WOR-WIC
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Senate Finance Committee
Testimony Opposing SB 746
Community College Collective Bargaining

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Please accept this written testimony in opposition to SB 746, Community College Collective Bargaining.

With the budget cuts community colleges have absorbed (CADE reduction to the FY 21 budget combined with the BPW funding recission at the beginning of the fiscal year, and COVID-induced enrollment declines), this is a very bad time to press for collective bargaining legislation. All institutions are well into the process for our FY 2022 budgets and the additional costs needed to implement collective bargaining by October 1, 2021 is not a budgeted expense. Only five Maryland community colleges have in-house legal counsel and almost all will need to contract for outside labor counsel. Regardless of institution size, labor law firms have provided estimates of $200,000 for their services. Additional Human Resources staff required to manage this process are projected to be more than $175,000 annually. The costs will vary depending on number of bargaining units and size of the institution.

These unbudgeted costs will be a burden on students through tuition and fee increases and reduced programs and services. Given that fact that 48% of community college enrollment is made up of students of color and over 79,000 of our students receive financial aid, this action will inequitably burden students of color and economically-disadvantaged populations by forcibly increasing the costs of their education and/or by depriving them of programs and services at their community college.

Local decision

Collective bargaining at the community colleges should be a local decision. The state (at 32%) is the minority partner in community college funding, with the counties at 39% and students at 37%. These were the percentages before the FY 2021 BPW-imposed state funding recission. Since the state funding is formula driven and will not increase with the implementation of collective bargaining, the financial burden will fall on students in the form of tuition increases and/or the county contribution will have to increase to pay for significant costs associated with collective bargaining and subsequent negotiated agreements. Therefore, it is essential that the counties have a role in deciding whether their local community college should be subject to collective bargaining.

The bill even contemplates the role of county governments in providing the funding. The provision in 16-709 (F)(2) calls for the agreement to be reopened if the county does not support the budget request for funding the agreement. Clearly, it is recognized that the counties will be responsible for funding the agreements; therefore, the counties should have a say in whether they want collective bargaining at their local institutions. In the case of the regional community colleges, due to the statutorily mandated shared funding obligation, each of the support counties must approve collective bargaining.

State funding

State aid to community colleges has been reduced eight times since the economic downturn in 2008. The reductions to our State aid since 2008 total $141,578,943. At the beginning of FY 2021, the Board of Public Works reduced community college funding by $36,393,100. This action reduced the funding tie to the per-student funding at the selected public four-year institutions to 21.8%. When the CADE formula was implemented in 1998, the funding tie was established at 30%, and subsequently reduced to 29%. That obligation has never been met by the state. While the FY 2022 budget is still an unknown, it is unlikely that community colleges will be returned to the original FY 2021 statutory funding level, let alone the CADE mandated FY 2022 level. If the state wants to mandate collective bargaining at community colleges, then the state should step-up and meet its funding obligation. No statewide collective bargaining bill should be implemented until the state meets its statutorily-defined CADE funding formula obligation of 29% of the per-student funding at the selected four-year public institutions.

Implementation timing and training

Before institutions are required to implement collective bargaining, training should be provided by the state. Colleges will have to hire additional staff who will need to be trained before becoming involved with establishing bargaining units, dealing with contracts and negotiations. As stated above, this bill has an implementation date just months after its passage. College budgets for FY 2022 will be finalized prior to passage of the legislation. There are no positions and no additional legal fees budgeted to deal with collective bargaining, except at those institutions where local bills have already implemented collective bargaining. Colleges need at least a year to prepare and budget for collective bargaining. An implementation date of October 1, 2021 is unrealistic.

Other concerns

There are numerous other issues with this bill including; the unmanageable number of bargaining units (6); faculty collective bargaining provisions that completely ignore the "meet and confer" process successfully implemented at every public 4-year University System of Maryland institution; a misunderstanding of the unique nature of part-time faculty, most of whom work other jobs or are retired, have inconsistent teaching loads and lack continuity of employment; timeframes that are inconsistent with Federal labor law and Maryland Personnel & Pension statutorily-defined timelines; and, an authorization notification process that seemingly violates the Supreme Court decision in Janus requiring affirmative consent to deduct union dues from an employees paycheck.

This bill should not be approved or implemented this year in its current form. It poses significant issues for community colleges need to be addressed prior to adoption.