

APPROPRIATIONS COMMITTEE
House Bill 486
State Employees – Collective Bargaining – Applicability, Bargaining Processes, and
Memorandums of Understanding
February 3, 2021
Urging an Unfavorable Report

Thank you for the opportunity to share University of Maryland, College Park (UMD) concerns regarding House Bill 486. If enacted, this bill would require, for collective bargaining, the Chancellor of the University System of Maryland (USM) to act on behalf of all 12 institutions and 3 regional centers that comprise the University System of Maryland.

UMD is distinct from the other institutions and centers; it is Maryland's flagship institution and one of the nation's preeminent public research institutions. Highlighted below are four issues of HB 486 that would be most deleterious to UMD.

The issue of foremost concern to UMD is that HB 486 dissolves the authority and autonomy granted to USM presidents and could jeopardize Middle States accreditation. Under Article V, Section 3 of the USM Bylaws, "The President of each institution shall serve as the Chief Executive Officer of the institution and is responsible and accountable to the Board for the discipline and successful conduct of the institution and supervision of each of its departments..."; and in Article V, Section 4, the President is authorized to enter into contracts; this includes the negotiation of collective bargaining agreements. Under Article IV, Section 4 of the Bylaws, the Chancellor does not have authority over the day-to-day management of the individual institutions. To establish the Chancellor of USM to bargain on behalf of all institutions would impact work assignments and work rules at individual institutions. This is clearly a responsibility ascribed to the institutions, not USM.

Accreditation is indispensable to colleges and universities, and this legislation could jeopardize UMD's Middle States Accreditation on Standard VII which requires the CEO of the institution to have " ...the authority and autonomy required to fulfill the responsibilities of the position, including developing and implementing institutional plans, staffing the organization, identifying and allocating resources, and directing the institution toward attaining the goals and objectives set forth in its mission."

The legislation requires mutual agreement by an exclusive agent AND the Chancellor to authorize any collective bargaining matters to be addressed directly by an institution. The President of UMD must control matters critical to operations; this legislation would strip the President's authority to address an array of matters specific to UMD.

Second, UMD is distinct from other USM institutions. Ensuring UMD is able to fulfill its mission requires the ability to address issues at the local level as they arise; to independently negotiate agreements specific to this institution. UMD is Maryland's flagship institution and one of the nation's preeminent public research institutions. It is a member of the prestigious Association of American Universities (AAU) and Big 10 Academic Alliance, and is the only USM Doctoral university with very high research activity.

UMD's operations are extensive and multifaceted, and include facilities across the state. High intensity research and laboratory activity require complex facilities that must be maintained by highly skilled tradespersons and/or staff with specialized expertise (i.e., hazardous waste management, skilled trades, dining services, and transportation). A term or condition of employment negotiated at the USM level that might work well for a rural/suburban campus with one main work site and a relatively small number of employees, could very easily disadvantage UMD, as business needs call for a different approach to topics such as scheduling, uniform supply/upkeep, reassignment, and other work rule flexibility.

UMD's urban location in the Washington, DC metropolitan area means cost of living and market rates are significantly different than USM institutions in suburban/rural areas (e.g. Frostburg). Negotiating at the USM level would potentially decrease the overall wage structure of UMD, making it more difficult for UMD to recruit and retain employees; or it could increase wage structures in lower cost areas, creating budget pressures on other institutions. Negotiations at the institution level allow bargaining unit employees to be involved in identifying issues and developing outcomes unique to UMD (e.g. work hours, leave).

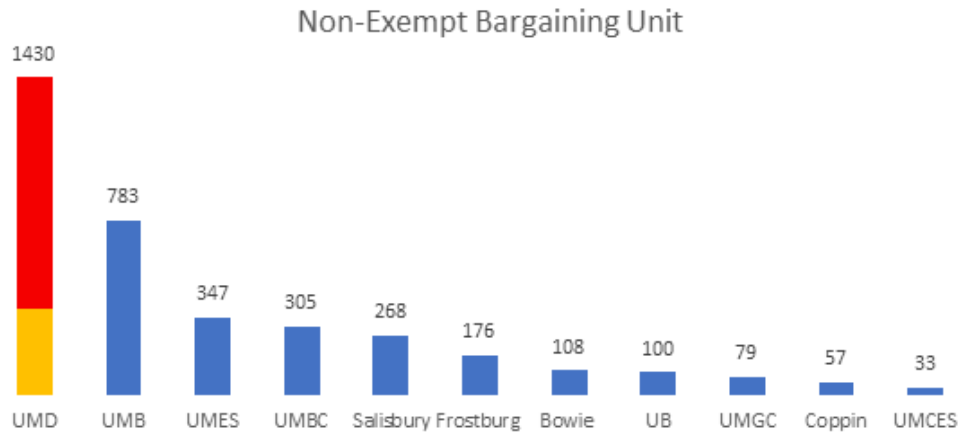
HB 486 requires the negotiation of one consolidated MOU that applies to all employees in all bargaining units represented by the exclusive representative. Additional negotiations would be required for institution-level matters not addressed in USM-level contracts. The requirement for **one** MOU that would govern terms and conditions of employment for both nonexempt and exempt employees will diminish the unique nature of exempt positions. Most institutions that currently participate in nonexempt staff coalition bargaining do not have exempt staff bargaining units. For those that do, bargaining for exempt staff is done at the institutional level. UMD has three bargaining units, represented by two unions). Significant numbers of UMD's nonexempt (87%) and exempt (56%) staff are represented by AFSCME; 42% of USM nonexempt AFSCME members and 87% of USM exempt AFSCME members. (See Attachment A, Membership).

