

AFSCME Council 3_FAV_SB660

Uploaded by: Council 3, AFSCME

Position: FAV

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.

October 1, 2010

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.

October 1, 2010

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.

September 24, 2012

MDDCAFLCIO_FAV_SB660

Uploaded by: Edwards, Donna

Position: FAV



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**SB 660 – Collective Bargaining – Chancellor of the University System of Maryland -
Negotiations
Senate Finance Committee
February 21, 2020**

SUPPORT

**Donna S. Edwards
President
Maryland State and DC AFL-CIO**

Madam Chair and members of the Committee, thank you for the opportunity to submit testimony in support SB 660 – Collective Bargaining – Chancellor of the University System of Maryland - Negotiations. My name is Donna S. Edwards, and I am the President of the Maryland State and DC AFL-CIO. On behalf of the 340,000 union members I submit the following comments.

The modernization of the Collective Bargaining process with the University System of Maryland helps workers, the University System of Maryland, all of the individual institutions, and, ultimately, Maryland taxpayers.

Currently USM has 15 bargaining units comprising about 6600 workers represented by AFSCME in comparison to the state executive branch having six bargaining units comprising over 20,000 employees represented by AFSCME. Each institution under USM comes to the bargaining table with the union, but they lack the final say on management's side of the negotiations. Ultimately, USM will have the final approval on any contract agreed to between a higher education institution and the bargaining unit.

SB 660 streamlines the process, eliminates duplicative efforts, and allows for workers to bargain directly with the University System, instead of going through an extra layer of management that lacks the authority to make a final decision. This saves time for all of the individual institutions, and saves time for the University System of Maryland. With time saved, comes money saved through greater efficiency, providing for a smoother negotiation process, and one that will save money for Maryland's taxpayers.

We urge a favorable vote on SB 660.

AFSCMELocal1072_FAV_SB660

Uploaded by: Holden, Todd

Position: FAV



Testimony

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

My name is Todd Holden and for the past eight years, I have been employed as a web developer at the University of Maryland College Park. I am also a proud member of AFSCME Local 1072 and serve as a shop steward and as an at-large member of the local's executive board.

Can one say that a university system is truly innovative, forward-thinking, fiscally responsible, or world-leading when it negotiates a multitude of contracts for about 6500 employees?

Probably not, yet this is the reality of higher education collective bargaining in Maryland. At any given time, management and labor participate in a really inefficient and expensive dynamic where similar contract language is negotiated repeatedly for each bargaining unit at each university, only to be sent to the Chancellor and the Board of Regents for approval after ratification by the bargaining units. Why not simply negotiate with the USM directly?

While there are multiple benefits to adopting a centralized system for bargaining that would ultimately lead to greater efficiencies across the university system, the cost savings are apparent. It's worth noting that a lot of system institutions - College Park included - choose to hire outside attorneys to conduct negotiations. Multiply that for each university, and that is surely a lot of billable hours being paid for by Marylanders' tax dollars.

One must also acknowledge that under the current bargaining scheme, each union local has to assemble its own negotiating team. While these employees surely take pride in exercising their duty to represent workers, it does generate an amount of lost productivity as the employees must take time away from their regular duties.

Finally, if one were to compare all of the Memoranda of Understanding across the USM, one would find a great deal of redundancy in both the contract terms and the language used. Consolidating the contract language, while still retaining a process to negotiate specialized matters like parking, would ultimately produce better rights and expectations for all higher education employees, while affording the Board of Regents an opportunity to officially conduct the tangible oversight over collective bargaining it currently exercises already.

The consequences of inaction are already clear. When the majority of higher education employees do not earn a living wage, student service, student experiences, and the universities' missions to serve the public are all negatively impacted. Plainly acknowledging the deficiency present in the current system and fixing it will help Maryland's universities retain the standards of excellence we are each striving to achieve.

For these reasons, it is my hope your committee will support SB 660.

AFSCME Council 3_FAV_SB660

Uploaded by: Katzenberg, Stuart

Position: FAV

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.

RelfordMatthews_FAV_SB660

Uploaded by: Matthews, Relford

Position: FAV

Relford Matthews Oral Testimony
Testimony

BS 660-Collective Bargaining-Chancellor of the University System of Maryland-
Negotiations

Good Afternoon members of the committee. My name is Relford Matthews Sr., I am a Maintenance Mechanic at University of Maryland Eastern Shore and it is also my Alma mater.

