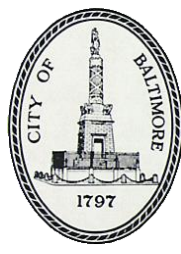


HB0116-APP-FAV.pdf

Uploaded by: Brandon Scott

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB 116

January 24, 2023

TO: Members of the Appropriations Committee
FROM: Mayor Brandon M. Scott
RE: House Bill 116 – Trustees of the Walters Art Gallery - Collective Bargaining
POSITION: Support

Chair Barnes, Vice Chair Chang, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill (HB) 116.

HB116 grants the employees of the Walters Art Museum collective bargaining rights and the opportunity and option to move forward with the recognition of their Union.

The Walters Art Museum is one of the finest cultural institutions in Baltimore City and in the state of Maryland, created by a state law in 1933 to oversee works of art that had been gifted to Baltimore City by philanthropist Henry Walters. Because the museum was created so long ago, it is caught in a gap in the State of Maryland's labor laws. Employees of the Walters Art Museum announced in the Spring of 2021 that they had formed a union, stating that the union has majority support. However, the management of the Walters has yet to recognize the formation of this union.

It has been difficult to see these workers fight for collective bargaining rights in the midst of an anti-union employer campaign. To no avail, I have reached out to the Walters Art Museum myself on a number of occasions requesting that we come to a resolution.

An efficient way to resolve this oversight would be for the General Assembly to authorize a union recognition and collective bargaining process for the Walters Art Museum, just as the General Assembly has done for other entities and local governments. Delegate Lewis' proposed legislation is based on similar processes that the legislature enacted for the Baltimore Police Department.

This process would require both the management of the Walters and the employees' union to abide by the results of an election overseen by a neutral third party, and then bargain in good faith if a majority of employees vote for a union. This is a process that is fair to all involved.

For the above reasons, I respectfully request a **favorable** report on HB 116.

Delegate Lewis - Written Testimony

Uploaded by: Delegate Lewis

Position: FAV

ROBBYN LEWIS
Legislative District 46
Baltimore City

Health and Government Operations
Committee



The Maryland House of Delegates
6 Bladen Street, Room 304
Annapolis, Maryland 21401
410-841-3772 · 301-858-3772
800-492-7122 Ext. 3772
Fax 410-841-3341 · 301-858-3341
Robbyn.Lewis@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Sponsor Testimony – HB 116

Trustees of the Walters Art Gallery - Collective Bargaining

Dear Chair Barnes and Honorable Members of the Appropriations Committee,

Thank you for allowing me to present House Bill 116. This bill will enable collective bargaining rights for the non-managerial and non-confidential employees at the Walters Art Gallery.

HB 116 amends Baltimore City’s Public Local Laws to provide collective bargaining rights and delegate authority to administer and enforce those rights to the City of Baltimore.

The Walters Art Gallery was created by City ordinance and an act of the General Assembly in 1933, when Henry Walters left his gallery and collection to the City of Baltimore. While a unique institution, it is a public institution that is under the Maryland Public Information Act. City funds are used to help pay employee salaries and benefits and the institution is under oversight of the Mayor and City Council.

Current gaps in the Maryland labor law do not define a process for their employees to gain union recognition.

Previous legislation passed by the General Assembly has assisted public workers in exercising their rights, such as legislation passed in 1982 with the Baltimore Police Department and in 2021 with the Baltimore County Public Library system.

I respectfully request a favorable report and thank you for your consideration.

Baltimore City House Delegation - Support

Uploaded by: Delegate Stephanie Smith

Position: FAV

Delegate Ben Barnes, Chair
Appropriations Committee
6 Bladen Street, Room 121
Annapolis, MD 21401

Dear Chairman Barnes:

The Baltimore City Delegation received and reviewed,
Trustees of the Walters Art Gallery - Collective Bargaining

The Baltimore City Delegation voted House Bill 116 favorable on Friday,
February 3, 2023.

Please see the attached voting tally sheet. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Stephanie M. Smith". The signature is written in a cursive style with a large initial 'S'.

Delegate Stephanie Smith, Chair
Baltimore City House Delegation

Baltimore City Delegation

Voting Sheet

Date: Friday, February 3, 2023

HB 0116- Trustees of the Walters Art Gallery - Collective Bargaining

Sponsored by: Delegate Robbyn Lewis

Motion: Favorable

DELEGATE	YES	NO	NO VOTE	ABSENT
Smith, Stephanie - Chair	x			
Addison, Jackie	x			
Amprey, Marlon	x			
Attar, Dalya	x			
Boyce, Regina	x			
Bridges, Tony	x			
Clippinger, Luke	x			
Conaway, Frank	x			
Edelson, Mark	x			
Embry, Elizabeth	x			
Lewis, Robbyn	x			
Rosenberg, Samuel	x			
Wells, Melissa	x			
Young, Caylin	x			

HB116_AFSCME3_FAV.pdf

Uploaded by: Denise Gilmore

Position: FAV



190 West Ostend St., #201
Baltimore, MD 21230
Phone: 410.547.1515
Fax: 410.837.5436

Patrick Moran - President

HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining POSITION: FAVORABLE

Collective Bargaining Rights are Fundamental

AFSCME Council 3 supports HB 116. The legislation enables collective bargaining rights for employees at the Walters Art Gallery. Article 23 of the Universal Human Rights Declaration adopted by the United Nations in 1948 affirms that collective bargaining rights are fundamental to human dignity. The security officers, maintenance workers, IT workers, curators, conservators, and marketing professionals who work at the Walters Art Gallery deserve to have dignity at work as well.

Why Legislation is Needed

While issues like pay disparities and a lack of promotional opportunities have been long-standing issues for the employees at the Walters Art Gallery, like many workers, the pandemic served as a catalyst to begin organizing for a union. Safety protocols were poorly communicated, and workers weren't given an opportunity to provide input. The final straw occurred when renovations were happening in the building that caused staff to be exposed to noxious gases that management did not protect workers from. Walters Workers United began organizing almost two years ago and in unprecedented fashion achieved overwhelming support from fellow employees in a short amount of time.

The Walters Art Gallery is a unique institution. It is owed by Baltimore City. It was created by an act of the General Assembly and by City ordinance in 1933 after Mr. Walters left his art gallery and property to the City. This makes them a public entity and public employer. City funds are used to help pay employee salaries and benefits and substantial oversight over the Walters Art Gallery is exercised by the Mayor and City Council. However, because of gaps in Maryland labor law, there is no process for these employees to gain union recognition and collective bargaining rights. Like legislation passed by the General Assembly in 1982 with the Baltimore Police Department, and then again in 2021 with the Baltimore County Public Library system, legislation must be passed to enable collective bargaining for these public workers and to create the framework to negotiate with the Walters Art Gallery.

For these reasons, we urge the committee to provide a favorable report on HB 116. Thank you.

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

Find us: afscmemd.org
Like us: facebook.com/AFSCMEMD
Follow/Tweet us: [@afscmemaryland](https://twitter.com/afscmemaryland)

HB 116 - Trustees of the Walters Art Gallery - Col

Uploaded by: Donna Edwards

Position: FAV



MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

7 School Street • Annapolis, Maryland 21401-2096

Balto. (410) 269-1940 • Fax (410) 280-2956

President

Donna S. Edwards

Secretary-Treasurer

Gerald W. Jackson

**HB 116 - Trustees of the Walters Art Gallery - Collective Bargaining
House Appropriations Committee
January 24, 2023**

SUPPORT

Donna S. Edwards

President

Maryland State and DC AFL-CIO

Chairmen and members of the Committee, thank you for the opportunity to submit testimony in support of HB 116 - Trustees of the Walters Art Gallery - Collective Bargaining. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland's 340,000 union members, I offer the following comments.

HB 116 is an affirmation of our State's values to encourage and empower workers to have a voice in discussing with employers their safety concerns, productivity, pay and benefits, and other working conditions. In our shared mission to leave no one behind, we must make sure that we grant collective bargaining rights to all public workers, no matter how big or small the institution is.

Fundamentally, this is enabling legislation. It does not mandate a union. It does not force any worker to join or oppose a union. It simply allows workers to decide, for themselves, what their path forward will be. The freedom to form and join a union is core to the U.N. Universal Declaration on Human Rights and is an "enabling" right—a fundamental right that ensures the ability to protect other rights.

HB 116 affords workers at the Walters Art Gallery the right to make their own decision as to whether they want to organize and form a union. The same right to self-determination has already been realized by other cultural workers around the State. Last July, workers at the Baltimore Museum of Art voted overwhelmingly to unionize.

Efforts to form a union at Walters Art Gallery have been delayed by the museum's assertion that they were a private entity and not subject to information requests. This forced the union to sue. The court found in favor of the union and declared that Walters Art Gallery is a public institution. With this new reality firmly established, it becomes the responsibility of the General Assembly to make sure these workers can move forward with forming their union.

For freedom and equity, we ask for a favorable report on HB 116.

BaltimoreCounty_FAV_HB0116.pdf

Uploaded by: Elisabeth Sachs

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

JENNIFER AIOSA
Director of Government Affairs

AMANDA KONTZ CARR
Legislative Officer

JOSHUA M. GREENBERG
Associate Director of Government Affairs

BILL NO.: **HB 116**

TITLE: Trustees of the Walters Art Gallery - Collective Bargaining

SPONSOR: Delegate R. Lewis

COMMITTEE: Appropriations

POSITION: **SUPPORT**

DATE: January 24, 2023

Baltimore County **SUPPORTS** House Bill 116 – Trustees of the Walters Art Gallery - Collective Bargaining. This legislation empowers employees of the Walters Art Gallery to establish a collective bargaining unit.

The Walters Art Gallery has long been an institution for residents throughout the Baltimore region and the State of Maryland. Each and every employee shares the solemn responsibility to preserve the culture and legacy of history’s venerated artists and take great care to maintain the quality of their works. This legislation serves as a milestone for those employees, and recognizes the critical role they play in this process. While there have been discussions between Walters Workers United (WWU) and management since 2020, it is clear that a legislative solution is necessary to bring the parties to the table to move this important process forward.

