

BaltimoreCounty_FAV_SB0009.pdf

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JOHN A. OLSZEWSKI, JR.
County Executive

CHARLES R. CONNER III, ESQ.
Director of Government Affairs

JOEL N. BELLER
Deputy Director of Government Affairs

BILL NO.: **SB 9**

TITLE: State Employees - Collective Bargaining - Applicability,
Bargaining Processes, and Memorandums of Understanding

SPONSOR: Senator Kramer

COMMITTEE: Finance

POSITION: **SUPPORT**

DATE: February 4, 2021

Baltimore County **SUPPORTS** Senate Bill 9 – State Employees - Collective Bargaining - Applicability, Bargaining Processes, and Memorandums of Understanding. This legislation would empower certain University of Maryland personnel to participate in collective bargaining.

County Executive Olszewski is a staunch supporter of the empowerment of workers through collective bargaining rights, and understands that allowing UMD employees to join a union will enable them to speak with the power of one voice. Collective bargaining is vital to employees because it allows them to use their numbers as a means of gaining representation in decisions made by an employer that will have consequences for employees.

Union input does not only benefit workers. Unions also provide crucial information to employers that improve the efficiency, effectiveness, and overall morale of the system. The institution’s staff deserves to have a say in the way the University of Maryland system functions, and the schools will benefit from their input.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 9. For more information, please contact Chuck Conner, Director of Government Affairs, at cconner@baltimorecountymd.gov.

SB 9 - State Employees - CBA - University.pdf

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MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

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**SB 9 - State Employees - Collective Bargaining - Applicability, Bargaining Processes, and Memorandums of Understanding
Senate Finance Committee
February 4, 2021**

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 9 - State Employees - Collective Bargaining - Applicability, Bargaining Processes, and Memorandums of Understanding. 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, the individual institutions, and 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 nearly 30,000 employees represented by AFSCME. Each higher education institution under the USM umbrella has bargaining sessions with AFSCME, but each institution lacks the final authority on management's side of the negotiations. Ultimately, USM has the final approval on any contract agreed to between a higher education institution and the bargaining unit.

USM promulgates system wide policies as far reaching as procurement to sexual harassment, that each institution must accept and enact. SB 9 provides an efficient uniformed process for collective bargaining with employees that saves time and money while protecting the health and safety of workers.

SB 9 streamlines the process, eliminates duplicative efforts, and allows for workers to bargain directly with the University System, instead of wasting time and money going through an extra layer of management that lacks the authority to make a final decision.

We urge a favorable vote on SB 9.

SB9_StrongFutureMaryland_FAV.pdf

Uploaded by: King, John

Position: FAV



**Testimony in Support of Senate Bill 9 (Senator Kramer)
FAVORABLE**

February 4, 2021

Dear Chair Kelley and Members of the Finance Committee:

On behalf of Strong Future Maryland, we write in strong support of Senate Bill 9. Strong Future Maryland works to advance bold, progressive policy changes to address systemic inequality and promote a sustainable, just, and prosperous economic future for all Marylanders. We urge you to support this legislation which establishes a fair collective bargaining process for Maryland's higher education employees and workers.

Our country is dealing with a long overdue reckoning on systemic racism and injustice. But it's time we turn those sentiments into action by committing to real policy change that turns rhetoric into reality. Maryland's higher education employees and all workers deserve to be treated fairly. Collective bargaining is a tool that can help address race and gender disparities for employees in our state. That means those doing the same job should have the same opportunities to succeed.

We are proud to stand with AFSCME and their members to ask that the legislature immediately address the need for fair bargaining practices and require the University System of Maryland to negotiate a single contract that ensures every University System employee has equal protections. Human capital is our most important asset. We cannot afford to shortchange those who work every day on behalf of students.

As the General Assembly is looking to address years of inequitable treatment to Maryland's HBCUs in HB1, this bill, SB9 will ensure that staff at HBCUs are also allotted the same opportunities as those at predominantly white institutions. It is vital that we have one negotiating table where everyone has a say and we eliminate the barriers and the red tape that prevents us from having full transparency. In Maryland, we need a thriving and safe university system where equity, justice and fairness prevail. We urge a favorable report for SB9.

