

CHARTER AMENDMENT RESOLUTION NO. 2022-4

A RESOLUTION TO AMEND THE CHARTER OF THE CITY OF SALISBURY, MARYLAND BY ADDING ARTICLE XXIII OF THE CHARTER TO PROVIDE FOR COLLECTIVE BARGAINING.

WHEREAS, there exists a need for harmony and cooperation between a public employer and its employees; and

WHEREAS, the City of Salisbury recognizes the benefit of allowing certain employees to organize and bargain collectively; and

WHEREAS, there is no State law that generally allows local government employees to engage in collective bargaining; and

WHEREAS, the City of Salisbury believes it is in the best interest of the citizens of the City and its employees to amend the City Charter to grant certain employees the right to organize and bargain collectively through representative employee organizations of their own choosing and to submit to binding arbitration certain labor disputes that may arise during negotiations as to be subsequently defined and established by Ordinance (to be referred to as the “Labor Code”); and

WHEREAS, the Labor Code, which shall be passed after this Charter Amendment takes effect shall, *inter alia*, define and establish the scope and subjects of bargaining, including negotiable and non-negotiable items, or both; the rights of the employer and the employee; the units appropriate and inappropriate for collective bargaining; grievances; unfair labor practices; permissible and impermissible union activities; and the scope and method of binding arbitration and the disputes to be submitted to binding arbitration; and

WHEREAS, the City of Salisbury recognizes the need to protect the public by assuring uninterrupted, effective, and orderly service and, consequently, the Labor Code shall prohibit strikes or work stoppages for all public employees; and

NOW, THEREFORE, BE IT RESOLVED by the Salisbury City Council, by virtue of the authority granted in Article XI-E of the Constitution of Maryland, Local Government Article §§ 4-301 *et seq.* of the Annotated Code of Maryland and Article XXI of the City Charter as follows:

Section 1. It is proposed and recommended that a new Article XXIII be added to the City Charter such that the following underscored and italicized language is added:

SC23-1. Collective bargaining.

The City of Salisbury grants certain public employees the right to organize and bargain collectively through representative employee organizations of their own choosing and to submit

to binding arbitration certain labor disputes that may arise during negotiations as defined and provided by ordinance of the City Council to be referred to as the "Labor Code." Once this Charter Amendment takes effect, the City Council shall adopt a Labor Code establishing, inter alia, the scope and subjects of bargaining, including negotiable and non-negotiable items, or both; the rights of the employer and the employee; the units appropriate and inappropriate for collective bargaining; grievances; unfair labor practices; permissible and impermissible union activities; and the scope and method of binding arbitration and the disputes to be submitted to binding arbitration. The Labor Code shall prohibit strikes or work stoppages for all public employees.

AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY:

Section 2. Pursuant to MD Code, Local Government, § 4-304, a public hearing on this Resolution, providing for the amendment of the City of Salisbury's Charter as set forth herein, shall be and hereby is scheduled for September 12, 2022 at 6:00 p.m.

Section 3. Pursuant to the City of Salisbury's Charter § SC21-2 and MD Code, Local Government, § 4-304, the City shall post a complete and exact copy of this Charter Amendment at the City Government Building for at least forty (40) days after the passage of this Resolution and advertise a fair summary of this Resolution in a newspaper of general circulation in the City at least four times at weekly intervals and within forty days after the Resolution has been adopted.

Section 4. The title of this Resolution shall be deemed a fair summary of the amendments provided for herein for publication and all other purposes.

AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY:

Section 5. This Resolution shall take effect on the fiftieth day after the Resolution is adopted, subject to the right of referendum.

AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY:

Section 6. It is the intention of the Council of the City of Salisbury that each provision of this Resolution shall be deemed independent of all other provisions herein.

Section 7. It is further the intention of the Council of the City of Salisbury that if any section, paragraph, subsection, clause, or provision of this Resolution shall be adjudged invalid, unconstitutional, or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged and all other provisions of this Resolution shall remain and shall be deemed valid and enforceable

Section 8. The Recitals set forth hereinabove are incorporated into this section of this Resolution as if such recitals were specifically set forth at length in this Section 9.

THIS RESOLUTION was introduced, read, and passed at the regular meeting of the Council of the City of Salisbury held on the 12th day of September, 2022.


