

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 23-0449

Introduced by: Councilmember Conway and President Mosby

Introduced and read first time: October 30, 2023

Assigned to: Committee of the Whole

Committee Report: Favorable, with amendments

Council action: Adopted

Read second time: December 18, 2023

AN ORDINANCE CONCERNING

Public Safety – Baltimore City Police Department

1
2 FOR the purpose of repealing Subtitle 16 of the Public Laws of Baltimore City; creating a new
3 article in the Baltimore City Code designated “Police Department”; defining certain terms;
4 requiring the promulgation of certain rules and regulations; requiring the Police
5 Commissioner to maintain the records of the Department; requiring that the Department be
6 composed of a certain percentage of civilian employees; establishing a procedure standards
7 for redistricting police districts; providing for collective bargaining and negotiations relating
8 to direct compensation of police officers; establishing certain provisions relating to the
9 qualifications, appointment, promotion, and probation of police officers; ~~permitting police~~
10 ~~officers to earn witness fees~~; providing for a special effective date; and generally relating to
11 the Baltimore City Police Department.

12 BY repealing

13 The Public Local Laws of Baltimore City

14 Subtitle 16 - Police Department

15 Sections 16-1 through 16-15, and 16-17 through 16-55

16 Article 4 - Code of Public Local Laws of Maryland

17 (Edition 1979, Supplement 1997, and 2000 Supplement, as amended)

18 BY adding

19 Article 17 - Police Department

20 Sections 1-1 to 1-3 to be under the new subtitle designation

21 “Subtitle 1. General Provisions; Definitions”

22 Baltimore City Code

23 (Edition 2000)

24 BY adding

25 Article 17 - Police Department

26 Sections 2-1 to 2-2 to be under the new subtitle designation

27 “Subtitle 2. Police Department”

28 Baltimore City Code

29 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

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1 BY adding
2 Article 17 - Police Department
3 Sections 3-1 to 3-3 to be under the new subtitle designation
4 “Subtitle 3. Police Officers”
5 Baltimore City Code
6 (Edition 2000)

7 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
8 §§ 16-1 through 16-15 and §§ 16-17 through 16-55 of Subtitle 16 {“Police Department”} of the
9 Code of Public Local Laws of Baltimore City are hereby repealed.

10 **SECTION 2. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That a
11 new “Article 17 – Police Department” of the Baltimore City Code is enacted to read as follows:

12 **Baltimore City Code**

13 **ARTICLE 17. POLICE DEPARTMENT**

14 **SUBTITLE 1. GENERAL PROVISIONS; DEFINITIONS**

15 **§ 1-1. DEFINITIONS.**

16 (A) *IN GENERAL.*

17 IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

18 (B) *COMMISSIONER.*

19 “COMMISSIONER” MEANS THE POLICE COMMISSIONER OF BALTIMORE CITY.

20 (C) *DEPARTMENT.*

21 “DEPARTMENT” MEANS THE BALTIMORE CITY POLICE DEPARTMENT.

22 (D) *DEPARTMENT STAFF.*

23 “DEPARTMENT STAFF” MEANS AN INDIVIDUAL EMPLOYED BY THE MAYOR AND CITY
24 COUNCIL OF BALTIMORE ASSIGNED TO WORK FOR THE DEPARTMENT, WHETHER A
25 CIVILIAN OR A POLICE OFFICER.

26 (E) *POLICE OFFICER.*

27 “POLICE OFFICER” MEANS A PERSON WHO IS:

28 (1) LEGALLY AUTHORIZED TO ENFORCE THE GENERAL CRIMINAL LAWS OF THE STATE;

29 (2) LEGALLY AUTHORIZED TO ENFORCE THE CRIMINAL AND CIVIL LAWS OF THE CITY;
30 AND

31 (3) AN EMPLOYEE OF THE MAYOR AND CITY COUNCIL OF BALTIMORE.

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§ 1-2. RULES AND REGULATIONS.

SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY GENERAL PROVISIONS ARTICLE, THE POLICE COMMISSIONER SHALL:

(1) ADOPT RULES AND REGULATIONS TO CARRY OUT THIS ARTICLE;

(2) ADOPT RULES, REGULATIONS, ORDERS, POLICIES, OR OTHER DIRECTIVES:

(I) RELATING TO OR IN CONNECTION WITH THE ADMINISTRATION OF THE DEPARTMENT; AND

(II) FOR THE PURPOSE OF:

(A) SAFEGUARDING THE LIVES AND SAFETY OF ALL INDIVIDUALS WITHIN THE CITY;

(B) PROTECTING PROPERTY WITHIN THE CITY; AND

(C) ASSISTING IN SECURING TO ALL INDIVIDUALS THE EQUAL PROTECTION OF THE LAW.

§ 1-3. RECORDS.

SUBJECT TO SUBTITLE 10 {“RECORDS MANAGEMENT”} OF ARTICLE 1 OF THE CITY CODE, THE POLICE COMMISSIONER SHALL:

(1) DESIGNATE A RECORDS OFFICER FOR THE DEPARTMENT TO:

(I) SERVE AS THE DEPARTMENT LIAISON TO THE CITY RECORDS MANAGEMENT OFFICER, AS ESTABLISHED UNDER § 10-5 {“CITY RECORDS MANAGEMENT OFFICER: IN GENERAL”} OF ARTICLE 1 OF THE CITY CODE; AND

(II) ASSIST THE CITY RECORDS MANAGEMENT OFFICER IN CARRYING OUT THE RECORDS MANAGEMENT PROGRAM FOR THE DEPARTMENT;

(2) ON THE REQUEST OF THE CITY RECORDS MANAGEMENT OFFICER, PREPARE A RECORD INVENTORY;

(3) COOPERATE WITH THE CITY RECORDS MANAGEMENT OFFICER IN THE PREPARATION OF RECORD RETENTION AND DISPOSITION SCHEDULES FOR THE DEPARTMENT; AND

(4) COMPLY WITH THE RULES AND REGULATIONS ADOPTED BY THE CITY RECORDS MANAGEMENT OFFICER.