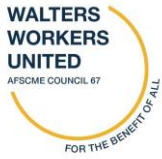
Unions are the backbone of a strong middle class and Baltimore County fully supports the right of employees to collectively bargain. As costs of living continue to rise sharply, it has never been more critical to ensure that working families are empowered to advocate for their needs with one voice. Since taking office, Baltimore County Executive Johnny Olszewski has supported collective bargaining rights for local library employees, community college employees, and Maryland Transit Administration staff. This is because when public institutions have a mechanism that fosters communication between employees and management, those institutions run more efficiently, effectively, and support their dedicated workers.

Accordingly, Baltimore County requests a **FAVORABLE** report on HB 116. For more information, please contact Jenn Aiosa, Director of Government Affairs at jaiosa@baltimorecountymd.gov.

HB116_WWUAFSCME_FAV.pdf

Uploaded by: Justin Sanders

Position: FAV



**HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining
Position: Support**

My name is Lex Reehill and I work in the Security department as a Monitor Room Officer. My colleagues and I manage alarm and fire systems, museum access, and emergency response. I have worked at the Walters Art Museum for over six years. I'm writing today to ask that you vote to support House Bill 116.

A wall-to-wall union is crucial for the betterment of the employees at the Walters. As security officers, it is our duty to protect the people and the artwork of the institution, but we do not get the same consideration. Security is often treated like an afterthought by museum management.

Earlier this year, the Walters announced a pay floor increase for staff to \$17/hour. This information was welcomed, but something was missing. The pay floor increase did not include an equitable increase for existing staff. After six years of working at the Walters, I make the same amount as someone who is hired in my department today. My specialized knowledge as a long-time employee and Monitor Room officer, who is cross trained to work in gallery spaces, is not reflected in my pay. It feels as though my dedication to the museum is not valued, despite being an essential worker required to work through blizzards and pandemics. My colleagues and I deserve equitable pay that is informed by our experience, and the additional duties we must perform.

Unionization will help us, as well as our colleagues in other departments, to get accountability and clarity for how the museum decides to move forward post-pandemic. Over time, I have seen many, many passionate and hard-working people leave due to dissatisfaction, mistreatment, and pay inequity. A union will give us our voice back. It will help advocate for those who have been consistently put aside. Our experience has value. A union will create the best Walters Art Museum.

During the COVID-19 shutdown, essential staff saw a consistent mishandling of safety procedures, sluggish response to acquiring PPE, and an absence of manager/director-level support when it was needed most. It was scary to come in every day and not know what you were bringing home to your loved ones. It was scary having a leadership team that seemed unconcerned with our well-being. I don't ever want us to go through that again. The Walters went weeks without communicating to all-staff about the risks associated with vapors even when multiple employees went home due to side effects. It took a large number of us coming together to send a letter for management before management took action, which makes me feel that my safety and my co-workers' safety is not a priority. This is exactly why we need a union at The Walters now. We need to be able to advocate and protect ourselves since it's clear they won't. Having a health and safety committee that we could negotiate in a union contract would be invaluable.

Thank you for supporting HB 116 which would give us collective bargaining rights at the Walters Art Museum.

Lex Reehill
2625 N. Calvert St. Apt 3
Baltimore, MD 21218



**HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining
Position: Support**

My name is Will Murray, and I am a proud member of Walters Workers United. I ask you to support House Bill 116. I've worked at the Walters Art Museum for 25 years in the maintenance department. I started as a maintenance technician in 1998 and was promoted to lead maintenance technician in 2003. I have built friendships and relationships, not just with my colleagues, but with artists, community members and frequent visitors. My co-workers refer to me as the "Mayor" at the Walters. I feel so valued by them. I have watched my friends and coworkers face reorganization after reorganization across many departments in the museum, as well as the complete dismantling of the education department. Looking into our workplace, you wouldn't guess that our two departments interact. But, in reality, our work relies on one another. I was looking at a couple of pictures I have from 5 years ago, everyone except for me and my other colleague in my department is gone from those photos- many of whom were terminated after working at the Walters for years.

The turnover at the Walters has meant there are fewer of us here to train and onboard new staff when the museum does have new hires. The recent raise to our pay is nice, but it happened solely at the museum's discretion- we have no way of knowing if we'll continue to receive regular raises or promotions and if the museum will continue to respond to our demands for better pay.

I love the Walters, but that doesn't mean things shouldn't be better, it doesn't make any of us less committed to the organization or our work. It means we care enough to say the hard things. It's time for someone to listen. These and other factors contribute to our desperate need for a union to bring about more favorable conditions going forward.

I'm urging you to support HB116. Having collective bargaining at the Walters will help us recruit and retain good staff. It will also serve as a way we can have a strong voice in our workplace.

William Murray
2226 Christian St.
Baltimore, MD 21223



HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining Position: Support

My name is Merle Davison, and I am a proud member of Walters Worker United. I ask you to support House Bill 116. I have worked at the Walters Art Museum for 3 years as a Gallery Officer.

Having the support of representation as a whole is incredibly important. During the earlier stages of COVID-19, after the museum decided to re-open, without frontline staff input regarding any part of that decision, it was also declared to us on the frontline that our “hazard-pay” would be discontinued. We expressed our disagreement with that decision and asked for clarification and transparency as to why it had been made. Clarity regarding the finances of the museum was not available to us until after that decision went into effect.

During the time leading up to the cessation of hazard-pay, upper-management also made the decision to call “hazard-pay” “appreciation-pay” instead. We, in security, also voiced a strong opposition to that term, citing the gaslighting nature of management trying to change the perception of why we were being paid more during that time, as well as trying to decrease the focus on the actual hazard we were facing each day.

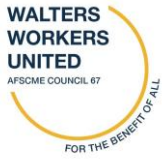
The museum email system was first used by me and then others, to voice concerns to decisions being made by museum management. At this point we were prohibited from sending emails to entire departments outside of security citing in the “Electronic Mail Policy,” that email “should not detrimentally impact employee productivity” and, apparently, upper management deemed our professional communications regarding our concerns about pay, our health and safety, and transparency from management as detrimental, even though the response from individuals in other departments was overwhelmingly supportive. Even now, a couple years later, strict parameters remain regarding communicating any concerns on a department-wide basis using our work email; multiple recipient emails are only allowed within our own department.

It’s worth noting that the museum has time and time again treated Gallery Officers and Monitor Room Officers differently than any other staff. You should know, we are consistently the most vulnerable staff at the museum. We are often treated as disposable and invisible. I should also mention that I am a Black woman. Most Walters staff are white. However, many of the front of house staff (security, retail, and maintenance) are people of color.

Having a union would significantly decrease management’s ability to intimidate and gaslight staff. Unionizing would support us all in obtaining, not only the pay equity we warrant, but the respect we deserve. This is why I’m asking that you support HB116. Having collective bargaining at the Walters will only make our institution a better place for everyone, one where we are not intimidated for speaking up.

Merle Davison

917 North Fulton Ave., #2
Baltimore, MD 21217



HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining Position: Support

My name is Gregory Bailey, I'm a Senior Object Conservator at the Walters Art Museum. I'm also on the organizing committee for Walters Workers United, AFSCME. The Walters is one of the great treasures of Baltimore, not only because of its extraordinary collection of artworks, but because of the dedicated, talented staff who care for these collections and help to tell their stories. We deserve collective bargaining rights and urge the General Assembly to correct this oversight so that we can move forward and have our union recognized. I'm asking that you support HB116.

The Walters has recently committed itself to a set of public goals to increase diversity, equity, accessibility, and inclusion. Many workers contributed to the development of these goals and are already working hard to achieve them. The final section of these goals, Build and Support a Dynamic Team, includes many items that are best addressed through collective bargaining and cooperation within a union structure. These include building "a team culture that is based on clarity, inclusivity, and accountability," "a new compensation strategy that is understood by staff and promotes pay equity," "professional development, leadership development, and mentorship programs," efforts to "diversify the staff and support diverse staff and perspectives," as well as "promote new ladders of opportunity in all areas of the museum." The most direct, inclusive, and transparent way to achieve these vital goals is through a single union representing all workers from across all departments in the museum so that we may work together to identify priorities for collective bargaining through a representative, democratic process.

We believe in the Walters Art Museum and support the incredible work of all our coworkers. Forming a wall-to-wall union will enable us to work together in the most efficient manner to achieve the museum's goals and support its mission to be a transformative force in the greater Baltimore area. Not only will this improve the Walters as an institution, but it will have enduring benefits for our families and our communities across Baltimore. Enabling collective bargaining rights for employees of the Walters Art Museum sends a strong message that Maryland supports the arts, supports its workers, and stands ready to move into a more equitable and inclusive future.

We ask that you support HB116 in both Appropriations and on the House floor. Thank you.

Gregory Bailey
8 W. Read St. Floor 1
Baltimore, MD 21201



**HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining
Position: Support**

My name is Garrett Stralnic. I'm a Gallery Officer at the Walters Art Museum. In my three years at the Walters, I have seen avenues for us to express ourselves shutdown by management.

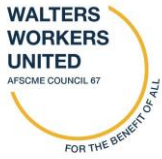
I have seen management turn off the chat function in zoom meetings for all staff meetings. In some meetings management has told us we can only ask questions if they are submitted in advance and approved. We have even lost the ability to send all-staff email when it was used by staff in different departments to express concerns about the loss of frontline staff's "appreciation pay" (hazard pay) during a height of the pandemic. This all-staff exchange via email was also followed by intimidating HR meetings with the director for most of the security staff who engaged in it.

