

Testimony  
SB660-Collective Bargaining-Chancellor of the University System of Maryland-Negotiations  
Support

My name is Stuart Katzenberg, I am the Director of Collective Bargaining at AFSCME Council 3 and am in charge of negotiating with all employers including all USM institutions.

We come before you to reform the collective bargaining law for higher education as USM has run an inefficient and costly system that has repeatedly frustrated and stifled bargaining, working to suppress the rights of workers to win fair contracts.

AFSCME Council 3 state employees work in 18+ agencies in 6 bargaining units across the state cover close to 20,000 employees and they have one master contract. By comparison we represent roughly 6,500 employees at 9 USM institutions in 3 bargaining units and have 15 different contracts. Each contract is bargained by a team of AFSCME members and a team from management that often includes outside counsel. This is inefficient, costly and unnecessary.

The legislation we are supporting today is necessary because for years virtually every USM institution manipulated the current laws in order to avoid bargaining. Here are a few examples of issues over the last 3 years alone:

Frostburg State refuses to allow our two bargaining units, the exempt and non-exempt units, to bargain together. This divides our membership and duplicates work for HR. It makes it so that on the same campus workers across job titles with similar issues and benefits cannot fight together for similar issues such as leave, health and safety, equipment, and other such topics.

At Bowie State in the midst of bargaining in 2017 we were told by local negotiators they wanted to agree to our bargaining language but said the system wouldn't allow them to agree. System staff (Carolyn Skolnik) called Patrick Moran to say that the system will only allow BSU to agree to certain terms because the system had certain rules and language that they would approve. In 2019 during negotiations Bowie State delayed bargaining at one point because Human Resources had to be on a "coordinating call" with USM, their counsel and other HR directors about things that needed to be changed in contracts across the system.

University of Maryland-Eastern Shore management said we couldn't discuss wages or other issues (applying to Exempt staff and Sworn Police Officers) because USM wouldn't let them. Management shared with us USM bargaining guidelines and noted that the system was directing much of the negotiations, including when to accept or reject items. They also indicated that they were monitoring negotiations and told UMES management that if they engaged in bargaining certain topics that the Board of Regents would reject the contract. More recently, outside counsel wouldn't reveal who officially hired them and controlled them (ambiguity of who they work with and report to, USM and or UMES).

At University Maryland-Baltimore County, negotiations were stalled for months as UMBC management refused to bargain about a leave bank. The USM and UMBC for months refused to negotiate and couldn't even decide which table it should be negotiated at. It was ultimately resolved, but months of effort, time, and cost were wasted due to these unnecessary delays.

At University of Maryland-College Park in 2018, management has relied on a blend of high cost outside counsel with university relations, college attorneys, HR and certain department level leadership. Management refused to bargain about wages, claiming it's all directed by the System and that they are unable to negotiate. For much of bargaining, management refused to acknowledge the multiple ways employees received raises beyond COLA and merit pay, and wouldn't bargain over them. They finally produced a document acknowledging other wage enhancements existed, but said they do not bargain these and are directed by the USM Chancellor.

In 2015 the University of Maryland-Baltimore bargained an agreement and AFSCME promptly ratified it. It took months for management to get back to us, when they then acknowledged that they never ratified the agreement and would not until negotiations reopened. Management said this was a demand of the System and the Board of Regents. We also found errors in the written final agreement, and that management had unilaterally made changes without tentative agreement. This delayed the ratification of the contract for additional months.

University of Baltimore staff have said that they are directed by the USM office on what can be bargained, and that USM has the ability to veto any agreement, despite not being present at the bargaining table.

The USM *does* bargain a small coalition Memorandum of Understanding with AFSCME, but as a precondition limits the subjects of negotiations as well as restricting it to only 7 institutions' non-exempt bargaining units. Furthermore, they have refused to negotiate if AFSCME names its own team.

This is but a small list of obstacles the USM has erected to stifle bargaining, making it inefficient, cumbersome and weakening of workers' right.

Our legislation offers a proven alternative to the current broken system. AFSCME represents Higher Education employees in 6 states where there is consolidated bargaining (New York, Connecticut, Rhode Island, Pennsylvania, Hawaii, and California). In these states major colleges and universities have one contract each for thousands of employees who work in Higher Education across bargaining units and job titles, with no question to their accreditation.

These consolidated contracts are in two forms, either with the system directly, or as part of a statewide agreement that covers state and higher education employees. We believe following the system model, like the AFSCME-unionized University of California (UC) system, is the best approach. The UC system covers 20,000+ employees and has 9-member institutions. It

includes regional universities like UC-Merced, but also larger tier 1 research universities such as UC-Berkley that are a peer equivalent to UM-CP. Like in Maryland, it also has an extension program, and a professional school (UC San Francisco), as well as urban and suburban campuses.

The best path forward to efficient, honest, and fair bargaining is to pass legislation for consolidated bargaining in Maryland Higher Education.