SUBTITLE 2. POLICE DEPARTMENT

§ 2-1. REQUIRED PERCENTAGE OF CIVILIAN EMPLOYEES.

AT LEAST 20 PERCENT OF THE DEPARTMENT SHALL BE CIVILIAN EMPLOYEES.

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1 § 2-2. REDISTRICTING.

2 (A) DEFINITIONS.

3 (1) IN GENERAL.

4 IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

5 (2) DISTRICT.

6 “DISTRICT” MEANS A POLICE DISTRICT OF THE DEPARTMENT.

7 (3) PLAN.

8 “PLAN” MEANS THE PROPOSAL FOR THE ADJUSTMENT OF DISTRICT BOUNDARIES
9 PRESENTED BY THE MAYOR TO THE CITY COUNCIL FOR ADOPTION OR AMENDMENT BY
10 RESOLUTION.

11 (B) ~~COMMISSIONER TO PREPARE PLAN FOR REALLOCATION OF BOUNDARIES~~ POLICE
12 REDISTRICTING PLAN STANDARDS.

13 TO ENSURE THAT THE RESOURCES OF THE DEPARTMENT ARE EFFICIENTLY ALLOCATED,
14 ~~FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED STATES, IN ACCORDANCE WITH~~
15 ARTICLE VII, § 147 {“REDISTRICTING”} OF THE CITY CHARTER THE COMMISSIONER
16 SHALL:

17 ~~(1)~~ (1) PREPARE A PROPOSAL FOR THE ADJUSTMENT OF THE GEOGRAPHIC BOUNDARIES OF
18 EACH DISTRICT AND THE REALLOCATION OF THE RESOURCES AND PERSONNEL OF
19 THE DEPARTMENT AMONG THE DISTRICTS USING:

20 (I) DECENNIAL CENSUS POPULATION AND HOUSING DATA OF THE UNITED
21 STATES CENSUS BUREAU;

22 (II) DISTRICT CALL VOLUME TRENDS;

23 (III) DISTRICT RESPONSE TIMES; AND

24 (IV) ANY OTHER INFORMATION DEEMED NECESSARY BY THE COMMISSIONER;
25 ~~AND~~

26 ~~(2) WITHIN 1 YEAR FROM THE ISSUANCE OF THE DECENNIAL CENSUS POPULATION AND~~
27 ~~HOUSING DATA BY THE UNITED STATES CENSUS BUREAU, PRESENT A PROPOSAL~~
28 ~~FOR THE ADJUSTMENT OF DISTRICT BOUNDARIES TO THE MAYOR.~~

29 ~~(C) ACTION BY THE MAYOR.~~

30 UPON RECEIPT OF A PROPOSAL FROM THE COMMISSIONER UNDER SUBSECTION (B) OF THIS
31 SECTION THE MAYOR SHALL:-

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~~(1) REVIEW AND REVISE THE PROPOSAL FOR THE ADJUSTMENT OF DISTRICT BOUNDARIES, AS APPROPRIATE; AND~~

~~(2) WITHIN 90 DAYS OF RECEIPT OF A PROPOSAL FROM THE COMMISSIONER SUBMIT A PROPOSAL FOR THE ADJUSTMENT OF DISTRICT BOUNDARIES TO THE CITY COUNCIL FOR ADOPTION BY RESOLUTION.~~

~~(D) ACTION BY THE CITY COUNCIL.~~

~~THE PLAN, AS IT MAY BE AMENDED BY THE COUNCIL, MUST BE APPROVED BY RESOLUTION OF THE MAYOR AND CITY COUNCIL WITHIN 180 DAYS FROM THE DATE THE PLAN IS INTRODUCED ON THE COUNCIL FLOOR.~~

~~(E) EFFECTIVE DATE.~~

~~THE PLAN SHALL BE EFFECTIVE 90 DAYS FROM THE DATE OF ENACTMENT.~~

~~(F) FAILURE TO APPROVE PLAN.~~

~~IF THE PLAN IS NOT APPROVED IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, THEN THE PLAN, AS PRESENTED BY THE MAYOR TO THE CITY COUNCIL, WILL GO INTO EFFECT ON THE DAY AFTER THE EXPIRATION OF THE TIME PERIOD SET FORTH IN SUBSECTION (E) OF THIS SECTION.~~

~~(G) COMMISSIONER TO IMPLEMENT PLAN MADE EFFECTIVE.~~

~~THE COMMISSIONER SHALL IMPLEMENT PLAN MADE EFFECTIVE UNDER THIS SECTION.~~

SUBTITLE 3. POLICE OFFICERS

§ 3-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) *CERTIFIED EXCLUSIVE REPRESENTATIVE.*

“CERTIFIED EXCLUSIVE REPRESENTATIVE” MEANS AN EMPLOYEE ORGANIZATION CERTIFIED BY THE LABOR COMMISSIONER AS PROVIDED FOR IN ARTICLE 12, § 4-3 {“ELECTION OF EXCLUSIVE REPRESENTATIVE”} OF THE CITY CODE.

