hearing witnesses and considering  
39 and receiving such written evidence as may be submitted shall, by written decision,  
40 order the implementation, in its entirety, of the last proposal of one of the respective

1 parties previously submitted in accordance with [subparagraph (c) of this section]  
2 **PARAGRAPH (3) OF THIS SUBSECTION.**

3 (7) The decision of the majority of the board of arbitration thus  
4 established shall be final and binding upon the Mayor and City Council of Baltimore  
5 and upon the certified employee organizations involved in the proceedings. No appeal  
6 therefrom shall be allowed. Such decision shall constitute a mandate to the Mayor of  
7 Baltimore City in respect to such matters which can be remedied administratively by  
8 him, and as a mandate to the Board of Estimates and the City Council with respect to  
9 matter(s) which require legislative action necessary to implement the decision of the  
10 board of arbitration.

11 With respect to matters which require legislative action for implementation,  
12 such legislation shall be enacted within 45 days following the date of the arbitration  
13 decision.

14 With respect to salaries and wage scales, the amounts determined by the final  
15 decision of the board of arbitration shall be included in the proposed Ordinance of  
16 Estimates in accordance with Section 2(c)(1) of Article VI, shall not be reduced by the  
17 City Council in accordance with Section 2(g) of Article VI, and shall be adopted by the  
18 Board of Estimates as the salary and wage scales for employees of the Fire  
19 Department **OR POLICE DEPARTMENT** in accordance with Section 5 of Article VI.

20 (8) The cost of the arbitration proceedings provided for herein shall be  
21 borne equally by the parties involved.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2008.