When it comes to our pay, we are not brought into the room for any real conversations. In October 2021, they disbanded our DEAI joint working group in response to our unionizing. Museum leadership recently increased staff pay to \$18 an hour for security staff, as part of an effort to live into the Museum's values around DEAI. While this increase in pay is appreciated, it doesn't reflect our years of commitment to the Walters.

Our voices were initially lost when it came to our health and safety. As individuals, we raised concerns about vapors resulting from planned roof work at the Walters from the day it began and for weeks as multiple employees (myself included) had to leave work due to side effects. In fact, one of my coworkers went home with side effects on two separate days. It wasn't until a few weeks into roof work that we sent a letter signed by over half of the staff demanding effective safety precautions be taken to protect us. I do not believe we would have seen certain recent pay increases without our collective actions and it is quite clear that my coworkers would have had to continue working in a space that could make them physically ill without collective action. We have seen the Walters change some of their practices around our health and safety. Those practices can be directly attributed to us organizing and standing together to protect each other and the public. Having a health and safety committee through a union contract would be a tangible step in making our workplace safer.

This is why collective bargaining is crucial for the amazing and hardworking staff at the Walters. Please support HB116 in both the appropriations committee and on the house floor.

Garrett Stralnic
305 Wyman Park Drive
Baltimore, MD 21211



**HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining
Position: Support**

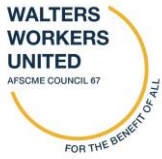
My name is Angie Elliott, and I am a member of Walters Workers United. I am Head of Objects Conservation at the Walters Art Museum and have worked there for close to 10 years. I'm excited to ask for your support on HB 116.

Growing up, I was surrounded by family and community who were union members. I know that the reason we had such a stable environment as a working-class family was because my dad was a unionized steelworker. The benefits and pay directly associated with their union contracts supported our family and supported me as a first-generation college student. I'm so proud of the work my family does and want that same respect and voice for those of us who have chosen to work at the Walters.

Until recently, in the museum industry, there's a lack of transparency around many aspects of our work and compensation. Though I was thrilled by the museum's recent decision to raise pay across all levels of staff, I feel strongly that this was at least in part a result of our organizing efforts as a union. I also know that these increases aren't protected by a contract. I support forming a union so we can bring more transparency to our day to day lives. It was encouraging to see the recent lawsuit decision that the Walters is considered an instrumentality of government and is subject to public information requests.

I hope that you will support HB116 so that employees at the Walters Art Museum can gain collective bargaining rights. We are passionate about what we do and excited to move forward.

Angie Elliott
3129 Keswick Road
Baltimore, MD 21211



**HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining
Position: Support**

My name is Anna Clarkson, and I am a member of Walters Workers United. I'm the librarian/archivist at the museum. I'm writing to ask that you support House Bill 116. I've worked at the Walters Art Museum for almost five years, and I am so proud to work at the museum, a world-class institution that provides valuable artistic, historic, and cultural resources to the City of Baltimore and beyond. A world-class institution should treat its employees in a way that reflects that same standard of excellence and care.

The Walters Art Museum workers need a contract and a protected voice at work. Collective bargaining is about our most basic rights as workers and our ability to negotiate over the conditions of our work. We need basic bargaining rights at the Walters so that we can ensure that the people who work here are treated fairly and equitably. Through collective bargaining we will work to strengthen the institution and further its mission. Expanding our rights is good for workers, the museum, the public, the City, and the State.

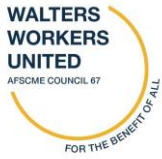
I am asking you to vote to support HB116 both in this committee and in the House. This legislation would close an oversight in Maryland collective bargaining law and ensure that all of us working here at the Walters who serve the people of Baltimore and visitors from across the state of Maryland can enjoy our basic bargaining rights at work.

Anna Clarkson
4406 Long Green Rd.
Glen Arm, MD 21057

HB116_WWUAFSCME_FAV.pdf

Uploaded by: Karen French

Position: FAV



**HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining
Position: Support**

My name is Lex Reehill and I work in the Security department as a Monitor Room Officer. My colleagues and I manage alarm and fire systems, museum access, and emergency response. I have worked at the Walters Art Museum for over six years. I'm writing today to ask that you vote to support House Bill 116.

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Thank you for supporting HB 116 which would give us collective bargaining rights at the Walters Art Museum.

Lex Reehill
2625 N. Calvert St. Apt 3
Baltimore, MD 21218



**HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining
Position: Support**

My name is Will Murray, and I am a proud member of Walters Workers United. I ask you to support House Bill 116. I've worked at the Walters Art Museum for 25 years in the maintenance department. I started as a maintenance technician in 1998 and was promoted to lead maintenance technician in 2003. I have built friendships and relationships, not just with my colleagues, but with artists, community members and frequent visitors. My co-workers refer to me as the "Mayor" at the Walters. I feel so valued by them. I have watched my friends and coworkers face reorganization after reorganization across many departments in the museum, as well as the complete dismantling of the education department. Looking into our workplace, you wouldn't guess that our two departments interact. But, in reality, our work relies on one another. I was looking at a couple of pictures I have from 5 years ago, everyone except for me and my other colleague in my department is gone from those photos- many of whom were terminated after working at the Walters for years.

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I love the Walters, but that doesn't mean things shouldn't be better, it doesn't make any of us less committed to the organization or our work. It means we care enough to say the hard things. It's time for someone to listen. These and other factors contribute to our desperate need for a union to bring about more favorable conditions going forward.

I'm urging you to support HB116. Having collective bargaining at the Walters will help us recruit and retain good staff. It will also serve as a way we can have a strong voice in our workplace.

William Murray
2226 Christian St.
Baltimore, MD 21223



HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining Position: Support

My name is Merle Davison, and I am a proud member of Walters Worker United. I ask you to support House Bill 116. I have worked at the Walters Art Museum for 3 years as a Gallery Officer.

Having the support of representation as a whole is incredibly important. During the earlier stages of COVID-19, after the museum decided to re-open, without frontline staff input regarding any part of that decision, it was also declared to us on the frontline that our “hazard-pay” would be discontinued. We expressed our disagreement with that decision and asked for clarification and transparency as to why it had been made. Clarity regarding the finances of the museum was not available to us until after that decision went into effect.

During the time leading up to the cessation of hazard-pay, upper-management also made the decision to call “hazard-pay” “appreciation-pay” instead. We, in security, also voiced a strong opposition to that term, citing the gaslighting nature of management trying to change the perception of why we were being paid more during that time, as well as trying to decrease the focus on the actual hazard we were facing each day.

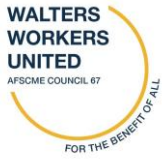
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It’s worth noting that the museum has time and time again treated Gallery Officers and Monitor Room Officers differently than any other staff. You should know, we are consistently the most vulnerable staff at the museum. We are often treated as disposable and invisible. I should also mention that I am a Black woman. Most Walters staff are white. However, many of the front of house staff (security, retail, and maintenance) are people of color.

Having a union would significantly decrease management’s ability to intimidate and gaslight staff. Unionizing would support us all in obtaining, not only the pay equity we warrant, but the respect we deserve. This is why I’m asking that you support HB116. Having collective bargaining at the Walters will only make our institution a better place for everyone, one where we are not intimidated for speaking up.

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917 North Fulton Ave., #2
Baltimore, MD 21217



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We believe in the Walters Art Museum and support the incredible work of all our coworkers. Forming a wall-to-wall union will enable us to work together in the most efficient manner to achieve the museum's goals and support its mission to be a transformative force in the greater Baltimore area. Not only will this improve the Walters as an institution, but it will have enduring benefits for our families and our communities across Baltimore. Enabling collective bargaining rights for employees of the Walters Art Museum sends a strong message that Maryland supports the arts, supports its workers, and stands ready to move into a more equitable and inclusive future.

We ask that you support HB116 in both Appropriations and on the House floor. Thank you.

Gregory Bailey
8 W. Read St. Floor 1
Baltimore, MD 21201



**HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining
Position: Support**

My name is Garrett Stralnic. I'm a Gallery Officer at the Walters Art Museum. In my three years at the Walters, I have seen avenues for us to express ourselves shutdown by management.

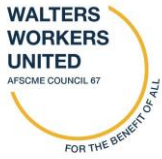
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When it comes to our pay, we are not brought into the room for any real conversations. In October 2021, they disbanded our DEAI joint working group in response to our unionizing. Museum leadership recently increased staff pay to \$18 an hour for security staff, as part of an effort to live into the Museum's values around DEAI. While this increase in pay is appreciated, it doesn't reflect our years of commitment to the Walters.

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This is why collective bargaining is crucial for the amazing and hardworking staff at the Walters. Please support HB116 in both the appropriations committee and on the house floor.

Garrett Stralnic
305 Wyman Park Drive
Baltimore, MD 21211



**HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining
Position: Support**

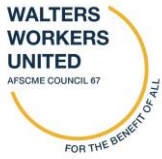
My name is Angie Elliott, and I am a member of Walters Workers United. I am Head of Objects Conservation at the Walters Art Museum and have worked there for close to 10 years. I'm excited to ask for your support on HB 116.

Growing up, I was surrounded by family and community who were union members. I know that the reason we had such a stable environment as a working-class family was because my dad was a unionized steelworker. The benefits and pay directly associated with their union contracts supported our family and supported me as a first-generation college student. I'm so proud of the work my family does and want that same respect and voice for those of us who have chosen to work at the Walters.

Until recently, in the museum industry, there's a lack of transparency around many aspects of our work and compensation. Though I was thrilled by the museum's recent decision to raise pay across all levels of staff, I feel strongly that this was at least in part a result of our organizing efforts as a union. I also know that these increases aren't protected by a contract. I support forming a union so we can bring more transparency to our day to day lives. It was encouraging to see the recent lawsuit decision that the Walters is considered an instrumentality of government and is subject to public information requests.

I hope that you will support HB116 so that employees at the Walters Art Museum can gain collective bargaining rights. We are passionate about what we do and excited to move forward.