John B. King Jr.

Alice Wilkerson

Founder and Board Chair

Executive Director

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AFSCMEandCoalition_FAV_SB09.PDF

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Local 1072

Pat Davis
Local 3655

Testimony
SB 09 – State Employees - Collective Bargaining - Applicability, Bargaining Processes, and
Memorandums of Understanding
Finance
February 4, 2021
Support

AFSCME Council 3 represents almost 30,000 state and university workers, including 6,500 USM workers at nine different campuses. I have negotiated union contracts for over twenty years, and I have never seen a more complicated and dysfunctional system as the current system that exists for our workers in the University System of Maryland. This legislation creates a fair, efficient, revenue neutral system for direct negotiations with the USM for the first time.

AFSCME has a single and efficient contract with the state of Maryland, where we have 20,000 workers in two personnel systems at over twenty agencies and six bargaining units. It makes sure that our members across the state who do the same work get a fair shake on the job and follow all the same work rules. It wouldn't make sense that people with the same job get different equipment if they work in Cumberland as opposed to Baltimore. It wouldn't make sense that there is a different procedure for grievances between a work site in Baltimore County and another one in Carroll County. This model is fair, efficient and works in our complex state system.

By comparison our members in the University System of Maryland, with one personnel system, bargain individual contracts on each campus in each bargaining unit resulting in over fifteen contracts negotiated for 6,500 workers. Furthermore, our members are never able to bargain collectively with the entity that ultimately makes the policies and guidance that cover everyone: the University System and the Board of Regents. This gaping loophole in the current system needs to be closed and this legislation does that. This legislation allows any employee organization that represents multiple bargaining units on different campuses to bargain one master agreement with the USM, similar to what AFSCME has with state employees. We are simply trying to replace a broken system with one that we know works with our state employees.

This bill will help create greater equity for workers throughout the system. We have long had a disparate system in Maryland where the HBCUs (3 of 4 are within the USM) have historically been mistreated and gotten less than their white counterparts in the same system. The USM and the Governor have continued a legacy of inequality. The General Assembly has led the way to help right this wrong and AFSCME has supported the efforts to properly settle the HBCU lawsuit. But the disparity extends to what workers get or are offered. The USM sets the pay structure for everyone, including unionized staff. As it stands, it is a pay band structure where predominantly white schools with more resources can and do pay their employees more than the HBCUs. This has two different effects. First, it creates a virtual two-tier wage system whereas our members usually get paid less for the same job at an HBCU within the USM than if they worked at a white school. Second, predominantly white schools recruit away staff talent within the system from HBCUs to their institutions. We have seen this most prevalently at UMCP and Salisbury. Staff at UMES or any of the campuses in Baltimore or Bowie migrate away. Our members at HBCUs work just as hard as members at white schools doing the same work, whether that is HVAC, secretarial work, admissions counseling or IT, blue collar or white collar its all the same. Give the ability to AFSCME to level the playing field to achieve equity for all workers within the same system is just.

Our members deserve a proper seat at the table to negotiate policies such as health and safety as well as any other mandatory subject of bargaining. This legislation creates greater equity and ensures parity for

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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 MVA

Tierra Day
 P&P

Sean Santmyre
 SUPE

Trustees:

Jeff Flory
 Local 1072

Pat Davis
 Local 3655

unionized staff. A housekeeper at UMES is a housekeeper at UMCP, at Frostburg, and Coppin State. An accountant at UB is an accountant at UMBC, and Bowie State. This legislation fixes this.

