

VETOES

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 1209.

This bill is very similar to Senate Bill 860 of 1987, which I vetoed on June 2, 1987.

The Law Enforcement Officers' Bill of Rights (LEOBR) establishes a uniform system of police discipline throughout the State. As I noted last year, the intent in enacting the LEOBR was to secure for law enforcement officers minimum guarantees of procedural and substantive due process. Although most major jurisdictions now have collective bargaining with their officers, at the time of the enactment of the Bill of Rights, few, if any, police officers had such a status.

Most observers agree that the LEOBR has served its purpose well. The rights of law enforcement officers are clearly defined and, as noted above, are uniform throughout Maryland. The uniformity of the system enhances its effectiveness and the public's confidence in law enforcement. House Bill 1209 would erode the uniformity of the system by allowing police officers in different jurisdictions to elect to be covered by the terms of the collective bargaining agreement in effect in that jurisdiction. The result would be, as stated in my letter last year, "an inconsistent application of the Law Enforcement Officers' Bill of Rights and a patchwork of supplemental protections under collective bargaining agreements." In addition, these protections could be altered on a yearly basis as various collective bargaining agreements were renegotiated.

In one respect, HB 1209 is more problematical than SB 860 of 1987. The legislation last year would have required the officer, in making the election, to choose either the LEOBR or the rights and guarantees of a collective bargaining agreement. HB 1209 would allow the officer to waive "any or all rights" provided by the LEOBR in comparing those provisions with the protections of a collective bargaining agreement. Being thus allowed to pick and choose among the various protections of the LEOBR, the resulting confusion and inconsistency could be very damaging.

I am aware of arguments that the legislation only clarifies procedural conflicts between the LEOBR and collective bargaining agreements. However, the actual language of the bill and the concerned arguments of those requesting a veto have convinced me to be cautious. I continue to believe that great weight should be given to the Law Enforcement Officers' Bill of Rights in any interplay between it and collective bargaining agreements.

For these reasons, I have today vetoed HB 1209.

Sincerely,
William Donald Schaefer