Angie Elliott
3129 Keswick Road
Baltimore, MD 21211



**HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining
Position: Support**

My name is Anna Clarkson, and I am a member of Walters Workers United. I'm the librarian/archivist at the museum. I'm writing to ask that you support House Bill 116. I've worked at the Walters Art Museum for almost five years, and I am so proud to work at the museum, a world-class institution that provides valuable artistic, historic, and cultural resources to the City of Baltimore and beyond. A world-class institution should treat its employees in a way that reflects that same standard of excellence and care.

The Walters Art Museum workers need a contract and a protected voice at work. Collective bargaining is about our most basic rights as workers and our ability to negotiate over the conditions of our work. We need basic bargaining rights at the Walters so that we can ensure that the people who work here are treated fairly and equitably. Through collective bargaining we will work to strengthen the institution and further its mission. Expanding our rights is good for workers, the museum, the public, the City, and the State.

I am asking you to vote to support HB116 both in this committee and in the House. This legislation would close an oversight in Maryland collective bargaining law and ensure that all of us working here at the Walters who serve the people of Baltimore and visitors from across the state of Maryland can enjoy our basic bargaining rights at work.

Anna Clarkson
4406 Long Green Rd.
Glen Arm, MD 21057

HB0116_Favorable_RW.pdf

Uploaded by: Ruby Waldo

Position: FAV

HB0116

Appropriations Committee

Favorable, Written Testimony by **Ruby Waldo**

Walters Workers United, AFSCME Community Support

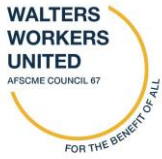
Having grown up in Baltimore, I've experienced the museum's gravitational pull nearly all my life. The Walters is a vital resource in Baltimore City. It's a place for practicing close attention and experiencing wonder. I can only imagine what such a place might feel like if its workers were treated with compassion and dignity. As a former employee, I felt passionate about unionizing, when I thought about the relationships that me and my coworkers had built with youth and families over the years. For five years, I felt devoted to the dependable programming that had become a weekend ritual for many families across the city. But, it is incredibly difficult to do this work when the atmosphere is confusing and precarious, and at times, scary. At the end of last summer, I stepped away from the museum exhausted from the utter lack of honest communication, fair compensation, and respect for workers.

The WWU campaign is centered around the need for pay equity, job security, increased health and safety, and having a voice in the making of decisions that directly affect workers. It has been well over a year since that supermajority of workers signed union cards and sought recognition and yet this remains an urgent matter. Time and time again, workers have tried to call upon leadership but repeated requests for conversation have been denied. Museum management has refused to even meet with workers to discuss a process to move forward cooperatively. Workers came together to form a union because they want to uplift their collective voices and make the Walters a better place. Because of museum leadership's opposition to a fair union election, workers need this state legislation to ensure collective bargaining rights.

HB116_WWUAFSCME_FAV.pdf

Uploaded by: Will Hays

Position: FAV



**HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining
Position: Support**

My name is Lex Reehill and I work in the Security department as a Monitor Room Officer. My colleagues and I manage alarm and fire systems, museum access, and emergency response. I have worked at the Walters Art Museum for over six years. I'm writing today to ask that you vote to support House Bill 116.

A wall-to-wall union is crucial for the betterment of the employees at the Walters. As security officers, it is our duty to protect the people and the artwork of the institution, but we do not get the same consideration. Security is often treated like an afterthought by museum management.

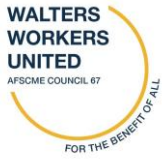
Earlier this year, the Walters announced a pay floor increase for staff to \$17/hour. This information was welcomed, but something was missing. The pay floor increase did not include an equitable increase for existing staff. After six years of working at the Walters, I make the same amount as someone who is hired in my department today. My specialized knowledge as a long-time employee and Monitor Room officer, who is cross trained to work in gallery spaces, is not reflected in my pay. It feels as though my dedication to the museum is not valued, despite being an essential worker required to work through blizzards and pandemics. My colleagues and I deserve equitable pay that is informed by our experience, and the additional duties we must perform.

Unionization will help us, as well as our colleagues in other departments, to get accountability and clarity for how the museum decides to move forward post-pandemic. Over time, I have seen many, many passionate and hard-working people leave due to dissatisfaction, mistreatment, and pay inequity. A union will give us our voice back. It will help advocate for those who have been consistently put aside. Our experience has value. A union will create the best Walters Art Museum.

During the COVID-19 shutdown, essential staff saw a consistent mishandling of safety procedures, sluggish response to acquiring PPE, and an absence of manager/director-level support when it was needed most. It was scary to come in every day and not know what you were bringing home to your loved ones. It was scary having a leadership team that seemed unconcerned with our well-being. I don't ever want us to go through that again. The Walters went weeks without communicating to all-staff about the risks associated with vapors even when multiple employees went home due to side effects. It took a large number of us coming together to send a letter for management before management took action, which makes me feel that my safety and my co-workers' safety is not a priority. This is exactly why we need a union at The Walters now. We need to be able to advocate and protect ourselves since it's clear they won't. Having a health and safety committee that we could negotiate in a union contract would be invaluable.

Thank you for supporting HB 116 which would give us collective bargaining rights at the Walters Art Museum.

Lex Reehill
2625 N. Calvert St. Apt 3
Baltimore, MD 21218



**HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining
Position: Support**

My name is Will Murray, and I am a proud member of Walters Workers United. I ask you to support House Bill 116. I've worked at the Walters Art Museum for 25 years in the maintenance department. I started as a maintenance technician in 1998 and was promoted to lead maintenance technician in 2003. I have built friendships and relationships, not just with my colleagues, but with artists, community members and frequent visitors. My co-workers refer to me as the "Mayor" at the Walters. I feel so valued by them. I have watched my friends and coworkers face reorganization after reorganization across many departments in the museum, as well as the complete dismantling of the education department. Looking into our workplace, you wouldn't guess that our two departments interact. But, in reality, our work relies on one another. I was looking at a couple of pictures I have from 5 years ago, everyone except for me and my other colleague in my department is gone from those photos- many of whom were terminated after working at the Walters for years.

The turnover at the Walters has meant there are fewer of us here to train and onboard new staff when the museum does have new hires. The recent raise to our pay is nice, but it happened solely at the museum's discretion- we have no way of knowing if we'll continue to receive regular raises or promotions and if the museum will continue to respond to our demands for better pay.

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I'm urging you to support HB116. Having collective bargaining at the Walters will help us recruit and retain good staff. It will also serve as a way we can have a strong voice in our workplace.

William Murray
2226 Christian St.
Baltimore, MD 21223



HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining Position: Support

My name is Merle Davison, and I am a proud member of Walters Worker United. I ask you to support House Bill 116. I have worked at the Walters Art Museum for 3 years as a Gallery Officer.

Having the support of representation as a whole is incredibly important. During the earlier stages of COVID-19, after the museum decided to re-open, without frontline staff input regarding any part of that decision, it was also declared to us on the frontline that our “hazard-pay” would be discontinued. We expressed our disagreement with that decision and asked for clarification and transparency as to why it had been made. Clarity regarding the finances of the museum was not available to us until after that decision went into effect.

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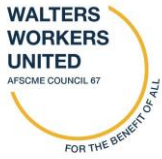
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917 North Fulton Ave., #2
Baltimore, MD 21217



HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining Position: Support

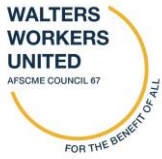
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Gregory Bailey
8 W. Read St. Floor 1
Baltimore, MD 21201



**HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining
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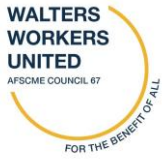
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305 Wyman Park Drive
Baltimore, MD 21211



**HB 116 – Trustees of the Walters Art Gallery – Collective Bargaining
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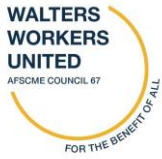
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Angie Elliott
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Baltimore, MD 21211



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Anna Clarkson
4406 Long Green Rd.
Glen Arm, MD 21057

HB116 Written Testimony Guy Flynn.pdf

Uploaded by: Guy Flynn

Position: UNF



Appropriations Committee
Hearing: Tuesday, January 24, 2023, 1:00 pm

Dear Chair Barnes and Members of the Appropriations Committee,

As the President of the Board of Trustees of the Walters Art Gallery, Inc., I urge you to review this testimony, respectfully submitted, and to reject House Bill 116, “Trustees of the Walters Art Gallery - Collective Bargaining,” filed by Delegate Robbyn Lewis. From my perspective, it fails—in two separate but equally important ways—because of the vague language used in declaring “the museum is a unit and instrumentality of the state and the city.”

The trustees of a nonprofit organization are responsible for governance of the organization; in this case, we are the fiduciaries for the assets of the self-perpetuating entity known as Trustees of the Walters Art Gallery, Inc. Our role is not to make day-to-day management decisions such as those that relate to labor relations issues—these decisions fall to our director, Julia Marciari-Alexander, and her senior leadership team. Rather our role is to provide oversight of her work, and ensure the financial and operational health of the organization and to safeguard its resources.

Thus **the vague language of the bill** is immediately a problem as a fiduciary concern for the Trustees. Were the Maryland General Assembly to pass a bill declaring that “the museum is a unit and instrumentality of the state and the city,” this language could be construed as a government taking of the privately-owned assets of the Trustees without due process, which would **violate the Takings Clauses of the 5th and 14th Amendments of the U.S. Constitution, as well as Section 40 of the Maryland Constitution.**

Members of the Committee may not be aware that while the museum operates in five buildings in Baltimore, only three of those buildings are owned by the City of Baltimore; the other two (which comprise the majority of the total square footage) are private property, owned by the Trustees of the Walters Art Gallery, Inc. Of the museum’s extensive collections, while two thirds are derived from Henry Walters’ original bequest to the City of Baltimore, one third are private property that have been subsequently acquired by the Trustees of the Walters Art Gallery, Inc., either through purchase or gift. And the museum has two endowments that provide essential operating support to the museum: one endowment is comprised of the ongoing investments given by Henry Walters’ bequest to the City of Baltimore; the other, which is more than twice as large, consists of funds privately raised and managed by the Trustees of the Walters Art Gallery, Inc., as fiduciaries of the museum, which is, again, private property.