This year, during the pandemic, this broken system was on full display. AFSCME demanded to meet with the State and the USM as we saw how devastating COVID could become in late February. We met with the USM concerned about health and safety, they claimed that they were advising each campus and that COVID would blow over in a couple months. When we met with the USM again in an attempt to bargain health and safety they thanked us for providing our input and directed us to meet with each campus. At virtually all campuses they refused to negotiate health and safety initially. Frostburg only came to the table when they became the epicenter of the Western Maryland outbreak and we still don't have an agreement. University of Maryland, College Park has refused to negotiate health and safety despite the fact that over 1,500 students have been infected and at least 260 staff have been infected (though this count didn't start until late August). The inability of each campus to handle this situation, the disorder and lack of center is what is endangering workers now and in the future. The local administrators at Bowie State University shouldn't be doing something different with our members who do the same jobs as our members at University of Maryland-Eastern Shore. One campus shouldn't do less screening than another because some supervisor thinks ensuring public health is too cumbersome.

In recent years the USM has consolidated its operations, its ten-year strategic plan lays out that it should "Seek out and pursue at the Systemwide level (or encourage the institutional development of) new opportunities that can streamline or improve services for all USM institutions (such as the development and dissemination of umbrella agreements, intellectual policy waivers and service-related research opportunities.)" This shouldn't just be applicable for administrators this should also apply for workers. We have seen the legislature take approaches to create greater synergy within the USM, such as the MPower program between UMB and UMCP. These same themes need to be applied to workers as well. Our legislation creates greater synergy and does allow for an umbrella labor agreement that gives our members their rightful seat at the table with the USM to hash out our many issues.

This legislation also provides an opportunity to bargain issues at the local or campus level when there is a unique issue. We have created flexibility in the legislation to ensure everyone's needs are met but most importantly the USM cannot game the system, as they have for the past two decades.

When the USM was founded in late '80s, through legislation pursued by Gov. Schafer, his top aide David Iannucci, who wrote the law creating the system, was quoted in the Baltimore SUN stating, "We're all on this boat together." We couldn't agree more, unfortunately workers who operate and keep the system running have been left off the boat. We hope your passage of this legislation actually lets our members on the boat.

Again, this legislation fixes a loophole that has existed for too long. This allows unionized workers at multiple campuses to efficiently bargain with the ultimate deciders, the USM.

We ask that you please support this legislation and issue a favorable report.

Sincerely,

Patrick Moran
 President

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An employee has the right to a union representative if requested by the employee.

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

Testimony

SB 09 – State Employees - Collective Bargaining - Applicability, Bargaining Processes, and
Memorandums of Understanding

Support

I have worked at UMBC as support staff for thirteen years and have served as a representative on our bargaining team. I request your support for SB 09.

We are here today asking the committee to enable us to bargain with the entity that sets the rules and controls our pay – the University System of Maryland and the Board of Regents.

Presently we have no formal, mandatory bargaining relationship with them. This is a problem, because the actions they take regarding wages, benefits and working conditions render our bargaining rights moot. Let me give you just one example:

Annually, the USM does a wage analysis based on “market conditions.” This is done without any coordination or input from our union. USM then unilaterally decides whether to give modest wage increases to exempt and non-exempt employees in alternating years, based on “market conditions.”

What’s curious is that their “analysis” has made campus job opportunities uncompetitive for certain skilled trades (electricians and HVAC, for example) and IT jobs. Specifically at UMBC we have had standing vacancies in facilities management’s electrical shop, central plant and the plumbing shop. By refusing to negotiate about the pay scale, we are unable to fill these critical highly skilled positions. The result? Our campuses and students are left without the staff needed to maintain them.

All we are asking for is that all unionized higher education employees be able to bargain with the people who actually make the decisions about wages, hours and working conditions, just like state employees.

Sincerely,

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



Dear Representatives of the Maryland General Assembly,

The Black Faculty and Staff Association on the campus of the University of Maryland, College Park, strongly encourages representatives in the Maryland General Assembly to vote YES on SB09/HB486. This bill will bring together public higher education employees, allowing them to bargain under a single contract, which will be negotiated with the University System of Maryland (USM).