(C) *DIRECT COMPENSATION.*

(1) *IN GENERAL.*

“DIRECT COMPENSATION” MEANS:

(I) WAGES;

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- 1 (II) SALARIES;
- 2 (III) LONGEVITY PAY BASED ON NUMBER OF YEARS WORKED FOR THE
- 3 DEPARTMENT;
- 4 (IV) SHIFT DIFFERENTIAL;
- 5 (V) BONUSES; AND
- 6 (VI) LEAVE WITH MONETARY VALUE.

7 (2) *EXCLUSIONS.*

8 "DIRECT COMPENSATION" DOES NOT INCLUDE:

- 9
- 10 (I) A PENSION OR ANY BENEFIT THAT IS TO BE PAID ON OR AFTER AN EMPLOYEE'S
- 11 RETIREMENT OR TERMINATION OF EMPLOYMENT; AND
- 12 (II) DEPARTMENT POLICIES AND ACTIONS THAT DO NOT RELATE TO DIRECT
- 13 COMPENSATION, INCLUDING:
 - 14 (A) JOB SECURITY;
 - 15 (B) DISCIPLINARY PROCEDURES;
 - 16 (C) INVESTIGATIONS AND ACTIONS;
 - 17 (D) PROMOTIONS;
 - 18 (E) DEPLOYMENT OR SCHEDULING, INCLUDING ELIGIBILITY AND
 - 19 ASSIGNMENT TO DETAILS AND POSITIONS;
 - 20 (F) LOSS OF LEAVE AS PROVIDED IN THE GENERAL ORDERS; AND
 - 21 (G) ISSUES RELATING TO ELIGIBILITY FOR OVERTIME COMPENSATION.

22 **§ 3-2. LABOR RELATIONS; COLLECTIVE BARGAINING.**

23 (A) *MUNICIPAL EMPLOYEE RELATIONS LAW TO APPLY.*

24 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PROVISIONS OF ARTICLE 12 OF
25 THE CITY CODE AS AMENDED FROM TIME TO TIME AND ANY RULES AND REGULATIONS
26 ADOPTED PURSUANT THERETO GOVERNING OR RELATING TO LABOR RELATIONS OR
27 COLLECTIVE BARGAINING WITH GENERAL MUNICIPAL EMPLOYEES OF THE CITY SHALL
28 APPLY TO LABOR RELATIONS AND COLLECTIVE BARGAINING BETWEEN THE CITY AND
29 DEPARTMENT STAFF.

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1 (B) *NEGOTIATIONS.*

2 (1) NEGOTIATIONS WITH A CERTIFIED EXCLUSIVE REPRESENTATIVE, ON BEHALF OF POLICE
3 OFFICERS, SHALL BE CONDUCTED JOINTLY BY THE POLICE COMMISSIONER AND THE
4 LABOR COMMISSIONER, OR THE DESIGNEES OF THE POLICE COMMISSIONER AND THE
5 LABOR COMMISSIONER, ON BEHALF OF THE EMPLOYER.

6 (2) AN EMPLOYEE ORGANIZATION MAY NOT BE DENIED CERTIFICATION AS THE EXCLUSIVE
7 REPRESENTATIVE OF ANY POLICE OFFICERS SOLELY FOR THE REASON THAT IT:

8 (I) PERMITS BOTH RANK AND FILE EMPLOYEES IN ADDITION TO SUPERVISORY AND
9 PROFESSIONAL EMPLOYEES TO JOIN ITS MEMBERSHIP; OR

10 (II) AFFILIATES WITH ANOTHER EMPLOYEE ORGANIZATION THAT PERMITS RANK
11 AND FILE, SUPERVISORY, OR PROFESSIONAL EMPLOYEES TO JOIN ITS
12 MEMBERSHIP.

13 (C) *RIGHT TO REQUEST ARBITRATION.*

14 (1) IF THE CERTIFIED EXCLUSIVE REPRESENTATIVE AND THE DEPARTMENT HAVE NOT
15 REACHED A WRITTEN AGREEMENT CONCERNING ALL ISSUES OF DIRECT COMPENSATION
16 BY MARCH 1 OF ANY YEAR, EITHER PARTY MAY AT ANY TIME THEREAFTER REQUEST
17 ARBITRATION BY A BOARD OF ARBITRATION, AS PROVIDED FOR IN THIS SUBSECTION.

18 (2) A REQUEST FOR ARBITRATION BY EITHER THE CERTIFIED EXCLUSIVE REPRESENTATIVE
19 OR THE DEPARTMENT MUST BE HONORED.

20 (D) *BOARD OF ARBITRATION; COMPOSITION.*

21 (1) THE BOARD OF ARBITRATION SHALL BE COMPOSED OF 3 MEMBERS.

22 (2) WITHIN 4 DAYS OF THE REQUEST FOR ARBITRATION:

23 (I) 1 MEMBER WILL BE APPOINTED BY THE MAYOR; AND

24 (II) 1 MEMBER WILL BE APPOINTED JOINTLY BY THE CERTIFIED EXCLUSIVE
25 REPRESENTATIVE.

26 (3) WITHIN 8 DAYS OF THE REQUEST FOR ARBITRATION, 1 MEMBER WILL BE APPOINTED BY
27 THE 2 MEMBERS PREVIOUSLY CHOSEN UNDER PARAGRAPH (2) OF THIS SUBSECTION.