A law that simply declares a private entity to be a unit and instrumentality of the State and City is exceptionally—and likely unconstitutionally—vague. Such designation is interpreted differently and has different meanings under a variety of state and federal laws (e.g., Internal Revenue Code, Maryland Public Information Act, National Labor Relations Act). The failure of HB 116 to provide any more detail demonstrates that it has carelessly left itself open to the interpretation that it is intended to constitute an unlawful declaration that the non-City-owned assets of the museum will, by fiat, become the property of the City or the State.

Such a declaration would almost certainly require legal action from the Trustees as the museum's fiduciaries to protect the museum's private property from an unlawful government taking. To state the obvious, triggering such legal action would in no way advance what we understand to be the core purpose of HB 116: supporting employee efforts to form a union at the Walters Art Museum, which, again, the museum respects. Instead, it would entangle the museum, the State of Maryland, and potentially the City of Baltimore, in an unnecessary legal dispute.

At the same time, the bill's failure to define the term "unit and instrumentality of the State and the City" also **immediately raises concerns because of the Supremacy Clause of the U.S. Constitution, under which federal law preempts state law.** In this case, the preamble of HB 116 makes clear that its purpose relates to union organizing. However, the vagueness of HB 116, alluded to above, cannot be cured by declaring the museum a unit or instrumentality of the State and City for purposes of labor relations.

The State of Maryland lacks the authority to do so because the authority to make that determination rests exclusively with the federal government. In the seminal Supreme Court case, *NLRB v. Nat. Gas Util. Dist. of Hawkins County*, the Supreme Court affirmed that, "Federal, rather than state, law governs the determination, under §2(2) [of the National Labor Relations Act], whether an entity created under state law is a 'political subdivision' of the State, and therefore not an 'employer' subject to the [National Labor Relations] Act." The issue of the scope of jurisdiction of the National Labor Relations Board (NLRB) rests exclusively with the NLRB and federal courts rather than state legislatures. Furthermore, the *Maryland Legislator's Handbook, Volume I* (2022) acknowledges (page 12) that "[u]nder the principle of enumerated powers in the federal system, certain powers have been delegated to the national government by the U.S. Constitution. State legislatures may not adopt laws that conflict with this delegation of sovereignty."

In other words, the General Assembly has no role to play in the determination of, and no authority to declare, whether an entity is or is not a unit or instrumentality of a city, county, or state government for purposes of labor relations. Under the test mandated by the Supreme Court and consistently applied by the NLRB, the Walters Art Museum is unquestionably within the jurisdiction of the NLRB: the Walters was *created* by the bequest of Henry Walters and *gifted* to the City of Baltimore, and the Board of Trustees is *self-appointing* and *self-perpetuating* rather than being *responsible to any public officials or the general electorate*, and neither the State nor City have significant operating or budgeting control over the museum.

Then there is the fact that HB 116 **violates existing Section 33 of the Maryland Constitution**, which prohibits the General Assembly from passing a "Special Law," for any case, for which provision has been made, by an existing General Law. In this case, HB 116 constitutes a Special Law under every single factor considered by the Maryland Supreme Court because (1) it is clearly intended to benefit a small group of individuals (non-supervisory employees of the Walters Art Museum, and perhaps even a smaller group of fewer than twenty security guards who would not be certified in the same group as non-guards under the applicable federal law) rather than an entire class and no other individuals or entities could benefit from the Bill; (2) both the Trustees of the Walters Art Gallery, Inc. and the employees of the museum are specifically named in HB 116; (3) the effect of HB 116 would be to bestow a benefit and burden upon the named parties; (4) the individuals receiving special advantages sought them from the

Legislature; (5) the public does not benefit because the museum employees already have the right to unionize and the law would greatly diminish the museum's ability to serve the public, as it is required by law to do; and (6) HB 116 is arbitrary and lacks a reasonable basis other than to offer special benefits to a select few individuals because there is no State problem that it solves.

Finally, I want to state plainly that there is nothing preventing Walters employees who wish to form a union from taking the steps necessary to do so. The museum's director has been consistent and clear about this and we, the Trustees, agree with and support the museum's employees' rights to consider forming a union. Recognizing that many members of this body share our belief in and respect for the rights of workers everywhere to form unions and negotiate collectively for their welfare, we understand the human motivations behind HB 116.

However, for all of the reasons outlined above, we urge this Committee not to support this bill, which will not accomplish the goal of supporting unionization at the Walters Art Museum. Instead, we believe this bill sends the wrong message in nearly every way—while also risking a potentially embarrassing (and unnecessary) instance of federal intervention to assert jurisdiction.

Guy E. Flynn
President, Board of Trustees
The Walters Art Museum

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Uploaded by: James DeGraffenreidt, Jr.

Position: UNF

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
JAMES L. SHEA, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

September 27, 2021

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 21-0050R – Informational Hearing – Museum Workers’
Right to Organize

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0050R for form and legal sufficiency. This resolution is for the purpose of inviting representatives from Baltimore City Department of Human Resources, the Law Department and others to discuss labor relations issues concerning the Walters Art Gallery.

In 1933, the Board of Trustees of the Walters Art Gallery (the “Board”) was incorporated by state law pursuant to the testamentary gift of Mr. Henry Walters. 1933 Md. Laws, ch. 217. That state law gave the Board “full and exclusive power to appoint a director for the Walters Art Gallery, and to appoint or provide for the appointment of such curators, assistances and other employees as may be advisable.” It provided that the “Board shall, generally, have all the powers with respect to the affairs of said corporation which are conferred by the Public General Laws of Maryland upon the directors or managing bodies of Maryland Corporations.” The City adopted what is now Subtitle 14 of Article 18 of the City Code to accept of the testamentary gift and reiterate that the Walters “Trustees have the powers and duties provided in Chapter 217, Laws of Maryland 1933, and this section.” City Charter, Art. 18, § 14-8(a). The City Code Sections do not, nor could they, conflict with the state law. Md. Constitution, Art. 11-A, Sect. 3.

Past solicitor opinions have explained that the Walters is not akin to other agencies of the Mayor and City Council of Baltimore because it “does not possess those attributes which our courts have held are necessary to the make-up of a public corporation,” most importantly because it is not sufficiently subject to government “control, regulation and direction.” 59 Op. City Sol. 372, 376 (1967) (referencing 54 Op. City Sol. 296 (1962)). The City has more control over the Baltimore Museum of Art, Enoch Pratt Free Library and the former Municipal Museum than it does over the Walters. 59 Op. City Sol. at 377. “The employment practices and policies of the Walters are in no wise affected by the Civil Service provisions of the City Charter. This is true with respect to the selection, appointment, promotion and tenure of all employees.” *Id.*

Although starting in 1958 the City paid the “employers’ share of Social Security, health insurance and pension costs,” the “main source of the Walters’ fund is from the endowment established by Henry Walters, gifts, grants, membership dues, and proceeds of Gallery activities.” *Id.* “The ordinance which created a retirement system for the employees of Walters set up the system as a special one which shows that the employees of Walters were not employees of the City.” *Id.* (citing Baltimore City Code, Sections 3 and 15 (1966 ed.)). The City only had the ability to create this special pension system for the Walters’ employees by authority granted by the Maryland General Assembly. City Charter, Art. II, § (24); *Kimball-Tyler Co. v. Baltimore*, 214 Md. 86, 94 (1957) (Article II of the City Charter is state law that can only be changed by the General Assembly); 87 Op. Atty Gen. Md. 187, 191, n. 8 (2002).

The City Solicitor reiterated in a later opinion that “concerning the question of whether the Walters Art Gallery is an agency of the City within the meaning of the City Charter provisions requiring competitive bidding of city contracts, after a detailed analysis and discussion of the history of the Walters Art Gallery and its relationship to the Mayor and City Council of Baltimore, concluded that the ‘Waters Art Gallery is not an agency of Baltimore City within the meaning of the City Charter.’” 61 Op. City Sol. 251, 253 (1969) (citations omitted).

The Law Department cannot advise the Board or the museum employees concerning their labor relations. City Charter, Art. VII, § 24; 82 Md. Op. Att’y Gen. 15 (1997) (a government lawyer “does not have an attorney-client relationship with members of the public, for they are neither the corporate entity that is the client nor agents of the county authorized by law to act on its behalf.”); Md. Rule 19-301.

However, a resolution is an appropriate way for the City Council of Baltimore to conduct an informational hearing. *See, e.g., Inlet Assocs. v. Assateague House Condominium*, 313 Md. 413, 428 (1988). Therefore, the Law Department approves this Resolution for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Ashlea Brown, Chief Solicitor
Victor Tervalá, Chief Solicitor

HB116 Written testimony Andre Davis.pdf

Uploaded by: James DeGraffenreidt, Jr.

Position: UNF

Appropriations Committee
Hearing: Tuesday, January 24, 2023, 1pm

Dear Chair Barnes and Members of the Appropriations Committee,

I submit this letter as a Trustee of the Walters Art Museum, but also as the former City Solicitor for the City of Baltimore, and a former United States Circuit Judge of the United States Court of Appeals for the Fourth Circuit. It is my hope that you will reconsider the need for House Bill 116, “Trustees of the Walters Art Gallery - Collective Bargaining,” filed by Delegate Robbyn Lewis.