The present contract, and bargaining system are problematic for numerous reasons. The need for negotiations at each individual campus is expensive, consuming both time and money, that could be dedicated to many other much needed projects. It is unfair because it divides employees performing similar tasks, and weakens their ability to negotiate fair contracts. AFSCME is limited to legally bargain at the level of individual campuses, USM sets employees' wages, benefits and regulations around work conditions, effectively blocking any negotiations on these critical workplace issues. Public higher education employees represented by AFSCME are all state employees and should—as all other state employees—have the right to bargain for one unified contract across the USM system.

The Black Faculty and Staff Association has a track record for supporting workers' rights. BFSFA is proud of that track record. Workers are the backbone of USM; however, they are often invisible in the eyes of administrators. This invisibility has even led to the perpetuation of abuse of some of these workers. The AFSCME union has a brilliant legacy of advocating on behalf of USM workers and their rights. This bill would be a gigantic step towards further enabling AFSCME to broaden their worker, thus unifying higher education employees.

The entire university and academic community benefits when all employees are treated with dignity and respect. The employees on UMD's campus represented by AFSCME are responsible for some of the most significant components of campus life, this has been highlighted during this ongoing pandemic. Many workers have been required to return in person during COVID19, to prepare campus for re-opening for UMD students, in August. Workers were required to report to campus and make sure that students felt safe and welcomed. This has been done with incredible risk to their own lives and those of their family members. They were deemed essential by the university system then. BFSFA calls on you to treat ALL USM employees with the respect they deserve. Please allow them to bargain together, in unity!

Sincerely,

The Black Faculty and Staff Association at the University of Maryland, College Park

MaryPIRG Students strongly urges representatives in the Maryland General Assembly to vote YES on S.B. 09, which unifies public higher education employees represented by AFSCME under a single contract negotiated with the University System of Maryland. The current divided system is expensive, unfair, and weakens the contracts. Unifying the contracts would be far more efficient and would benefit campus staff across the state.

MaryPIRG Students, is an activism group on the University of Maryland, College Park campus that has been advocating everyday, for the past 40 years, for a more sustainable future for everyone. We strongly believe that this bill can help build that future for our campus employees, who make up a part of the UMCP campus community that is often treated as less when they are the backbone of it.

From a mold crisis to a devastating pandemic, campus workers have been forced to work in unsafe conditions for far too long because of not being provided the proper resources to combat the chance of getting ill. The lack of proper care being shown towards our campus employees is appalling, to say the least. Many of these problems are rooted in the current contract between the university and AFSCME, which allows for the institution to ignore the concerns of their campus employees. This issue is not only a UMCP concern, it is synonymous with the concerns from campus employees across the USM system.

Through SB9/HB486, many of the issues campus employees face can be alleviated. By having one contract and one bargaining table, AFSCME and the USM can work to make it strong and better advocate for the interests of all campus employees. The passing of this bill will allow for fairer, healthier, and more equitable work environments. For these reasons, MaryPIRG Students urges you to vote yes on the Collective Bargaining Bill.

Sincerely,

Greeshma Anand, *Board Chair of MaryPIRG Students*

Bailey Arenberg, *Vice President of MaryPIRG Students*

Buckley Sake, *Treasurer of MaryPIRG Students*

Ayanna Chambers, *Secretary and Visibility Chair of MaryPIRG Students*

Donald Vogel, *Recruitment Chair of MaryPIRG Students*

Dear Representatives of the Maryland General Assembly,

The Graduate Assistant Advisory Committee (GAAC) and Fearless Student Employees (FSE) at the University of Maryland, College Park, strongly urges representatives in the Maryland General Assembly to vote YES on S.B. 09, which unifies public higher education employees represented by AFSCME under a single contract negotiated with the University System of Maryland (USM). The current divided system is expensive, unfair, and weakens the contracts. Unifying the contracts would be far more efficient and would benefit the workplace conditions and safety of campus staff across the state, as well as undergraduate and graduate students on campus.