28 (4) THE MEMBER CHOSEN BY THE 2 MEMBERS DESCRIBED UNDER PARAGRAPH (2) OF THIS
29 SUBSECTION SHALL SERVE AS THE CHAIR OF THE BOARD OF ARBITRATION.
30

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1 (E) *BOARD OF ARBITRATION; LIST OF ARBITRATORS.*

2 (1) *IN GENERAL.*

3 IN ACCORDANCE WITH THE PROCEDURES OF THE AMERICAN ARBITRATION
4 ASSOCIATION, THE MEMBER APPOINTED TO THE BOARD OF ARBITRATION UNDER
5 SUBSECTION (D)(3) OF THIS SECTION MUST BE SELECTED FROM A LIST OF 7
6 ARBITRATORS FURNISHED BY THE AMERICAN ARBITRATION ASSOCIATION.

7 (2) *QUALIFICATIONS.*

8 ALL OF THE ARBITRATORS ON THE LIST FURNISHED BY THE AMERICAN ARBITRATION
9 ASSOCIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST BE MEMBERS OF THE
10 NATIONAL ACADEMY OF ARBITRATORS.

11 (F) *CHAIR OF THE BOARD; ALTERNATIVE SELECTION PROCESS.*

12 IF THE 2 MEMBERS PREVIOUSLY APPOINTED UNDER SUBSECTION (D)(2) OF THIS SECTION DO
13 NOT MUTUALLY AGREE ON THE 3RD MEMBER, THEN:

14 (1) THE PARTY REQUESTING THE ARBITRATION SHALL FIRST STRIKE 1 NAME FROM THE
15 LIST FURNISHED UNDER SUBSECTION (E)(1) OF THIS SECTION; AND THEN

16 (2) THE REMAINING PARTY SHALL STRIKE 1 NAME FROM THE LIST; AND

17 (3) THIS PROCESS SHALL CONTINUE UNTIL 1 NAME REMAINS, WHO SHALL BE THE 3RD
18 MEMBER OF THE BOARD OF ARBITRATION.

19 (G) *BOARD OF ARBITRATION; POWERS.*

20 THE BOARD OF ARBITRATION SHALL HAVE THE POWER TO:

21 (1) ADMINISTER OATHS;

22 (2) COMPEL THE ATTENDANCE OF WITNESSES; AND

23 (3) REQUIRE THE PRODUCTION OF EVIDENCE BY SUBPOENA.

24 (H) *BOARD OF ARBITRATION; PROCEDURE.*

25 (1) *START OF PROCEEDINGS.*

26 THE BOARD OF ARBITRATION SHALL BEGIN THE ARBITRATION PROCEEDINGS WITHIN 7
27 DAYS AFTER THE CHAIR IS SELECTED.

28 (2) *DECISION; 30-DAY TIME LIMIT.*

29 THE BOARD OF ARBITRATION SHALL MAKE ITS DECISION WITHIN 30 DAYS.

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1 (3) *DECISION; MAJORITY VOTE*

2 A DECISION BY THE BOARD OF ARBITRATION SHALL BE DETERMINED BY A MAJORITY
3 VOTE.

4 (4) *TIME REQUIREMENTS; DISCRETION OF THE CHAIR.*

5 FOR GOOD CAUSE THE CHAIR MAY EXTEND ANY OF THE TIME REQUIREMENTS
6 ESTABLISHED BY THIS SUBSECTION.

7 (i) *PROPOSALS; LABOR COMMISSIONER*

8 WITHIN 3 DAYS AFTER THE SELECTION OF THE CHAIR OF THE BOARD OF ARBITRATION, THE
9 LABOR COMMISSIONER OR THE LABOR COMMISSIONER'S DESIGNEE SHALL PROVIDE EACH
10 MEMBER OF THE BOARD OF ARBITRATION AND ALL PARTIES WITH A DETAILED
11 ITEMIZATION OF THE LAST PROPOSAL MADE BY EACH OF THE RESPECTIVE PARTIES DURING
12 THE NEGOTIATIONS WITH RESPECT TO ISSUES OF DIRECT COMPENSATION.

13 (j) *APPLICATION OF SECTION; EXCLUSIVITY.*

14 (1) THE PROVISIONS OF THIS SECTION GOVERNING INTEREST ARBITRATION FOR POLICE
15 OFFICERS SHALL APPLY ONLY TO THE TERMS OF COLLECTIVE BARGAINING
16 AGREEMENTS DIRECTLY RELATING TO DIRECT COMPENSATION.

17 (2) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED AS BEING CONTRADICTORY
18 TO THE PROVISIONS OF THE GENERAL ORDERS.

19 (3) IF THERE IS A DISPUTE OVER WHETHER AN ISSUE IS AN ISSUE OF DIRECT
20 COMPENSATION, THE BOARD OF ARBITRATION SHALL DECIDE THE ISSUE AND THE
21 DECISION BY THE BOARD OF ARBITRATION IS FINAL AND BINDING ON BOTH PARTIES.