As a Maintenance Mechanic my job includes everything as simple as fixing a door to maintaining plumbing systems; from doing electrical work to patching a dorm room wall.

Would the committee assume my job was any different from a Maintenance Mechanic's job at Frostburg? Or would you think that an Administrative Assistant in our Admissions Office is something completely different from someone working at Bowie State?

Of course not.

Yet under our present system, we are supposed to bargain with individual campuses as if they were totally different jobs – HOWEVER, we know that the University System provides guidelines for each campus on wages, terms and benefits.

Let's stop the games.

We should be bargaining with the entity that makes decisions about wages, benefits, policy and working conditions. In the state, the Department of Juvenile Services doesn't have a separate contract from the Department of Human Services or the Department of Health: they have one unified state contract. In Higher Education we shouldn't have 15 different contracts within the USM family, we should have one contract with one set of mutually agreed upon rules.

The harm that is done by having so many contracts is seen in HBCU's which are separate and not equal in the USM system. One contract would help to unify all USM schools resulting in equal wages, policies and procedures.

I ask for a favorable report on Senate Bill 660.

AFSCMELocal1459_FAV_SB660

Uploaded by: Michaels, Debbie

Position: FAV

**DEBBIE MICHAELS
PO BOX 1611
WESTMINSTER, MD 21158**

Testimony

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

Support

I have worked at UMBC as support staff for eleven years and have served as a representative on our bargaining team.

I request your support for SB660, as it will benefit the state by means of eliminating duplicate efforts of multiple staff, many of which are upper management. Additionally, this bill would provide equality with the institutions that would allow them to focus on the united goal of serving the students with quality education.

As lawmakers, I know you can appreciate the fact that legislation is ever evolving. We build on the efforts of our predecessors in utilizing language that has already been through the vetting process and adjust the language to provide clarity and changes that serve the greater good. So is the case with our higher education contracts. We appreciate that each university provides some sense of uniqueness, but the bulk of the mission is standard for all. A consolidated contract would eliminate the necessity of several documents with similar language having to go through the entire vetting process. It saves time, and as we all know, time is money.

The state already negotiates a consolidated contract for about 25,000 employees across multiple sectors. It makes sense to streamline the 20 current contracts that serve about 6,500 employees in one sector. I welcome any questions you may have on this topic.

Sincerely,

Debbie Michaels
President, AFSCME Local 1459
University of Maryland, Baltimore County (UMBC)

SB 658 - UMBC Testimony - Collective Bargaining

Uploaded by: Skolnik, Carolyn

Position: UNF

UMBC TESTIMONY ON SB658

Edited by Alex M. Rittle, UMBC GSA President

The UMBC Graduate Student Association, along with UMBC Administration and Staff and the University System of Maryland, are submitting unfavorable testimony to SB658. It is our opinion that the proposed right to collective bargaining produces several risks and uncertainties, which we express through three main points:

- 1) The right to collectively bargain, absent a formal vote for unionization, produces concerns that GAs would be considered university employees. There are **several fees and exemptions that Graduate Students may incur** as a result of this policy including higher healthcare premiums, and potential loss of tax exemptions. UMBC Graduate Assistants are not considered employees, which allows them to be in a separate Health Insurance pool in which departments absorb the cost of premiums for students. Conversely, UMBC employees generally pay about 20% of their plan premiums out of their paycheck, and the overall cost is significantly higher. We fear that students may have to pay this premium if considered employees through passage of this bill.
- 2) Graduate Students currently interact with the Graduate School and campus administration through a policy known as **Meet and Confer**. In addition to allowing Graduate Students the opportunity to consult with an attorney on employment issues, this policy allows for significant flexibility in working with the administration, which has led to protection of healthcare premium coverage through efforts by our Graduate Assistant Advisory Council; a regular collecting of graduate student input on student and campus fees, and an atmosphere of shared governance which allows for the free flow of ideas and concerns across various campus entities, just to name a few examples. We fear losing that relationship once the right to collective bargain is enacted.
- 3) We are discouraged by a clear lack of comprehensive documentation by bill sponsors over the specific implications of the right to unionize and collectively bargain, as mentioned in the previous two points. Previous iterations of similar bills in prior years have led to a lack of clear communication with UMBC students. **The current position of the Graduate Student Association at UMBC is that before supporting SB658, we would need to see more evidence from proponents of the bill to show that the anticipated benefits of collective bargaining are in excess of those provided already by Meet and Confer.**

We highly encourage elected officials to reject passage of this bill. Thank you for your consideration and concern for the well-being of graduate students at UMBC, which collectively represent the second largest body of graduate students in the Maryland System.