As graduate teaching, research, and administrative assistants, we rely on staff to provide safe, clean, and well maintained facilities, classrooms, laboratories, and offices, especially during the pandemic. A uniform contract and negotiating process is not only more efficient and cost saving, but is also necessary for a proper health and safety response during the pandemic. Safety protocols, testing, screening, PPE, hazard pay, transparency, and leave must be uniform across USM in order to mitigate community spread and provide a safe and healthy learning and research environment for all undergraduate students, graduate workers, staff, and faculty. It has come to our attention that hundreds of AFSCME staff have contracted COVID-19, which could have been mitigated through a uniform collective bargaining bill for Higher Education workers. Staff are essential workers, and above all, human beings, and they should not be subject to the unnecessary risks due to a broken and inefficient bureaucratic system that cannot and does not respond to the health and safety needs of essential workers.

A single, uniform collective bargaining contract is a practical step toward making a cheaper and more efficient process, and it is a necessary step toward protecting the safety and health of essential workers, as well as undergraduate students, graduate assistants, and the USM community at large. AFSCME Council 3 should be able to negotiate directly with the Board of Regents through the USM, and we strongly urge the representatives in the Maryland General Assembly to vote YES on S.B. 09.

Sincerely,

Handwritten signatures of Nate Beard and Alex Dunphy.

Nate Beard and Alex Dunphy
Co-Chairs, Graduate Assistant Advisory Committee (GAAC)
Fearless Student Employees (FSE)
University of Maryland, College Park

PLUMAS Testimony

SB 9

Good afternoon Chair Kelley, Vice-Chair Feldman, and members of the committee. My name is Michael Mareno, and I will be testifying on the behalf of the Political Latinxs United for Movement and Action in Society, commonly referred to as PLUMAS. We are a student organization at the University of Maryland, College Park that works to promote civic engagement and activism, as well as provide a space for students to share their thoughts on the issues facing the Latinx community. PLUMAS will be testifying today in **favor of Senate Bill 9**, also known as **State Employees - Collective Bargaining - Applicability, Bargaining Processes, and Memorandums of Understanding**.

PLUMAS has been a strong supporter of the union representing housekeepers on our campus, AFSCME 1072, and has helped with their union activities and organizing over the course of this past year and in mitigating the fallout of the COVID-19 pandemic. Many of those workers are Latinx, and have faced abject difficulty in protecting themselves, their health, and their families. Throughout this past summer, our organization was hearing story after story of housekeepers falling ill from having to clean dorm buildings without air conditioning. I, for one, was shocked to hear that those who work the hardest to keep our university running were working long hours in the heat with a virus spreading that was specifically affecting individuals' respiratory tracts.

These folks deserve the right to organize and work under a contract that fully appreciates the value of their labor. This bill would work to create a fairer system of collective bargaining for public higher education employees within the University System of Maryland. With the way the current system is set up, expenses are high, treatment is unfair, and existing contracts are weakened considerably. By providing unions with the ability to unify and work under one contract, campus staff from across the state would benefit from the increased efficiency. I strongly urge the committee to vote in favor of **Senate Bill 9**.

Sincerely,

Michael Mareno

PLUMAS Social Chair

Max Hancock, Frostburg State University Student Government Association Senator
1 Sand spring Drive
202 Allen Hall
Frostburg Maryland, 21532

January 29th 2021

Dear representatives of the Maryland General Assembly,

The Student Government of Frostburg State University, and the body of individuals it represents, request that you vote YES on S.B. 09/HB486. Forcing each school's employee base to design their own labor contracts is hugely detrimental to the security, efficiency, and loyalty of the University System of Maryland's most essential workers.

Placing the burden of negotiation on each school's employee body is unfair. It is a process designed to take advantage of the working class heroes that keep the University System afloat. As a result, universities representing disadvantaged populations- students and workers who deserve the best protection the state can offer- are hurt the most. The time and money spent negotiating contracts drains from both parties' pockets: as vulnerable laborers struggle to fund the preservation of their livelihood, so too do state-sponsored universities scramble to cover legal fees. At Frostburg State, our campus community simply doesn't have the resources to fight this battle every contract cycle. How, then, can school employees be expected to stay devoted to a system that doesn't work for them?