22 (k) *DECISION; FACTORS.*

23 (1) *FACTORS.*

24 THE BOARD OF ARBITRATION SHALL IDENTIFY THE MAJOR ISSUES IN THE DISPUTE,
25 REVIEW THE POSITIONS OF ALL PARTIES, AND BASE ITS DECISION ON THE FOLLOWING
26 FACTORS:

27 (i) THE LAWFUL AUTHORITY OF THE CITY;

28 (ii) THE FINANCIAL CONDITIONS OF THE CITY;

29 (iii) THE STIPULATIONS OF THE PARTIES;

30 (iv) PROVIDING FOR DIRECT COMPENSATION FOR EMPLOYEES INVOLVED IN THE
31 ARBITRATION PROCEEDING;

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1 (V) THE OVERALL COMPENSATION AND BENEFITS PAID TO THE EMPLOYEES
2 INVOLVED IN THE ARBITRATION PROCEEDING, WHETHER REACHED BY A
3 COLLECTIVE BARGAINING AGREEMENT OR OTHERWISE, INCLUDING ANY
4 INCREASED COST TO THE CITY FOR PROVIDING THE BENEFITS;

5 (VI) THE TERMS AND CONDITIONS OF EMPLOYMENT FOR OTHER EMPLOYEES OF THE
6 MAYOR AND CITY COUNCIL OF BALTIMORE INCLUDING ANY CHANGES TO THE
7 TERMS AND CONDITIONS FOR THE PERIOD TO BE COVERED BY THE DECISION OF
8 THE BOARD OF ARBITRATION;

9 (VII) THE OVERALL COMPENSATION AND BENEFITS OF PUBLIC SAFETY EMPLOYEES
10 IN THE STATE; AND PUBLIC SAFETY EMPLOYEES IN COMPARABLE
11 OUT-OF-STATE METROPOLITAN POLITICAL SUBDIVISIONS AS COMPARED WITH
12 PRIVATE SECTOR EMPLOYEES IN THE METROPOLITAN BALTIMORE CITY AREA;

13 (VIII) FACTORS THAT ARE NORMALLY USED IN THE DETERMINATION OF WAGES AND
14 OTHER BENEFITS IN THE COLLECTIVE BARGAINING PROCESS, INCLUDING:

15 (A) COST-OF-LIVING DATA; AND

16 (B) CONSUMER PRICES FOR GOODS AND SERVICES

17 (IX) THE INCREASES AND DECREASES IN THE CONSUMER PRICE INDEX PUBLISHED
18 BY THE BUREAU OF LABOR STATISTICS IN THE UNITED STATES DEPARTMENT
19 OF LABOR;

20 (X) THE PUBLIC WELFARE, INCLUDING THE IMPACT OF THE BOARD OF
21 ARBITRATION'S DECISION ON THE CITY'S ABILITY TO CONTINUE PROVIDING
22 SERVICES GENERALLY TO THE RESIDENTS OF THE CITY; AND

23 (XI) THE TERMS OF THE EXISTING COLLECTIVE BARGAINING AGREEMENT
24 NEGOTIATED BETWEEN THE PARTIES IN THE PAST.

25 (2) *DECISION; ADVERSE EFFECT ON PUBLIC SERVICES.*

26 NOTWITHSTANDING PARAGRAPH 1 OF THIS SUBSECTION, THE BOARD OF ARBITRATION
27 MAY NOT RENDER A DECISION RELATING TO DIRECT COMPENSATION THAT ADVERSELY
28 IMPACTS THE CITY'S ABILITY TO CONTINUE TO FUND OTHER PUBLIC SERVICES
29 GENERALLY.

30 (L) *DECISION; SPECIFICATIONS.*

31 (1) *IMPLEMENTATION OF LAST PROPOSAL.*

32 THE BOARD OF ARBITRATION, AFTER HEARING WITNESSES AND RECEIVING AND
33 CONSIDERING THE WRITTEN EVIDENCE THAT IS SUBMITTED, SHALL ISSUE A WRITTEN
34 DECISION THAT ORDERS THE IMPLEMENTATION OF THE LAST PROPOSAL OF 1 OF THE
35 RESPECTIVE PARTIES SUBMITTED IN ACCORDANCE WITH SUBSECTION (I) OF THIS
36 SECTION.

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1 (2) *WRITTEN DECISION; CONSIDERATION AND APPLICATION OF FACTORS.*

2 THE BOARD OF ARBITRATION SHALL ISSUE A WRITTEN DECISION THAT:

3 (I) DEMONSTRATES THAT ALL THE FACTORS SET FORTH IN SUBSECTION (L) OF THIS
4 SECTION HAVE BEEN CONSIDERED AND APPLIED; AND

5 (II) INCLUDES THE EVIDENCE ON RECORD RELIED ON IN MAKING THE DECISION.

6 (3) *FINALITY OF DECISION.*

7 (I) THE DECISION OF A MAJORITY OF THE MEMBERS OF THE BOARD OF ARBITRATION
8 SHALL BE FINAL AND BINDING ON THE MAYOR AND CITY COUNCIL OF BALTIMORE
9 AND ON THE CERTIFIED EMPLOYEE ORGANIZATIONS INVOLVED IN THE
10 PROCEEDINGS.

11 (II) NO APPEAL OF THE DECISION IS ALLOWED.

12 (III) THE DECISION CONSTITUTES:

13 (A) A MANDATE TO THE MAYOR OF BALTIMORE CITY WITH RESPECT TO THE
14 MATTERS THAT CAN BE REMEDIED ADMINISTRATIVELY BY THE MAYOR;
15 AND

16 (B) A MANDATE TO THE BOARD OF ESTIMATES AND THE CITY COUNCIL
17 WITH RESPECT TO THE MATTERS WHICH REQUIRE LEGISLATIVE ACTION
18 NECESSARY TO IMPLEMENT THE DECISION OF THE BOARD OF ARBITRATION.

19 (4) *REQUIRED LEGISLATIVE ACTION.*

20 LEGISLATION FOR MATTERS THAT REQUIRE LEGISLATIVE ACTION FOR
21 IMPLEMENTATION SHALL BE ENACTED WITHIN 45 DAYS FOLLOWING THE DATE OF THE
22 ARBITRATION DECISION.

