

Testimony
SB 660 – Collective Bargaining –
Chancellor of the University System of Maryland – Negotiations
Support

AFSCME supports SB660. This legislation seeks to modernize the collective bargaining process at the University System of Maryland by following the example of state government when it comes to negotiations. AFSCME Council 3 is the collective bargaining representative for over 6,500 employees at the University System of Maryland (USM) where we represent 15 bargaining units. At the same time, AFSCME represents over 20,000 in state government which include six bargaining units.

In state government, bargaining takes place between all six bargaining units and the Department of Budget and Management. The majority of items are universal in scope and are negotiated that way. However, when there are differences between various state agencies, those are negotiated separately.

Meanwhile, even though there are very few significant differences in concerns and conditions among the University System of Maryland institutions, each campus negotiates with its bargaining units on a campus-by-campus basis. This means that negotiations happen almost continuously with the 15 bargaining units.

What we have learned over the years is that this current process is not only time consuming, it is inefficient. We find that we are negotiating with those who do not have the final authority to make proposals and reach agreements. All-too-often the managers must consult with the University System before making a proposal or responding to an AFSCME proposal. And, ultimately, it is the University System that makes the decision on whether to agree on a ratified proposal. Attached to this testimony are the USM directions of various institutions regarding the limits of their bargaining and their responsibility to consult with the USM during the process.

With SB 660, we will be able to negotiate directly with those who have the authority to offer and reach agreements – the University System. We will be able to save precious time on both the labor and the management sides of the table. And we will not sacrifice the ability to reach individual agreement with campuses when there are unique items to be discussed. This legislation also contains a provision that allows labor and management to work together to bring uniformity among the campuses during the transitional period. This will result in greater equity among system employees and allow both sides of the table to determine the best policies to follow.

SB 660 is a straightforward bill which promises to bring efficiency and equity to the USM. We urge you to provide a favorable report.

USM Guidelines for Board of Regents (BOR) Approval of Collective Bargaining MOUs

A. Preliminary Information for the USM Human Resources Office

1. During negotiations: Alert the USM office of potentially controversial provisions that the campus may want to accept during negotiations and before the MOU is finalized with the union (e.g., substantial cost items, deviations from USM policy).
2. Near the end of the negotiation process: Notify the USM office of an estimated date when the MOU will be completed and ratified, to facilitate scheduling of BOR Organization and Compensation Committee (Org & Comp) review.

B. BOR Items for Submission with the MOU

1. President's Transmittal Letter
 - a. Title and term of MOU
 - b. Request that it be placed on the Org & Comp agenda
 - c. Affirmation of union ratification
 - d. Total cost impact of MOU
 - e. Statement of nature and extent of changes (to prior MOU, USM policies, major institution policies or practice)
 - f. Affirmation of review by the Office of the Attorney General
 - g. List of attachments
2. Executive Summary of the MOU, including:
 - a. Brief summary of each key provision
 - b. Statement of each key revision from the current MOU (in colored bold print)
 - c. Statement of any important information to be highlighted regarding a revision (in colored italicized print), including:
 - i. Any variation from USM policies
 - ii. Cost estimate, if any
 - iii. Other controversial or significant information about which the BOR should be aware.
3. Please provide in both electronic and hard copy:
 - a. Electronic copy: At least three weeks before the scheduled Organization and Compensation Committee meeting
 - b. Hard copy: Ten days before the scheduled Committee meeting (including original, signed copy of the President's transmittal letter).

C. BOR Agenda Item Information

1. Needed Agenda Item Information (if not provided earlier):
 - a. Number of employees in the bargaining unit
 - b. Date of employee ratification of the MOU
 - c. Number of prior MOUs, and their years of ratification.

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2. Other Information
 - a. Name of Assistant Attorney General who reviewed the MOU
 - b. Any noteworthy information regarding the MOU and the negotiation process (difficulties with the union, reasons for any new benefits for employees or other controversial provisions, etc.)
 - c. Phone number where HR director and other key institution individuals can be available by phone during the Organization and Compensation Committee meeting, should the Committee have questions.
3. Time line: Email to USM at least two weeks before the scheduled Organization and Compensation Committee meeting.

USM BOARD OF REGENTS COLLECTIVE BARGAINING MOU CONSULTATION AND RATIFICATION GUIDELINES

Under Maryland law, the USM Board of Regents, as the governing body for the USM and each of its constituent institutions, must ratify all collective bargaining agreements negotiated by the institutions. To ensure that the Board can meet this responsibility in a fully informed and engaged manner, the institutions will apprise and confer with the Organization and Compensation Committee of the Board (the Committee) regarding their progress and significant issues arising in their negotiations as follows:

1. **Pre-Negotiation Briefing.** Institution representatives will provide a brief summary to USM staff for distribution to the Committee within a week of receipt of the union's proposals. In summary form, the briefing will list any major union proposals, the institution's anticipated response to those demands, and other significant issues that negotiators expect may arise in the bargaining process. The briefing will include:
 - The termination date of the current MOU and the start date of negotiations;
 - A listing of significant proposals made by the union to date;
 - The institution's expected strategy for conducting negotiations, including MOU proposals that it has made and its positions on the union's demands;
 - Any other anticipated controversies or obstacles to reaching agreement.

Based on the summary, the Committee may raise questions and concerns about the upcoming negotiations, and, in some instances, invite the institution to confer with Committee members to candidly discuss the Committee's perspective on any difficult negotiation items. Through such an exchange, institution negotiators will gain awareness of the Committee's views on potentially controversial issues in advance of bargaining.

2. **Consultation during Negotiations.** In addition, the Committee has established bargaining parameters, and the institution is required to notify the Committee if the institution is prepared to propose or agree to terms outside of those parameters. The institution should notify the Committee if the institution is contemplating proposal of or agreement to MOU terms that constitute:
 - A substantive departure from current USM policies;
 - Compensation provisions that vary from the USM salary structures or annual compensation guidelines;
 - Compensation provisions that vary from the Governor's budget, subsequent State appropriations and other legislative requirements, or the COLA terms set out in a current long-term MOU between the State and the unions representing state employees;
 - An item resulting in an additional annual cost to the institution of over \$100/bargaining unit employee; or a total annual cost of new measures in the MOU of over \$200/bargaining unit employee.

- Other measures that may have a significant impact on the institution, its employees, or USM labor relations.

If an institution is seriously considering agreement to any of the above, it will promptly notify the USM. USM staff will inform the Committee and, as appropriate, ask the institution to share an explanation for its plan in writing or in discussion with Committee members. In situations where the Committee has significant unresolved concerns after consulting with the institution negotiators, the members can advise whether they would be inclined to recommend ratification or disapproval of an MOU containing the provision(s) at issue. The institution will then be aware of the likelihood that the Committee will recommend ratification and can tailor its bargaining strategy accordingly.

In recognition that ongoing institution negotiations cannot be unduly delayed, USM staff and, where appropriate, the Committee will respond to the initial briefing summary and any notice of the need for consultation during negotiations within two weeks of receipt from the institution. If an institution needs urgent turnaround in the course of ongoing negotiations, the institution should notify the USM as soon as possible to obtain expedited consideration by the Committee.