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Patrick Moran - President

Testimony
HB 1237 – Budget Bill – Appropriations Statement – Memorandum of
Understanding for State Personnel
Appropriations
February 24, 2021
Support

AFSCME Council 3 strongly supports HB 1237. This proposed amendment to the Maryland Constitution would require the Governor to include with the budget bill a statement showing the appropriations necessary to implement and fund each memorandum of understanding reached by agreement or through binding interest arbitration. Each memorandum incorporates wages and terms and conditions of employment for Executive Department, higher education, and other State personnel.

May of this year will mark the 25th anniversary of collective bargaining for Maryland's state employees. In the years since Governor Parris Glendening's executive order, Maryland has continued to improve its collective bargaining practices to have in place processes that are fair, balanced, efficient, and conclusive. This proposal adheres to that path.

The concept behind collective bargaining is to establish a forum for management and labor to periodically sit down at the table to formally discuss issues including equitable compensation, leave, and benefits; processes for employees input and participation; and myriad other terms and conditions of employment. The linchpin of collective bargaining is a mutual understanding and respect for the process itself, where finding common ground through deliberation and compromise is acknowledged by all parties.

Unfortunately, compromise is not always the case, and under present Maryland law an employer within state collective bargaining can effectively refuse to move from their initial positions and thus create a stalemate that has no resolution. Without incentive to work toward agreement through compromise, there is no concern for the consequences of inaction.

Every AFSCME Maryland State and University contract guarantees a right to union representation.
An employee has the right to a union representative if requested by the employee.
800.492.1996

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This legislation would create a mutual incentive to compel parties to reach an agreement around collective bargaining negotiations by instilling a binding interest arbitration process, whereby if the two sides cannot come to agreement through negotiations by a specified deadline the proposals from the two sides would be presented to a professional, neutral third-party arbitrator – hearing from witnesses and experts, with data and evidence – for consideration of all of the facts involved with the purpose of determining which proposal is most appropriate to implement. The choice by the arbitrator would then be considered a binding resolution to be implemented by the Governor and exclusive bargaining representative, as well as the General Assembly for whatever appropriations are necessary to implement and fund the memorandum of understanding.

HB 1237 is a strong and positive step toward enhancing fairness, balance, efficiency and resolution. It follows a model that is well-established in other states and among Maryland counties. We thank you, and urge a favorable report.