23 (5) *SALARIES AND WAGE SCALES; ORDINANCE OF ESTIMATES.*

24 THE AMOUNTS OF SALARIES AND WAGE SCALES DETERMINED BY THE FINAL DECISION
25 OF THE BOARD OF ARBITRATION SHALL BE INCLUDED IN THE PROPOSED ORDINANCE OF
26 ESTIMATES IN ACCORDANCE WITH ARTICLE VI, § 12(B) {"MULTI-YEAR COLLECTIVE
27 BARGAINING AGREEMENTS"} OF THE CITY CHARTER.

28 (M) *COST OF ARBITRATION.*

29 THE COST OF THE ARBITRATION PROCEEDINGS, INCLUDING THE COST FOR A COURT
30 REPORTER, PROVIDED UNDER THIS SECTION SHALL BE PAID EQUALLY BY THE PARTIES
31 INVOLVED.

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§ 3-2 ~~§ 3-2~~. POLICE OFFICERS – QUALIFICATIONS, APPOINTMENT, PROMOTION, PROBATION.

(A) *EXAMINATIONS.*

(1) *IN GENERAL.*

THE DEPARTMENT SHALL ADMINISTER COMPETITIVE EXAMINATIONS AND SUCH OTHER TESTS AS MAY BE NECESSARY TO ASCERTAIN THE RELATIVE QUALIFICATIONS FOR A:

(I) CANDIDATE FOR APPOINTMENT AT THE ENTRY LEVEL; AND

(II) CANDIDATE FOR PROMOTIONAL APPOINTMENT WITHIN THE DEPARTMENT.

(2) *EXAMINATION REQUIREMENTS.*

EXAMINATIONS SHALL:

(I) BE PUBLIC;

(II) FAIRLY TEST THE CAPACITY AND FITNESS OF THE CANDIDATE TO DISCHARGE THE DUTIES OF THE POSITION THE CANDIDATE IS SEEKING; AND

(III) BE PREPARED WITH GUIDANCE FROM A NATIONALLY-RECOGNIZED POLICE OR TESTING GROUP, AS DESIGNATED BY THE COMMISSIONER.

(3) *PREPARATION OF GRADED LISTS.*

THE DEPARTMENT SHALL PREPARE GRADED LISTS OF QUALIFIED CANDIDATES DETERMINED FROM THE EXAMINATIONS AND OTHER TESTS ADMINISTERED UNDER THIS SUBSECTION.

~~(B) APPOINTMENTS AT THE ENTRANCE LEVEL.~~

~~(1) ELIGIBILITY LIST.~~

~~THE DEPARTMENT SHALL PREPARE AN ELIGIBILITY LIST THAT RANKS QUALIFIED CANDIDATES IN ORDER FROM HIGHEST TO LOWEST BASED ON EXAMINATION AND TEST SCORES.~~

~~(2) RULE OF 5.~~

~~(i) IN GENERAL.~~

~~THE COMMISSIONER SHALL MAKE APPOINTMENTS AT THE ENTRANCE LEVEL FROM THE 5 HIGHEST SCORING CANDIDATES ON THE ELIGIBILITY LIST PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

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1 ~~(H) CONTINUING USE OF ELIGIBILITY LIST.~~

2 ~~AFTER THE FIRST APPOINTMENT IS MADE, AS PRESCRIBED BY SUBPARAGRAPH (I) OF~~
3 ~~THIS PARAGRAPH, THE COMMISSIONER SHALL CONTINUE TO FILL AVAILABLE~~
4 ~~ENTRY LEVEL POSITIONS WITH THOSE CANDIDATES THAT HAVE THE NEXT 5~~
5 ~~HIGHEST SCORES ON THE ELIGIBILITY LIST.~~

6 ~~(3) TERM OF ELIGIBILITY LIST.~~

7 ~~(I) EACH ELIGIBILITY LIST CREATED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY~~
8 ~~NOT BE USED FOR LONGER THAN 1 YEAR, UNLESS THE LIST IS EXTENDED UPON THE~~
9 ~~REQUEST OF THE COMMISSIONER.~~

10 ~~(II) THE COMMISSIONER MAY NOT EXTEND THE USE OF AN ELIGIBILITY LIST FOR MORE~~
11 ~~THAN 2 YEARS, DATING FROM THE TIME THAT THE LIST WAS FIRST CREATED.~~

12 ~~(4) REMOVING A CANDIDATE FROM THE ELIGIBILITY LIST.~~

13 ~~(I) IN GENERAL.~~

14 ~~THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE MAY NOT REMOVE A~~
15 ~~CANDIDATE FROM AN ELIGIBILITY LIST.~~

16 ~~(II) EXCEPTIONS.~~

17 ~~THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE MAY REMOVE A~~
18 ~~CANDIDATE FROM AN ELIGIBILITY LIST IF THE CANDIDATE:~~

19 ~~(A) IS NO LONGER AVAILABLE FOR APPOINTMENT;~~

20 ~~(B) WILFULLY MISREPRESENTED A MATERIAL FACT IN THE CANDIDATE'S~~
21 ~~APPLICATION FOR THE POSITION; OR~~

22 ~~(C) IS CONVICTED OF A CRIME AFTER THE ELIGIBILITY LIST IS CREATED.~~

23 ~~(5) INSPECTION OF ELIGIBILITY LIST.~~

24 ~~(I) PUBLIC INSPECTION.~~

25 ~~AN ELIGIBILITY LIST IS SUBJECT TO THE MARYLAND PUBLIC INFORMATION ACT.~~

26 ~~(II) INSPECTION BY COMMISSIONER AND APPLICANT.~~

27 ~~THE ELIGIBILITY LIST, EXAMINATION PAPERS, AND OTHER MATERIALS USED IN~~
28 ~~DETERMINING A CANDIDATE'S ELIGIBILITY MAY BE INSPECTED BY:~~

29 ~~(A) THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE; AND~~

30 ~~(B) THE INDIVIDUAL APPLICANT, IF THE MATERIALS PERTAIN TO THE~~
31 ~~INDIVIDUAL'S APPLICATION.~~

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1 (B) ~~(C)~~ *PROMOTIONAL APPOINTMENTS.*

2 (1) *PROMOTION LIST.*

3 THE DEPARTMENT SHALL PREPARE A PROMOTION LIST THAT RANKS QUALIFIED
4 CANDIDATES IN ORDER FROM HIGHEST TO LOWEST BASED ON EXAMINATION AND TEST
5 SCORES.