There are some “facts,” loosely defined, that people use to talk about the Walters. For instance, some people think the museum was “created” by the City of Baltimore, or that it is “owned” by the City of Baltimore. But these “facts” elide crucial detail that is relevant to the issues posed by HB 116. The Walters was *created* by the bequest of Henry Walters to the City of Baltimore. While the City therefore owns the portions of the museum that were part of Henry Walters’ bequest, it does not own the significant assets—one third of the collection, two-fifths of the buildings, and a major endowment fund—that were assembled separately from the bequest by the Trustees of the Walters Art Gallery, Inc.

Even more relevant for the issues at hand in HB 116: **the employees of the Walters Art Museum are not Baltimore City employees.** This has been affirmed by repeated statements from the City Solicitor’s office over several decades, including as recently as October 2021. Nor are the museum’s employees paid by the City, directly or indirectly.

Yet HB 116 seems to be an effort to convert the museum’s employees into City employees for **the benefit of a desired labor outcome—but with none of the attendant responsibilities of being an employer.** Among other concerns, the bill does not provide funds for employee salaries, nor does it address how the Walters should compensate employees when there is a distinction between the museum’s higher wage scale versus the City’s lower scale. The bill also does not add the museum’s employees back into the City’s pension plan. And the bill does not address how labor disputes would be resolved: would the Trustees retain liability for issues that might arise, or does the museum now enjoy the kind of legal services and protections available to municipal agencies through the City Solicitor’s office?

Additionally, this law suffers from several Constitutional infirmities:

1. HB 116 is so vague, and perhaps unconstitutionally so, that it could be misconstrued as a taking of private property in violation of the U.S. and Maryland Constitutions.
2. HB 116 constitutes a Special Law, prohibited by the Maryland Constitution, because it is designed to confer a benefit upon a small group of individuals specifically named in the Bill.
3. The General Assembly lacks the authority to carve the Walters Art Museum out of the jurisdiction of the National Labor Relations Board, and HB 116 is preempted by the National Labor Relations Act under the Supremacy Clause of the U.S. Constitution.

I deeply appreciate Delegate Lewis’ desire to support a group of employees who wish to form a union. But there are several pathways that exist for this purpose—and the leadership of the Walters is not blocking employees from moving forward. HB 116, on the other hand, creates more problems than it can possibly solve, and I urge the Committee to reject the bill.

Judge Andre M. Davis (ret.)
Vice President, Board of Trustees
The Walters Art Museum

HB116 written testimony Betsey Todd.pdf

Uploaded by: James DeGraffenreidt, Jr.

Position: UNF

Appropriations Committee
Hearing: Tuesday, January 24, 2023, 1pm

Dear Chair Barnes and Members of the Appropriations Committee,

I am writing to ask you to reject House Bill 116, "Trustees of the Walters Art Gallery - Collective Bargaining," filed by Delegate Robbyn Lewis.

As the chair of the Board's Development Committee, my particular focus is on the potential and likely impact that the overly broad and vague language of HB 116 will have on our work raising private funds to support the Walters' operations now and in the future. **More than 75% of the museum's annual operating budget comes through private philanthropy:** funds raised each year, and funds contributed to our operating endowment.

Yet the bill that Delegate Lewis has put forward redefines the Walters as "a unit and instrumentality of the state and the city," without addressing the future source of the museum's operating funds. **Am I to assume that the 75% of our budget that the Trustees help to raise each year will now be allocated for by the City's and the State's respective budget processes?** Similarly, HB 116 risks jeopardizing the relationship-building work that the museum has done with the wider community, which is so integral to fundraising and audience development.

Many members of the Maryland General Assembly are themselves involved with and privately supportive of any number of nonprofit organizations in this state. Therefore you may know that the fundraising landscape can be competitive—and that an organization's clarity of mission and operating structure is essential to the process of securing major gifts. **No donor wants to give to an entity that may not use their funds as intended, or one that has its funds seized by the government.**

On the subject of labor relations, HB 116 is not necessary. Nothing is standing in the way of the museum's employees taking any number of different procedural steps to get to a vote on whether to form a union. But it would be both upsetting and deeply ironic if, in passing Delegate Lewis' bill, the General Assembly ends up demolishing the very jobs it is aiming to help through this odd piece of legislation that would gut the private sector's support for the museum, which would have significant ramifications for its budget—and its employees.

Please reconsider advancing this bill.

Betsey L. B. Todd, Chair, Development Committee
Board of Trustees, The Walters Art Museum

HB116 written testimony Elke Durden.pdf

Uploaded by: James DeGraffenreidt, Jr.

Position: UNF

Appropriations Committee
Hearing: Tuesday, January 24, 2023, 1pm

Dear Chair Barnes and Members of the Appropriations Committee,

As a Trustee of the Walters Art Museum, I hope you will reject House Bill 116, “Trustees of the Walters Art Gallery - Collective Bargaining,” filed by Delegate Robbyn Lewis.

Recognizing my role as a Trustee—which is focused on governance, not on management of the museum—I nonetheless believe that the museum’s management has been very clear—and very public—in stating that it respects its employees' rights to consider forming a union. Management has been equally clear in calling on those employees who seek to form a union to take some step to do so.

But does the fact that these employees have not taken any actions—from filing a petition, to proposing a third-party election agreement—merit action by the Maryland General Assembly?

It does not. **HB 116 is unnecessary because multiple pathways already exist for employees who wish to form a union to advance the process and get to a vote.**

It furthermore feels like HB 116 is targeting the Walters. **But targeting a single institution with a single bill seems to me like bad public policy.** Not only is it unnecessary, and not only will it run into legal resistance from the Trustees—because the vague language of the bill encroaches on our fiduciary obligations—but it sends a terrible signal to every other organization and every other potential start-up that, if you approach an issue in a manner that a delegate to this body does not like, you too could be the target of a special bill aimed only at you. Surely that is not the message Delegate Lewis intends to send about Maryland as a place in which people should seek to do business. Please, I urge you to reject this bill.

Elke Durden
Vice President, Board of Trustees
The Walters Art Museum

HB116 written testimony James DeGraffenreidt.pdf

Uploaded by: James DeGraffenreidt, Jr.

Position: UNF

Appropriations Committee
Hearing: Tuesday, January 24, 2023, 1:00 pm

Dear Chair Barnes and Members of the Appropriations Committee,

It is with a sense of urgency and a concern for both the Walters Art Museum and the State of Maryland that I submit this letter urging the Appropriations Committee to reject House Bill 116, “Trustees of the Walters Art Gallery - Collective Bargaining,” filed by Delegate Robbyn Lewis.

As the past-President and current Chair of the Trustees of the Walters Art Gallery, I have seen firsthand the challenges of fundraising for the museum but also the successes. During my involvement with the museum we have continued to build its collection, grow its endowment, invest in maintaining its public and back-of-house facilities, and—most recently—continue our investments in our employees through another round of **salary and wage increases, averaging 13%** across the institution.

These many investments in physical and human capital are made possible by private philanthropy: donations that come from people in our community who believe the Walters Art Museum matters, and who recognize that **only 22% of its annual operating costs are covered by public sources** such as the City of Baltimore or the State of Maryland. In fact, these contributions are often predicated on the fundamental independence that the Trustees of the Walters Art Gallery, Inc. has from civic and political control: they *trust* the Trustees, as fiduciaries, to govern the museum’s assets independently and for the long-term good of the community.

HB 116 threatens to undermine that independence—as a matter of perspective as much as law—simply by declaring the museum to be a “unit and instrumentality of the State and the City.” Why would donors make philanthropic donations to an organization that no longer has independence from the City or the State? That would effectively be a voluntary tax paid to one specific government entity.

Yet at the same time, this bill offers no alternative pathway for financial viability for the Walters. It does not direct the City of Baltimore to assume responsibility for the museum’s operating budget. It does not allocate funds for maintenance and upkeep of the buildings, three of which are owned by the City, but maintained through funds raised by the Trustees. And while it expresses an implicit concern for the museum’s employees’ desire to form a union—a union they are **in no way** being prevented from forming by the museum’s own management—it offers neither additional funds to cover our payroll expenses, nor does it state that the museum’s employees should be brought down to the City of Baltimore’s own payscale.

HB 116 is not merely misguided, it is deeply dangerous to this important Maryland institution because it risks the very separation from City management that has made it successful for decades. Implicit in this is also that the broad and overreaching nature of the bill will cast a pall

over the General Assembly's own desires to position the State of Maryland as a competitive, supportive environment for new businesses and other organizations.

If any and every privately managed entity is potentially subject to legislation by the Maryland General Assembly that could, variably, attempt to take its privately held assets or circumvent existing labor law to intervene unnecessarily on behalf of an organization's employees, I think the broader, negative implications for the business environment in our state are very clear.

James H. DeGraffenreidt, Jr.

Chair, Board of Trustees

The Walters Art Museum

HB116 written testimony Joshua Perry.pdf

Uploaded by: James DeGraffenreidt, Jr.

Position: UNF

Appropriations Committee
Hearing: Tuesday, January 24, 2023, 1pm

Dear Chair Barnes and Members of the Appropriations Committee,

I write to you as both a Trustee of the Walters Art Museum and also a resident of District 46 to urge you to reject House Bill 116, "Trustees of the Walters Art Gallery - Collective Bargaining," filed by my Delegate Robbyn Lewis. This bill is at once unnecessary, anti-democratic, and overly broad.

HB 116 is anti-democratic because it would deprive each individual employee of the right to vote on forming a union. It is, in fact, astonishing that an elected representative body such as the Assembly would propose a bill that seeks to deprive a group of people employed by an organization in the State of Maryland of their own right to vote on an issue essential to their livelihood.

HB 116 is anti-democratic because it would deprive the museum's employees of their legal right to vote on forming a union. It is, in fact, astonishing that an elected representative body such as the Assembly would propose a bill that seeks to deprive a group of people employed by an organization in the State of Maryland of their own right to vote on an issue essential to their livelihood.

Now is the time to reject HB 116. I am sure the Appropriations Committee does not intend to inflict damage on this treasured cultural asset of the State of Maryland and the City of Baltimore—but I believe that would be the effect of this unfortunate piece of legislation.

