



ENOCH PRATT
free LIBRARY

Chair Maggie McIntosh
House Appropriations Committee
Room 241, House Office Building
Annapolis, Maryland 21401

Re: HB770 Enoch Pratt Free Library - Collective Bargaining
Position: FAVORABLE WITH AMENDMENTS

March 1, 2022

Dear Chair McIntosh and Members of the Appropriations Committee,

We are writing to express support for HB770 provided it is amended to address concerns regarding potential changes to the Enoch Pratt Free Library's governing structure. We understand that our dedicated staff is a critical asset to our library system and support the right of our employees to seek collective bargaining rights.

As currently written, this legislation would dramatically change how the Enoch Pratt Free Library operates.

On page 1 of the bill, line 17-21 beginning with ALL, states "***ALL EMPLOYEES OF THE ENOCH PRATT FREE LIBRARY SHALL BE CONSIDERED PERSONS HOLDING A POSITION IN THE SERVICE OF THE MAYOR AND CITY COUNCIL OF BALTIMORE, UNDER ARTICLE VII, § 99 OF THE CITY CHARTER, AND ARE NOT SPECIAL APPOINTEES.***"

Maryland Education Code Section 23-402 "Special provisions for Baltimore City, Washington County, Prince George's County, and Garrett County." Subsection (a) *Baltimore City* reads as follows:

- (1) The Mayor and City Council of Baltimore shall be governed by the requirements and regulations pertaining to the Enoch Pratt Free Library of Baltimore City as provided in Chapter 181 of the Acts of 1882 and any other laws applicable to the operation of public libraries.
- (2) The powers and duties of the Board of Trustees of the Enoch Pratt Free Library are as provided in Chapter 181 of the Acts of 1882 and the Charter and the Articles of Incorporation of the Enoch Pratt Free Library and other laws applicable to the Board of Trustees of the Enoch Pratt Free Library.

The language of Subsection (a) means clearly that the Pratt is an exception to and exempt from the remainder of the provisions of Subtitle 4 by virtue of its Charter and Articles of Incorporation which grant all governing powers to its Board. In fact, it establishes as well that the City is "governed by" Pratt's Charter, thus precluding by state statute any interference with the powers of the Board of Trustees. The placement of Section 402 immediately following the granting of authority for county governments to establish county public libraries further indicates that Pratt is not subject to the remaining provisions of Subtitle 4, which prescribe in detail the manner of governing and operating county public libraries. Pratt is not mentioned in the other provisions of Subtitle 4.

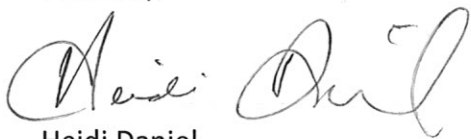
The governance and operations of the Pratt, therefore, lie within the authority of the Pratt's charter set forth in the Act, in which the Board of Trustees is granted the powers to perpetuate its succession and control and manage the library. The powers of the Board are not affected by Subtitle 4.

We can support HB770 if the attached strikethrough amendments are adopted to address concerns related to the governance of the Enoch Pratt Free Library and the bill leaves in place the right of our employees to seek collective bargaining rights.

We have been working with the sponsor of this legislation as well as Mayor Scott's office, who understand our concerns. We look forward to working together with the bill sponsor and the committee to come to an agreement so that our employees can pursue collective bargaining rights, while respecting the Enoch Pratt Free Library's unique governance structure.

Thank you, Delegate Smith, Chair McIntosh, Vice Chair Chang, and Appropriations Committee members, for your continued support of the Pratt and our commitment to providing services to advance the library's dedication to equity, inclusion, and greater access to enhance the quality of life for Baltimore City residents.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heidi Daniel".

Heidi Daniel
Chief Executive Officer

HOUSE BILL 770

F5

2lr1213

By: **Delegate Smith**

Introduced and read first time: February 3, 2022

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Enoch Pratt Free Library – Collective Bargaining**

3 ~~FOR the purpose of requiring, for the purpose of collective bargaining, that employees of~~
4 ~~the Enoch Pratt Free Library be considered persons holding a position in the service~~
5 ~~of the Mayor and City Council of Baltimore and specifying that the employees are~~
6 ~~not special appointees, and generally relating to employees of the Enoch Pratt Free~~
7 ~~Library.~~

8 BY adding to

9 Article – Education

10 Section 23–402(a)(6)

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2021 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Education**

16 23–402.

17 (a) **(6)** ~~FOR THE PURPOSE OF COLLECTIVE BARGAINING, ALL~~
18 ~~EMPLOYEES OF THE ENOCH PRATT FREE LIBRARY SHALL BE CONSIDERED~~
19 ~~PERSONS HOLDING A POSITION IN THE SERVICE OF THE MAYOR AND CITY COUNCIL~~
20 ~~OF BALTIMORE, UNDER ARTICLE VII, § 99 OF THE CITY CHARTER, AND ARE NOT~~
21 ~~SPECIAL APPOINTEES. HAVE THE AUTHORITY TO SEEK COLLECTIVE BARGAINING RIGHTS~~

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, 2022.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