Kimberly R. Nichols, City Clerk


John R. Heath, City Council President



City of
Salisbury
Jacob R. Day, Mayor

To: City Council

From: Julia Glanz, City Administrator

Subject: Collective Bargaining

Date: July 13, 2022

Please find the attached Charter Amendment Resolution that would allow for Collective Bargaining for certain employees of the City of Salisbury.

Over the past few months Fire Department employees have met with City Administration to request the right to collective bargaining. On May 5, 2022 the Mayor announced at his budget press conference that the City Administration would be moving forward in the process to allow for Collective Bargaining for certain units of employees. Attached is a “roadmap” for the entire process. Allowing our dedicated employees to have collective bargaining will enshrine certain rights for non-supervisory employees. Those details will be included in the Labor Code and each specific Collective Bargaining Agreement. Please note that the City of Salisbury is not subject to the National Labor Relations Act.

Please reach out if you have any questions.

COLLECTIVE BARGAINING ROADMAP FOR CITY OF SALISBURY

1. CHARTER AMENDMENT

- A. **RESOLUTION:** Must contain the exact wording of the proposed amendment and describe the new language to be added to the Charter.
- B. **PUBLIC HEARING:** City must post an exact copy of the charter amendment resolution at the city hall or some other public place for at least 40 days after passage of the resolution. The law further requires the municipality to publish a “fair summary” of the proposed amendment not less than four times at weekly intervals in a newspaper of general circulation in the community.
- C. **EFFECTIVE DATE:** Unless an approved charter amendment is petitioned to referendum, an amendment becomes effective 50 days after a municipal governing body passes a charter amendment resolution. The effective date is delayed if a petition for referendum is received by the municipality on or before the fortieth day after initial passage of the charter amendment resolution. Municipal residents may seek to nullify a charter amendment that has been approved by a municipal governing body by petitioning the amendment to referendum. The signatures of 20 percent of the qualified voters of the affected municipality are needed to bring the amendment to a referendum election. If a petition is presented to the municipal governing body and it has the requisite signatures and meets the legal requirements for form, the governing body must pass a resolution to provide for a referendum on the question of whether the charter amendment should be approved. The referendum may occur at the next general election of the affected municipality or a special election may be called. In the event of a special election, it must occur between 40 and 60 days after the referendum resolution is approved.

2. PASSAGE OF LABOR CODE

- A. **ORDINANCE:** New Labor Code must be adopted by Ordinance and proposed Ordinance cannot be presented for first reading until the Charter Amendment takes effect. Labor Code will address among other things, who belongs to the representation units, who is the exclusive bargaining representative, certification election, employer/employee rights, collective bargaining, grievances, unfair labor practices, and permissible union activities.

3. REPRESENTATION ELECTION

- A. City’s Labor Code will ultimately determine the election process, but Labor Codes of municipalities generally provide for a Certification Election or Voluntary Recognition as follows:

B. CERTIFICATION ELECTION: An employee organization seeking exclusive bargaining representative status for employees in the bargaining unit shall file a petition with the employee relations manager accompanied by evidence that at least thirty (30) percent of the employees in the bargaining unit have designated the employee organization as their exclusive bargaining representative. Within thirty (30) days of filing a petition for certification, the employee relations manager shall conduct a secret ballot election. If the results of the secret ballot election establish that a majority of those bargaining unit employees voting in the election designate the petitioning employee organization as their exclusive bargaining representative, then the employee relations manager shall certify the employee organization as the exclusive bargaining representative and shall authorize the employer to bargain collectively with the employee organization.

C. VOLUNTARY RECOGNITION: In the event the petition filed by an employee organization is accompanied by evidence that within thirty (30) days prior to the filing of the petition more than fifty (50) percent of the employees in the bargaining unit have designated the employee organization as their exclusive representative for purposes of collective bargaining, the employee relations manager may give the employer the option to voluntarily recognize the employee organization without first conducting a certification election. If the employer declines to voluntarily recognize the employee organization, then the employee relations manager shall conduct a certification election pursuant to this section. Upon voluntary recognition pursuant to this section, the employee relations manager shall certify the employee organization as the exclusive bargaining representative of the employees in the petitioned-for unit and authorize the employer to bargain collectively with the employee organization.

4. NEGOTIATIONS OF CBA

A. Once exclusive bargaining representative is recognized, negotiations for CBA can commence.

B. Labor Code will set deadlines for negotiations and what occurs when there is not an agreement amongst the parties.