6 (2) *25 PERCENT RULE.*

7 (I) *IN GENERAL.*

8 THE COMMISSIONER SHALL MAKE A PROMOTIONAL APPOINTMENT FROM THE
9 CANDIDATES THAT ARE THE HIGHEST SCORING 25 PERCENT OF CANDIDATES ON
10 THE PROMOTION LIST PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

11 (II) *CALCULATION OF 25 PERCENT.*

12 (A) *IN GENERAL.*

13 THE TOP 25 PERCENT OF CANDIDATES IS THE QUARTILE OF CANDIDATES ON
14 THE PROMOTION LIST THAT SCORE THE HIGHEST.

15 (B) *TIMING OF CALCULATION.*

16 THE 25 PERCENT HIGHEST SCORING CANDIDATES SHALL BE CALCULATED
17 WHEN THE PROMOTION LIST IS CREATED AND SHALL REMAIN FIXED FOR THE
18 LIFE OF THE PROMOTION LIST.

19 (III) *CONTINUING USE OF PROMOTION LIST.*

20 AFTER THE FIRST PROMOTION IS MADE, AS PRESCRIBED BY SUBPARAGRAPH (I) OF
21 THIS PARAGRAPH, THE COMMISSIONER SHALL FILL THE NEXT VACANCY IN THE
22 DEPARTMENT, IF ANY, FROM THE HIGHEST SCORING REMAINING AND AVAILABLE
23 CANDIDATE ON THE PROMOTION LIST.

24 (3) *EXHAUSTION OF PROMOTION LIST.*

25 ALL PROMOTIONAL APPOINTMENTS MADE AFTER THE CREATION OF A PROMOTION LIST
26 MUST BE MADE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION UNTIL THE
27 ELIGIBLE LIST IS EXHAUSTED BY SUCH APPOINTMENTS.

28 (4) *TERM OF PROMOTION LIST.*

29 (I) EACH PROMOTION LIST CREATED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY
30 NOT BE USED FOR LONGER THAN 1 YEAR, UNLESS THE LIST IS EXTENDED UPON THE
31 REQUEST OF THE COMMISSIONER.

32 (II) THE COMMISSIONER MAY NOT EXTEND THE USE OF A PROMOTION LIST FOR MORE
33 THAN 2 YEARS, DATING FROM THE TIME THAT THE LIST WAS FIRST CREATED.

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1 (5) *REMOVING A CANDIDATE FROM THE PROMOTION LIST.*

2 (I) *IN GENERAL.*

3 THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE MAY NOT REMOVE A
4 CANDIDATE FROM AN PROMOTION LIST.

5 (II) *EXCEPTIONS.*

6 THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE MAY REMOVE A
7 CANDIDATE FROM AN PROMOTION LIST, IF:

8 (A) THE CANDIDATE IS NO LONGER AVAILABLE FOR APPOINTMENT; OR

9 (B) BETWEEN THE TIME THE CANDIDATE APPLIED FOR THE PROMOTION AND
10 THE TIME IN WHICH THE CANDIDATE IS TO BE SELECTED FOR THE
11 PROMOTION, A MISCONDUCT COMPLAINT AGAINST THE CANDIDATE FOR
12 WHICH THE PUNISHMENT COULD BE TERMINATION HAS BEEN RECEIVED
13 AND SUSTAINED BY THE BOARD OR THE DEPARTMENT'S DISCIPLINARY
14 REVIEW COMMITTEE.

15 (6) *INSPECTION OF PROMOTION LIST.*

16 (I) *PUBLIC INSPECTION.*

17 A PROMOTION LIST IS SUBJECT TO THE MARYLAND PUBLIC INFORMATION ACT.

18 (II) *INSPECTION BY COMMISSIONER AND APPLICANT.*

19 THE PROMOTION LIST, EXAMINATION PAPERS, AND OTHER MATERIALS USED IN
20 DETERMINING A CANDIDATE'S ELIGIBILITY MAY BE INSPECTED BY:

21 (A) THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE; AND

22 (B) THE INDIVIDUAL APPLICANT, AS LIMITED TO THOSE MATERIALS THAT
23 PERTAIN TO THEIR APPLICATION.

24 ~~(C)~~ ~~(D)~~ *APPOINTMENTS WITHOUT EXAMINATION.*

25 (I) NOTWITHSTANDING ANY PROVISIONS OF THIS SUBTITLE, THE COMMISSIONER MAY
26 MAKE ANY APPOINTMENT TO THE DEPARTMENT ABOVE THE RANK OF LIEUTENANT
27 WITHOUT EXAMINATION.

28 (II) NO POSITION ABOVE THE RANK OF LIEUTENANT SHALL BE FILLED BY A POLICE OFFICER
29 WITHIN THE DEPARTMENT OF A RANK LESS THAN LIEUTENANT.