Finally, the requirement to negotiate at the System level will create bureaucratic hurdles, slowing or interrupting operations, and potentially negatively impacting the work environment at all levels, including individual employees. Centralized decision making on collective bargaining matters would require input and agreement across 12 institutions and 3 higher education centers, significantly increasing time and cost associated with negotiations, and creating administrative delays. Consolidated negotiations would not negate the need to negotiate specific matters at the institution level. UMD's exempt staff members include those employed in research settings; administrative delays could have a deleterious effect on important research. UMD would lose the flexibility to resolve issues and concerns with individuals, work teams and units in a timely manner.

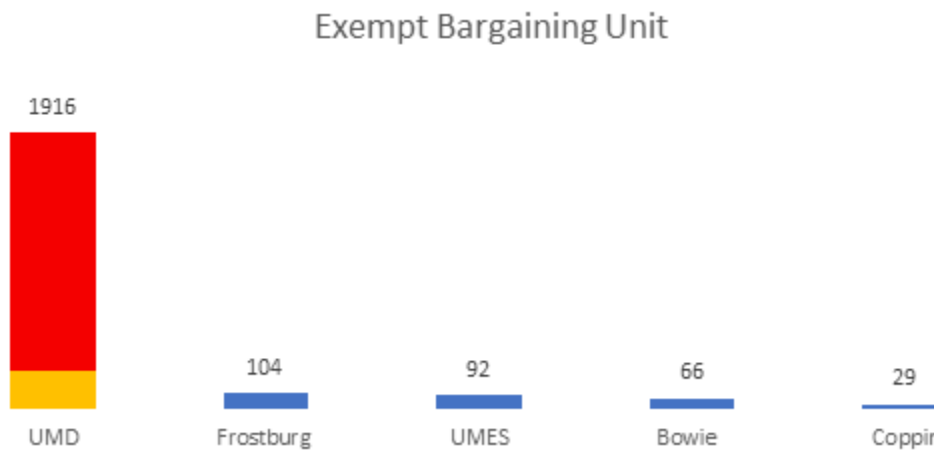
For all of the above reasons, the University of Maryland, College Park respectfully advocates for an unfavorable report on HB 486. Thank you for the opportunity to share this information.

Carlo Colella
Vice President of Administration and Finance
University of Maryland, College Park

University of Maryland, College Park Current membership make-up of USM bargaining units, by institution

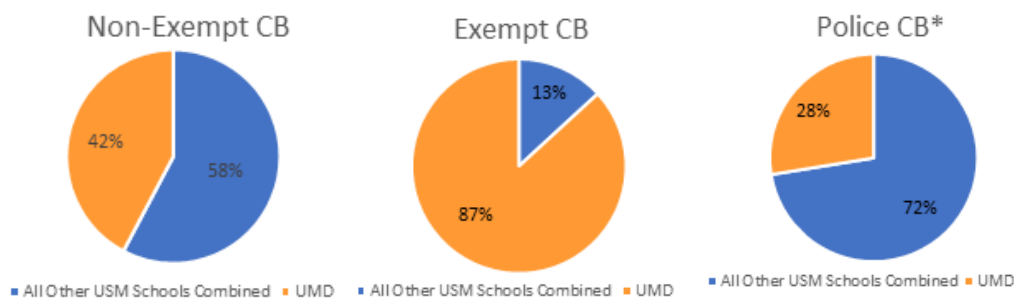


[# Paying Dues in Yellow = 377 (26.4%)]



[# Paying Dues in Yellow = 209 (10.9%)]

UMD's Share of Unionized (AFSCME) Workforce



*UMPD officers are represented by FOP. This chart reflects data on all unions representing police and not just AFSCME.