SB 660 - Collective Bargaining- Chancellor USM

Uploaded by: Skolnik, Carolyn

Position: UNF



SENATE FINANCE COMMITTEE

February 21, 2020

Senate Bill 660

Collective Bargaining - Chancellor of the University System of Maryland - Negotiations Urging an Unfavorable Report

Chair Kelley, Vice Chair Feldman and members of the committee, thank you for the opportunity to share our thoughts regarding Senate Bill 660. This bill would fundamentally change the collective bargaining process at each of the University System of Maryland's ("USM") twelve constituent institutions without any demonstrated benefit to university employees. It would (1) revoke the legislative authority of the twelve institution presidents by assigning to the USM Chancellor the authority to designate a representative to negotiate on behalf of their institution; (2) require the Chancellor to engage in consolidated negotiations on behalf of all bargaining units at all of the 12 institutions that are represented by the same labor union, rather than make such consolidated bargaining a voluntary decision by each institution president, as current law provides; and (3) give the labor union the power to veto the institution president's right to negotiate matters "particular to an institution" and require such matters to be negotiated at the System level by the Chancellor.

We believe such a broad transfer of authority from the institutions to the System will damage the institutions and undermine the president's legal role as "chief executive officer" of the institution, as set forth in Title 12 of the Education Article. In describing the many powers and duties of an institution president, the law states that the presidents shall have the power to "...appoint, promote, fix salaries, grant tenure, assign duties, and terminate personnel..." as well as "create any position within existing funds available to the University..." The USM believes that in order for institution presidents to responsibly carry out these responsibilities, they must retain the authority to determine whether it is in the institution's best interest to engage in consolidated bargaining with other institutions, rather than ceding this authority to a labor union, and they must retain their authority to designate a collective bargaining representative who they believe can best represent the institution.

Unlike some highly centralized systems of higher education across the country, the University System of Maryland was deliberately designed to be decentralized, with a small system office, and to provide a high degree of autonomy to each of its institutions. Under Maryland law, the USM Board of Regents is responsible for the broad management of the USM, but the Board is

required to consult with university presidents in developing guidelines, policies, and plans for the System, such as policies that establish high standards of operation, including managing personnel equitably. The law states that, with the exception of property sales and issues related to establishing or consolidating institutions, the Board, “shall delegate to the president of each institution authority needed to manage that institution ... including the authority to establish policies appropriate to the institution’s mission, size, location and financial resources.” If the Board were to overstep that authority and engage in hands-on management of institution personnel, it would usurp the president’s statutory authority. This bill would do just that.

Each institution is responsible for developing its own pay structure and pay administration program for exempt positions and has the obligation to compensate employees in a manner that is “competitive within each institution’s respective employment market.” Jobs shall be assigned to pay ranges that “reflect the relative value of jobs within each institution” and employees are to be paid according to “job value and their contribution to the institution’s mission.”

Each institution develops its own recruitment and performance management policies, its own holiday calendar, institutional workweek and work schedules, and determines whether compensatory leave shall be available to exempt employees. Within its existing budget, each institution may create positions deemed necessary, without authorization from the Board.

There are 26 bargaining units within the USM’s twelve institutions, represented by three different labor unions. The Fraternal Order of Police represents eight police units, AFSCME represents five exempt units and one police unit, MCEA represents two nonexempt units and one police unit, and AFSCME represents nine nonexempt units.

Required consolidated bargaining, as opposed to the voluntary system under current law, likely will hurt the USM’s smaller institutions that have fewer financial and other resources. It would create pressure on the USM to “average” the participating institutions’ interests, failing to account for the individual needs and desires of employees at different institutions.

Senate Bill 660 weakens the president’s authority as chief executive officer to manage the institution’s workforce. The USM respectfully urges an unfavorable report on Senate Bill 660.