Joshua R. Perry
Vice President, Board of Trustees
The Walters Art Museum

HB116 written testimony Mike Young.pdf

Uploaded by: James DeGraffenreidt, Jr.

Position: UNF

Appropriations Committee
Hearing: Tuesday, January 24, 2023, 1pm

Dear Chair Barnes and Members of the Appropriations Committee,

I am writing to ask you to reject House Bill 116, “Trustees of the Walters Art Gallery - Collective Bargaining,” filed by Delegate Robbyn Lewis.

One of the great successes of the Walters Art Museum is that the Trustees—through diligent attention and successful fundraising—have succeeded in growing the museum’s endowment funds, which provide crucial annual operating support. As the Chair of the Board’s Investment Committee, I am especially familiar with the impact of this work, as well as its challenges.

So I am concerned that—and confused by—the vague language in the bill that Delegate Lewis has put forward, which redefines the Walters as “a unit and instrumentality of the state and the city.” I am confused because it does not address the intended implications of such broad language. At the same time, I am concerned because it could be misunderstood as an improper taking of private property (e.g., our endowment fund) without due process. I have no doubt that the Trustees would vigorously fight such an action, given that this is both private property and assets composed substantially of gifts made to the Trustees of the Walters Art Gallery, Inc., and not to the City and the State. **Put directly: No future donor will give to an institution that cannot commit to using their donated funds as intended—and HB 116 introduces just such uncertainty.**

HB 116 is not necessary to address the desire of some Walters employees to form a union; there are no impediments to them pursuing that process. But HB 116 goes so much further even than that single issue that it is of great concern—and should be rejected.

Michael J. Young, Trustee, The Walters Art Museum
Chair, Investment Committee

HB116 Written Testimony Peter Bain.pdf

Uploaded by: James DeGraffenreidt, Jr.

Position: UNF

Appropriations Committee
Hearing: Tuesday, January 24, 2023, 1pm

Dear Chair Barnes and Members of the Appropriations Committee,

As the incoming President of the Board of Trustees of the Walters Art Museum, I am writing to ask you to reject House Bill 116, "Trustees of the Walters Art Gallery - Collective Bargaining," filed by Delegate Robbyn Lewis.

HB 116 is unnecessary: **there is no reason for the City of Baltimore's Labor Commissioner to be involved in the organizing activities of a group of workers who are not City employees.** The museum's employees already have several different options available to them for securing a vote on unionization, from filing a petition to presenting a third-party election agreement for discussion. Our executive director has been unequivocal in her respect for their rights to consider a union—and in her openness to these pathways for employees to get to a vote.

But HB 116 is also concerningly broad—and certainly concerning to me as a Trustee and the incoming President. This legislation raises many more questions than it answers about the ongoing operation, funding, governance, and management of the museum. Much as we respect the desire of some museum employees to form a union, I respect Delegate Lewis' desire to support them. Yet I am not clear on how Delegate Lewis envisions the Trustees continuing to operate the Walters were it to be redefined as "a unit and instrumentality of the state and the city." Will the City be reimbursing the Trustees for the cost of repairs made to the museum's City owned buildings—but which have been paid for by the Trustees? Should we be planning to relocate the 30% of the collection that is owned by the Trustees and not by the City? And so on.

These are very relevant questions because among the essential roles of any nonprofit board of trustees are responsibilities such as fundraising—in our case for both funds and gifts to the collection—and fiduciary duties, which include understanding our liabilities. Indeed, as the next President of the Board, these responsibilities are already top of mind. But where we currently have clarity, HB 116 introduces great uncertainty. On top of which, there will be significant budgetary challenges for the museum as a result of fighting such legislation in court—budget challenges that will ultimately hurt the very employees Delegate Lewis seeks to help.

Please reconsider advancing this bill.

Peter L. Bain
President-Elect and Treasurer
Board of Trustees, The Walters Art Museum

HB116 written testimony Sheila Vidmar.pdf

Uploaded by: James DeGraffenreidt, Jr.

Position: UNF

Appropriations Committee
Hearing: Tuesday, January 24, 2023, 1pm

Dear Chair Barnes and Members of the Appropriations Committee,

I am writing to you in my role as a Trustee of the Walters Art Museum and the Chair of the Board's DEAI Committee, to encourage you to not to advance House Bill 116, "Trustees of the Walters Art Gallery - Collective Bargaining," filed by Delegate Robbyn Lewis. In my opinion, this bill risks depriving the museum's employees of their right to vote on this important labor issue—and may jeopardize both the museum and the employee's jobs that Delegate Lewis seeks to support.

By framing the opportunity for unit certification as a matter of counting authorization cards, HB 116 is a **dramatic, anti-democratic step backwards for the rights of our employees**. Under most scenarios—whether through a petition submitted to the relevant agency or through a third-party election agreement negotiated between the parties—the museum's employees would be assured of their legal right to vote on forming a union. However, because authorization cards may have been signed in any number of circumstances, a count of these cards is not the same thing as a vote. The approach taken by HB 116 would deprive a group of people employed by an organization in the State of Maryland of their own right to vote on an issue essential to their livelihood—and effectively silences the voices of employees who may at one time or another have signed an authorization card solely to learn more about the benefits of a union, not as a replacement for voting for one.

Of more importance is the **vague meaning and scope of HB 116's declaration that the museum is to be considered "a unit and instrumentality of the state and the city."** The museum is governed by a self-perpetuating entity known as Trustees of the Walters Art Gallery, Inc. I do not believe it is Delegate Lewis' place to decide, via legislation, that the role or existence of the Trustees should be changed without input or consultation from those same Trustees. The changes being proposed are fatally unclear as to its implications. The impact of this vague language could be enormous and consequential on everything from the Walters Art Museum's finances and philanthropic model, to its facilities and operations, to its liabilities in relation to visitors.

HB 116 should not be advanced. We do not wish to inflict damage on this treasured cultural asset of the State of Maryland the City of Baltimore—but that will be the effect of this unfortunate piece of legislation.

Sheila Mosmiller Vidmar
Chair, Board DEAI Committee
Trustee, The Walters Art Museum

HB116 Written Testimony Julia Marciari-Alexander.p

Uploaded by: Julia Marciari-Alexander

Position: UNF



Appropriations Committee
Hearing: Tuesday, January 24, 2023, 1pm

Dear Chair Barnes and Members of the Appropriations Committee,

I write to you today to urge the Appropriations Committee to reject House Bill 116, "Trustees of the Walters Art Gallery - Collective Bargaining," filed by Delegate Robbyn Lewis.

There are three reasons to reject this bill:

1. HB 116 is unnecessary because there are no institutional or legal impediments for Walters employees to vote on forming a union.
2. As written, HB 116 removes the opportunity for employees of the Walters Art Museum to vote on forming a union, by creating a less democratic process.
3. HB 116 could also have a chilling effect on the activities—and fundraising—of other nonprofit organizations in Maryland.

First and foremost, this bill is unnecessary. There are no impediments to employees who wish to form a union from taking the steps necessary to do so. The Walters has been consistent, clear, and very public in stating that it respects its employees' rights to consider forming a union—and we have been equally clear in asserting that management's position is one of neutrality and non-interference, as it should be.

We have actively avoided taking any steps that would prevent employees from filing a petition with any entity they believe can supervise and certify an election. It would not be correct to state, as some have, that the museum has refused to enter into a "third-party" election agreement, in which a private third party would oversee an election based on parameters set by the parties to the election agreement. In fact, **museum employees have never presented the proposed terms of any such agreement to management**, despite the fact that there is no impediment to doing so. If we received such a proposal, we would, of course, consider it. Nor have we conducted information or education campaigns about unionization, as many employers faced with unionization often do.

Instead, management remains steadfast in its respect for the principle that each employee of the museum deserves the opportunity to vote on whether to form a union. This approach is rooted both in principle and in the knowledge that while there are employees who support unionizing, we have heard from other employees who oppose it—and still others who are ambivalent or undecided. Collectively, these employees deserve the opportunity to make a decision through a democratic, confidential voting process. Unfortunately, because our position is not one typically taken by employers, it is wrongly characterized as anti-union, which is entirely untrue.

That leads to the second issue with HB 116: it not only undermines management's position of neutrality, it **also revokes our employees' legal right to vote** on this critical issue. Specifically, the bill states that a union may be certified if "a majority of the employees in the bargaining unit signed valid authorizations designating the employee organization as its exclusive representative." The bill also does not define what constitutes a "valid" authorization—a concern for our employees, as some have reported being pressured to sign authorization cards. The

institution of this card check process by the City of Baltimore's Labor Commissioner should not be understood as a replacement for a free and fair election. Surely members of this legislative body, which greatly values its own members' and constituents' right to vote, do not seek to remove that right from employees of the Walters Art Museum.

Third, this bill sets a dangerous precedent of replacing employee rights under existing labor laws with State action, merely because of the misperception that Walters management is taking steps that some legislators do not like. Even if Delegate Lewis' legislation achieves its stated goal, it would almost certainly send a deeply troubling message to the head of every other organization in Maryland. The implicit message here runs counter to the perception the State of Maryland seeks to advance in every other way: that ours is a state that respects its citizens, takes pride in the strength of its institutions, and offers a robust environment for the businesses and nonprofit organizations that serve our community.

Again, I urge the Committee to reject HB 116. If Delegate Lewis (or other members of the Maryland General Assembly) wish to support the employees of the Walters Art Museum who would like to form a union, the single best step the members can take is to join the museum in encouraging these employees to file a petition for an election with the agency they believe administers the laws that provide them the right to unionize, or encourage them to develop and present a third-party election agreement for negotiation with the museum's management. Our employees have the right, the power, and the responsibility to take these steps—and they can do so without the overreaching intervention of legislation from this body.