The solution offered by S.B. 09/HB486 promotes streamlined governance and unity of workers. By voting YES, you are voting in favor of reduced legal fees. You are voting in support of higher education. In solidarity with the blue- collar Marylander. You are voting for universal standards of treatment for the fifty thousand men and women that make learning possible for over one hundred and fifty thousand students.

Vote YES for happy workers. Vote YES for efficient schools.

We the students respectfully request a favorable report on S.B. 09/HB486.

Yours,

Max Hancock
Senator, Frostburg Student Government
Vice President of Finance, Pi Lambda Phi
mhancock0@frostburg.edu.

Dear Representatives of the Maryland General Assembly,

Our college coalition of students, Black Terps Matter, strongly urges representatives in the Maryland General Assembly to vote YES on S.B. 09/HB486, which creates a fairer system of collective bargaining for public higher education employees with the University System of Maryland. The current divided system is expensive, unfair, and weakens existing contracts. Allowing unions to unify and have one contract would be far more efficient and would benefit campus staff across the state.

We are choosing to support campus workers' efforts to improve working conditions because black and people of color are the most disproportionately impacted. In the last few months, we've seen the worst of it, from illegal evictions to unsheltered individuals losing their lives due to lack of resources. We need collective bargaining for our higher education employees because without them we won't be able to continue our quality education. The colleges in Maryland deserve better from our administrators and this is the way that we can get it.

[UMD workers are essential. The campus community must fight for them.](#) -

The Montgomery County Sentinel 9/9/2020

https://www.thesentinel.com/communities/montgomery/opinion/umd-workers-are-essential-the-campus-community-must-fight-for-them/article_642d74a4-f2df-11ea-b8a9-6386757476fd.html

Saba Tshibaka UMD 21'
Black Terps Matter Co-founder & Organizer

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Best regards,
Saba J Tshibaka

Check out my new website: <https://www.sabaspeaking.com/>

University of Maryland, College Park '20
ARHU; [Philosophy, Politics, and Economics](#) Major
Hinman CEOs Scholar | LinkedIn: <https://goo.gl/tiuUj>
Check out my business twitter: https://twitter.com/Saba_JT/media

Here's my scheduling link so we can avoid the back and forth of finding a time to meet: <https://calendly.com/sabat>

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FINANCE COMMITTEE

Senate Bill 9

State Employees – Collective Bargaining – Applicability, Bargaining Processes, and Memorandums of Understanding

February 4, 2021

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 9. This bill would fundamentally change the collective bargaining process at each of the University System of Maryland’s (“USM”) twelve constituent institutions, potentially disadvantaging employees at the USM’s smaller institutions and damaging labor relations between employees and management at each institution. Senate Bill 9 would (1) at a labor union’s discretion, require the institutions to participate in consolidated negotiations on behalf of all bargaining units at all institutions represented by the same union, rather than make such consolidated bargaining a voluntary decision by each institution president, as current law provides; (2) revoke the legislative authority of the twelve institution presidents to designate a representative to negotiate on behalf of their institution and assign this role to the USM Chancellor; and (3) give the labor union the power to veto the institution president’s right to negotiate matters “particular to an institution.”

The broad transfer of authority from the institutions to the University System effected by this bill will damage the institutions and undermine the president’s legal role as the institution’s “chief executive officer,” as established in the Education Article. Title 12 of that 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....” In order for institution presidents to carry out these duties, 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. For almost two decades now, seven of the institutions have voluntarily chosen to engage in such consolidated negotiations on behalf of their nonexempt employees – only the University of Maryland College Park, the flagship campus, and the University of Maryland Baltimore, the state’s foundational university, declined to join this coalition, understandably for reasons related to their distinct mission, size, and budget relative to the other institutions within the coalition.

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. This bill would flip the

relationship between the Board and the presidents with regard to managing the institution's workforce.