30 (III) WHERE ANY SUCH APPOINTMENT IS MADE, THE POLICE OFFICER SO APPOINTED SHALL,
31 UPON THE TERMINATION OF SERVICE IN SUCH POSITION, BE RETURNED TO THE RANK
32 FROM WHICH THE POLICE OFFICER WAS ELEVATED, OR TO SUCH HIGHER RANK AS THE
33 POLICE OFFICER BECAME ELIGIBLE TO SERVE IN DURING THE APPOINTMENT.

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1 (D) ~~(E)~~ *PROBATION.*

2 ANY PROVISIONS RELATING TO THE DEPARTMENT CONTAINED IN §§ 94 TO 103 OF
3 ARTICLE VII OF THE CITY CHARTER NOTWITHSTANDING, ALL APPOINTMENTS AND
4 PROMOTIONAL APPOINTMENTS SHALL BE PROBATIONARY IN ACCORDANCE WITH THE
5 FOLLOWING RULES:

6 (1) DURING THE 1ST YEAR, ALL APPOINTMENTS TO THE DEPARTMENT AT THE
7 ENTRANCE LEVEL OF CIVILIAN EMPLOYEES SHALL BE KNOWN AND REGARDED AS
8 PROBATIONARY.

9 (2) ALL APPOINTMENTS OF A POLICE OFFICER TO THE DEPARTMENT SHALL, DURING
10 THE 1ST YEAR OF SERVICE FOLLOWING COMPLETION OF ENTRANCE LEVEL TRAINING,
11 BE KNOWN AND REGARDED AS PROBATIONARY.

12 (3) AT ANY TIME DURING THE 1-YEAR PROBATIONARY PERIOD FOR EITHER A CIVILIAN
13 EMPLOYEE OR A POLICE OFFICER THE APPOINTEE'S EMPLOYMENT MAY, IN THE
14 DISCRETION OF THE COMMISSIONER, BE FORTHWITH TERMINATED WITHOUT THE
15 NECESSITY FOR A HEARING, AND WHEN SO TERMINATED THE APPOINTEE SHALL
16 CEASE TO BE A MEMBER OF THE DEPARTMENT, IF:

17 (I) THE SERVICES OF AN APPOINTEE ARE NOT SATISFACTORY TO THE
18 COMMISSIONER; OR

19 (II) THE APPOINTEE IS NOT CERTIFIED BY THE POLICE PHYSICIAN AS
20 PHYSICALLY QUALIFIED TO CONTINUE TO DISCHARGE THE APPOINTED
21 INDIVIDUAL'S DUTIES.

22 (4) ALL PROMOTIONAL APPOINTEES, BOTH CIVILIAN EMPLOYEES AND POLICE
23 OFFICERS, SHALL BE PROBATIONARY FOR 1 YEAR AFTER WHICH, IF THE
24 APPOINTEE'S SERVICES ARE SATISFACTORY TO THE COMMISSIONER, AND THE
25 APPOINTEE IS PHYSICALLY ABLE TO PERFORM THE DUTIES OF THE APPOINTEE'S
26 RANK, GRADE, OR POSITION, AS CERTIFIED BY THE POLICE PHYSICIAN, THE
27 PROMOTIONAL APPOINTMENT SHALL BE MADE PERMANENT.

28 (5) IF, IN THE JUDGMENT OF THE COMMISSIONER THE SERVICES OF A PROMOTIONAL
29 APPOINTEE HAVE NOT BEEN SATISFACTORY OR THE APPOINTEE IS NOT PHYSICALLY
30 QUALIFIED FOR THE PROMOTIONAL APPOINTMENT, THE APPOINTEE SHALL BE
31 REDUCED TO THE RANK, GRADE, OR POSITION FROM WHICH THE APPOINTEE WAS
32 PROMOTED.

33 ~~§ 3-3. WITNESS FEES.~~

34 ~~(A) IN GENERAL.~~

35 ~~POLICE OFFICERS BELOW THE RANK OF CAPTAIN MAY RECEIVE WITNESS FEES FOR TIME~~
36 ~~SPENT OFF DUTY AS A WITNESS IN CONNECTION WITH OFFICIAL DUTIES, INCLUDING~~
37 ~~APPEARANCES IN OR BEFORE:~~

38 ~~(1) A FEDERAL COURT:~~

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1 ~~(2) A STATE COURT;~~

2 ~~(3) A DULY CONSTITUTED GRAND JURY; OR~~

3 ~~(4) THE MARYLAND MOTOR VEHICLE ADMINISTRATION.~~

4 ~~(B) COMPENSATION.~~

5 ~~(1) IN GENERAL.~~

6 ~~WITNESS FEES PAID TO A POLICE OFFICER SHALL BE IN ADDITION TO ALL OTHER~~
7 ~~COMPENSATION RECEIVED AS AUTHORIZED BY LAW.~~

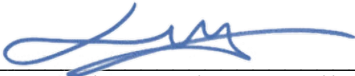
8 ~~(2) RULES AND REGULATIONS; BOARD OF ESTIMATES~~

9 ~~THE BOARD OF ESTIMATES SHALL ESTABLISH RULES AND REGULATIONS GOVERNING~~
10 ~~THE PAYMENT OF WITNESS FEES TO POLICE OFFICERS AS AUTHORIZED UNDER~~
11 ~~SUBSECTION (A) OF THIS SECTION.~~

12 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
13 enacted.

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Certified as duly passed this 18 day of December, 2023



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 18 day of December, 2023

Natawna B. Austin

Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City