Sincerely,

Julia Marciari-Alexander
Andrea B. and John H. Laporte Director
The Walters Art Museum

HB116 Written Testimony Guy Flynn.pdf

Uploaded by: Katarina Ziegler

Position: UNF



Appropriations Committee
Hearing: Tuesday, January 24, 2023, 1:00 pm

Dear Chair Barnes and Members of the Appropriations Committee,

As the President of the Board of Trustees of the Walters Art Gallery, Inc., I urge you to review this testimony, respectfully submitted, and to reject House Bill 116, “Trustees of the Walters Art Gallery - Collective Bargaining,” filed by Delegate Robbyn Lewis. From my perspective, it fails—in two separate but equally important ways—because of the vague language used in declaring “the museum is a unit and instrumentality of the state and the city.”

The trustees of a nonprofit organization are responsible for governance of the organization; in this case, we are the fiduciaries for the assets of the self-perpetuating entity known as Trustees of the Walters Art Gallery, Inc. Our role is not to make day-to-day management decisions such as those that relate to labor relations issues—these decisions fall to our director, Julia Marciari-Alexander, and her senior leadership team. Rather our role is to provide oversight of her work, and ensure the financial and operational health of the organization and to safeguard its resources.

Thus **the vague language of the bill** is immediately a problem as a fiduciary concern for the Trustees. Were the Maryland General Assembly to pass a bill declaring that “the museum is a unit and instrumentality of the state and the city,” this language could be construed as a government taking of the privately-owned assets of the Trustees without due process, which would **violate the Takings Clauses of the 5th and 14th Amendments of the U.S. Constitution, as well as Section 40 of the Maryland Constitution.**

Members of the Committee may not be aware that while the museum operates in five buildings in Baltimore, only three of those buildings are owned by the City of Baltimore; the other two (which comprise the majority of the total square footage) are private property, owned by the Trustees of the Walters Art Gallery, Inc. Of the museum’s extensive collections, while two thirds are derived from Henry Walters’ original bequest to the City of Baltimore, one third are private property that have been subsequently acquired by the Trustees of the Walters Art Gallery, Inc., either through purchase or gift. And the museum has two endowments that provide essential operating support to the museum: one endowment is comprised of the ongoing investments given by Henry Walters’ bequest to the City of Baltimore; the other, which is more than twice as large, consists of funds privately raised and managed by the Trustees of the Walters Art Gallery, Inc., as fiduciaries of the museum, which is, again, private property.

A law that simply declares a private entity to be a unit and instrumentality of the State and City is exceptionally—and likely unconstitutionally—vague. Such designation is interpreted differently and has different meanings under a variety of state and federal laws (e.g., Internal Revenue Code, Maryland Public Information Act, National Labor Relations Act). The failure of HB 116 to provide any more detail demonstrates that it has carelessly left itself open to the interpretation that it is intended to constitute an unlawful declaration that the non-City-owned assets of the museum will, by fiat, become the property of the City or the State.

Such a declaration would almost certainly require legal action from the Trustees as the museum's fiduciaries to protect the museum's private property from an unlawful government taking. To state the obvious, triggering such legal action would in no way advance what we understand to be the core purpose of HB 116: supporting employee efforts to form a union at the Walters Art Museum, which, again, the museum respects. Instead, it would entangle the museum, the State of Maryland, and potentially the City of Baltimore, in an unnecessary legal dispute.

At the same time, the bill's failure to define the term "unit and instrumentality of the State and the City" also **immediately raises concerns because of the Supremacy Clause of the U.S. Constitution, under which federal law preempts state law.** In this case, the preamble of HB 116 makes clear that its purpose relates to union organizing. However, the vagueness of HB 116, alluded to above, cannot be cured by declaring the museum a unit or instrumentality of the State and City for purposes of labor relations.

The State of Maryland lacks the authority to do so because the authority to make that determination rests exclusively with the federal government. In the seminal Supreme Court case, *NLRB v. Nat. Gas Util. Dist. of Hawkins County*, the Supreme Court affirmed that, "Federal, rather than state, law governs the determination, under §2(2) [of the National Labor Relations Act], whether an entity created under state law is a 'political subdivision' of the State, and therefore not an 'employer' subject to the [National Labor Relations] Act." The issue of the scope of jurisdiction of the National Labor Relations Board (NLRB) rests exclusively with the NLRB and federal courts rather than state legislatures. Furthermore, the *Maryland Legislator's Handbook, Volume I* (2022) acknowledges (page 12) that "[u]nder the principle of enumerated powers in the federal system, certain powers have been delegated to the national government by the U.S. Constitution. State legislatures may not adopt laws that conflict with this delegation of sovereignty."

In other words, the General Assembly has no role to play in the determination of, and no authority to declare, whether an entity is or is not a unit or instrumentality of a city, county, or state government for purposes of labor relations. Under the test mandated by the Supreme Court and consistently applied by the NLRB, the Walters Art Museum is unquestionably within the jurisdiction of the NLRB: the Walters was *created* by the bequest of Henry Walters and *gifted* to the City of Baltimore, and the Board of Trustees is *self-appointing* and *self-perpetuating* rather than being *responsible to any public officials or the general electorate*, and neither the State nor City have significant operating or budgeting control over the museum.

Then there is the fact that HB 116 **violates existing Section 33 of the Maryland Constitution**, which prohibits the General Assembly from passing a "Special Law," for any case, for which provision has been made, by an existing General Law. In this case, HB 116 constitutes a Special Law under every single factor considered by the Maryland Supreme Court because (1) it is clearly intended to benefit a small group of individuals (non-supervisory employees of the Walters Art Museum, and perhaps even a smaller group of fewer than twenty security guards who would not be certified in the same group as non-guards under the applicable federal law) rather than an entire class and no other individuals or entities could benefit from the Bill; (2) both the Trustees of the Walters Art Gallery, Inc. and the employees of the museum are specifically named in HB 116; (3) the effect of HB 116 would be to bestow a benefit and burden upon the named parties; (4) the individuals receiving special advantages sought them from the

Legislature; (5) the public does not benefit because the museum employees already have the right to unionize and the law would greatly diminish the museum's ability to serve the public, as it is required by law to do; and (6) HB 116 is arbitrary and lacks a reasonable basis other than to offer special benefits to a select few individuals because there is no State problem that it solves.

Finally, I want to state plainly that there is nothing preventing Walters employees who wish to form a union from taking the steps necessary to do so. The museum's director has been consistent and clear about this and we, the Trustees, agree with and support the museum's employees' rights to consider forming a union. Recognizing that many members of this body share our belief in and respect for the rights of workers everywhere to form unions and negotiate collectively for their welfare, we understand the human motivations behind HB 116.

However, for all of the reasons outlined above, we urge this Committee not to support this bill, which will not accomplish the goal of supporting unionization at the Walters Art Museum. Instead, we believe this bill sends the wrong message in nearly every way—while also risking a potentially embarrassing (and unnecessary) instance of federal intervention to assert jurisdiction.

Guy E. Flynn
President, Board of Trustees
The Walters Art Museum

HB116 Written Testimony Julia Marciari-Alexander.p

Uploaded by: Katarina Ziegler

Position: UNF



Appropriations Committee
Hearing: Tuesday, January 24, 2023, 1pm

Dear Chair Barnes and Members of the Appropriations Committee,

I write to you today to urge the Appropriations Committee to reject House Bill 116, "Trustees of the Walters Art Gallery - Collective Bargaining," filed by Delegate Robbyn Lewis.

There are three reasons to reject this bill:

1. HB 116 is unnecessary because there are no institutional or legal impediments for Walters employees to vote on forming a union.
2. As written, HB 116 removes the opportunity for employees of the Walters Art Museum to vote on forming a union, by creating a less democratic process.
3. HB 116 could also have a chilling effect on the activities—and fundraising—of other nonprofit organizations in Maryland.

First and foremost, this bill is unnecessary. There are no impediments to employees who wish to form a union from taking the steps necessary to do so. The Walters has been consistent, clear, and very public in stating that it respects its employees' rights to consider forming a union—and we have been equally clear in asserting that management's position is one of neutrality and non-interference, as it should be.

We have actively avoided taking any steps that would prevent employees from filing a petition with any entity they believe can supervise and certify an election. It would not be correct to state, as some have, that the museum has refused to enter into a "third-party" election agreement, in which a private third party would oversee an election based on parameters set by the parties to the election agreement. In fact, **museum employees have never presented the proposed terms of any such agreement to management**, despite the fact that there is no impediment to doing so. If we received such a proposal, we would, of course, consider it. Nor have we conducted information or education campaigns about unionization, as many employers faced with unionization often do.

Instead, management remains steadfast in its respect for the principle that each employee of the museum deserves the opportunity to vote on whether to form a union. This approach is rooted both in principle and in the knowledge that while there are employees who support unionizing, we have heard from other employees who oppose it—and still others who are ambivalent or undecided. Collectively, these employees deserve the opportunity to make a decision through a democratic, confidential voting process. Unfortunately, because our position is not one typically taken by employers, it is wrongly characterized as anti-union, which is entirely untrue.

That leads to the second issue with HB 116: it not only undermines management's position of neutrality, it **also revokes our employees' legal right to vote** on this critical issue. Specifically, the bill states that a union may be certified if "a majority of the employees in the bargaining unit signed valid authorizations designating the employee organization as its exclusive representative." The bill also does not define what constitutes a "valid" authorization—a concern for our employees, as some have reported being pressured to sign authorization cards. The

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Again, I urge the Committee to reject HB 116. If Delegate Lewis (or other members of the Maryland General Assembly) wish to support the employees of the Walters Art Museum who would like to form a union, the single best step the members can take is to join the museum in encouraging these employees to file a petition for an election with the agency they believe administers the laws that provide them the right to unionize, or encourage them to develop and present a third-party election agreement for negotiation with the museum's management. Our employees have the right, the power, and the responsibility to take these steps—and they can do so without the overreaching intervention of legislation from this body.

Sincerely,

Julia Marciari-Alexander
Andrea B. and John H. Laporte Director
The Walters Art Museum