Under Maryland law, the USM Board of Regents (Board), to whom the Chancellor reports, is responsible for the broad management of the USM, but has no authority over day-to-day management of the institutions. The law requires the Board to "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 and may violate accrediting standards that require the institution president to exercise a certain level of authority and autonomy.

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, nine nonexempt units and one police unit, and MCEA represents two nonexempt units and one police unit.

Required consolidated bargaining, as opposed to the voluntary system under current law, likely will disadvantage the USM's smaller institutions that have fewer financial and other resources, which include USM's historically black institutions. It would create pressure on the USM to either "average" the participating institutions' interests, or acquiesce to the interests of the larger institutions, failing to account for the individual needs and desires of employees at different institutions, resulting in wage provisions that exceed the budget and relevant labor market of the smaller institutions.

The bargaining units at the different institutions do not share a "community of interests" with each other. Each institution has its own distinct mission, and they vary considerably by size, budget, research category, geographic location, labor market and distribution and proportion of employees represented in collective bargaining. Consistent with its accreditation standards, each institution develops its own separate recruitment and performance management policies, work hours, chains of command, supervision, shifts, duties, job titles, work assignments, compensatory leave policies, shift differential, and holiday calendar. Within its existing budget, each institution may create positions deemed necessary, without authorization from the Board. Under these circumstances, it would be impractical for the chancellor, who has no role in these decisions, to be responsible for leading negotiations for one consolidated memorandum of understanding covering employees in the police, exempt and nonexempt bargaining units at all USM institutions.

In addition to amending the Maryland collective bargaining law, Senate Bill 9 utterly guts a foundational section of the Education Article. It inappropriately and unnecessarily revokes the authority of the Chancellor to establish general standards and guidelines governing the

appointment, compensation, advancement, tenure, and termination of administrative personnel who are members of collective bargaining units. The Education Article, at 12-110, already conditions the establishment of these general standards and guidelines on the requirements of the Maryland collective bargaining law. The relevant proposed language adds no substantive value. Instead, the bill seeks to create confusion by nullifying existing standards and guidelines applicable to all non-faculty employees, including any administrative standards or guidelines necessary for processing or effectuating personnel actions. The vast majority of these are not mandatory subjects of bargaining and the unions have never requested to bargain them.

Senate Bill 9 also revokes the authority of the USM Board of Regents to define “supervisory, managerial, or confidential” employees, who are excluded from the class of employees who may engage in collective bargaining. In the Board of Regents’ place, it directs the State Higher Education Labor Relations Board (SHELRB), a voluntary board with no training or experience in personnel classifications, to define these important employee classifications. In doing so, it requires the SHELRB to adopt definitions consistent with those established by a federal agency that has no jurisdiction or authority over University matters, the National Labor Relations Board.

Abolishing the current definitions and asking the SHELRB to come up with new definitions meeting an inapplicable federal standard defies reason. It would likely prove time-consuming and costly, and would create needless upheaval among the bargaining unit membership. The Board of Regents established the definitions of these employee groups approximately twenty years ago, and USM institutions have consistently applied these same definitions since then. The current definitions were used as the basis for establishing membership in the bargaining units when AFSCME was first certified as the exclusive representative of the exempt and nonexempt bargaining units at multiple USM institutions. To now change these definitions would require an extensive audit of all existing classifications to determine whether to properly include or exclude employees from the bargaining unit based on the newly established definitions.

Finally, Senate Bill 9 adds unnecessary, ambiguous language to the collective bargaining law requiring the parties to “facilitate[e] the meaningful use of a fact finder...” The current collective bargaining law already provides that either party may request that a fact finder be employed to resolve the issues if the parties cannot agree. Amending the statute to require the parties to “facilitate” the “meaningful” use of a fact finder imposes a vague and superfluous obligation, serving only to create confusion and potential disagreement between the parties.

For the foregoing reasons, the USM respectfully urges an unfavorable report on Senate Bill 9.