

statesupervisorsbill_002.pdf

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Position: FAV



Maryland Classified Employees Association

SUPERVISORS UNITED FOR COLLECTIVE BARGAINING

**Written Testimony Submitted to the
Maryland House Appropriations Committee
HB 183**

**State Personnel – Collective Bargaining – Supervisory and Managerial Employees
January 31, 2023
SUPPORT**

Good afternoon, Chair Barnes and members of the House Appropriations Committee. My name is Brian Heggelke and I am the Computer Network Specialist Supervisor for the Talbot County Health Department (TCHD). I've been here for about 5 years. I am a member of Maryland Supervisors for Collective Bargaining Rights and the Maryland Classified Employees Association, AFT local 1935. As a state supervisor, currently excluded from the state's collective bargaining law for Maryland employees, I am here today to advocate for HB 183, and ask this committee for a favorable report.

I have a Bachelors in Computer Information Systems and have been in this field for 17 years. My role at TCHD requires me to serve as the service desk manager and the systems administrator – a jack of all trades, responsible for keeping the computer network running securely and in compliance with state regulations. I am also appointed as my agency's Information Systems Security Officer, responsible for ensuring best practices and regulations for HIPAA, PII, and PHI are being followed. In support of this role, I'm studying to attain my Certified Information Systems Security Professional (CISSP) certification – one of the most rigorous IT certifications. Currently, I'm restoring TCHD's connection to the network after the December 2021 cyber-attack that MDH experienced. This has been a long, tedious process, basically requiring me to rebuild our network switching and server infrastructure.

Collective bargaining has become an essential component for attracting and retaining qualified, competent, experienced IT staff that can help mitigate disasters like the December 2021 cyber-attack on MDH. Collective bargaining is simply in Maryland's best interest in order to build and maintain a strong security posture against ever-increasing cyber-attacks.

To conclude, when state collective bargaining law was introduced and passed over 20 years ago, we as supervisors were erroneously excluded, even though we are state workers and do not hire, fire, promote, or adjust grievances for any state employee. We again call this committee to issue a favorable report for HB 183. Thank you.

Chandra Wiggins statesupervisorsbill.pdf

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Position: FAV



Maryland Classified Employees Association

SUPERVISORS UNITED FOR COLLECTIVE BARGAINING

**Written Testimony Submitted to the
Maryland House Appropriations Committee
HB 183**

**State Personnel – Collective Bargaining – Supervisory and Managerial Employees
January 31, 2023
SUPPORT**

Good afternoon, Chair Barnes and members of the House Appropriations Committee. My name is Chandra Wiggins, and I am the Work Adjustment Supervisor at Clifton T Perkins Hospital Center. I have worked here for 29 years. I am a member of Maryland Supervisors for Collective Bargaining Rights and the Maryland Classified Employees Association, AFT local 1935. As a state supervisor, currently excluded from the state's collective bargaining law for Maryland employees, I am here today to advocate for HB 183, and ask this committee for a favorable report.

I work in the rehabilitation department as a work adjustment supervisor for 28 years. I am a proud employee of 29 years helping patients work towards a greater stability in a more independent life in the community. My responsibilities include placing referred patients in a Work adjustment program that provides free vocational opportunities and training throughout the hospital and performs task in a variety of settings including horticulture, dietary, plant management, library assistant, volunteer services, linen services, gym assistant and chart courier for the medical clinic. These services facilitate the development of work habits, values, attitudes, behaviors, and skills. The goal is to give each patient a transferable skill set for community work as well as instill confidence, responsibility and independence. The Work Adjustment staff and I with the patients 3 and 1/2 to 5 hours each work day. Although patients are stable when placed in the work program, there have been times when staff have needed to summon security to prevent a violent behavior incident from escalating or had to assess that a patient's unstable emotional state required a return to his residential unit.

The Work Adjustment department started with seven full-time employees and now there are three full-time employees which have changed the scope of our work program with less staff. The opportunities have decreased for the patients. At times work adjustment is unable to accommodate the need to supervise a program due to staff shortage and or the increase workload.

To conclude, when state collective bargaining law was introduced and passed over 20 years ago, we as supervisors were erroneously excluded, even though we are state workers and do not hire, fire, promote, or adjust grievances for any state employee. We again call this committee to issue a favorable report for HB 183. Thank you.

HB183_AFSCME3_FAV.pdf

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Position: FAV



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Patrick Moran - President

HB 183 - State Personnel - Collective Bargaining - Supervisory and Managerial Employees
POSITION: FAVORABLE

AFSCME Council 3 supports HB 183. This is enabling collective bargaining legislation for nonconfidential supervisory and managerial employees who work in the executive branch of state government, within the University System of Maryland, and Morgan State University, St. Mary's College of Maryland, and the Baltimore City Community College. This bill does not extend collective bargaining to any state agency or campus that does not already have such rights enabled, it simply removes the "bargaining excluded" status from the nonconfidential supervisory and managerial employees where collective bargaining already exists.

HB 183 is necessary because state law is required to enable collective bargaining for public employees. After collective bargaining rights are enabled, the employees in each respective supervisor and manager unit will need to petition the Labor board to hold an election and certify a collective bargaining representative of their choosing.

Like so many public sector workers in recent years, our members who perform work at the supervisory and managerial levels within state government and higher education are suffering from a lack of resources, inadequate training, and have had to deal with many of the same health and safety concerns brought on by the COVID-19 pandemic. Many of our members maintain their membership when they get promoted because they still have merit status and can get union representation for disciplinary or grievance issues, but they are not covered under collective bargaining. This means they are left voiceless in decisions made around their pay, benefits, and working conditions. Just like all workers deserve collective bargaining rights, our members who are supervisors and managers deserve these same rights too.

There is precedent nationally and in Maryland to grant supervisory and managerial employees collective bargaining rights. AFSCME has organized some combination of supervisors and managers at the state, county, municipal and university levels in numerous states including Connecticut, Michigan, New York, Massachusetts, Washington, New Jersey, California, Minnesota, Hawaii, Rhode Island, Pennsylvania, and Florida. Within Maryland, AFSCME has collective bargaining for some supervisors in Prince George's County, Baltimore City, and Howard County.

For these reasons, we urge the committee to provide a favorable report on HB 183. 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

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HB 183 - State Personnel - Collective Bargaining -

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Position: FAV



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Secretary-Treasurer

Gerald W. Jackson

**HB 183 - State Personnel - Collective Bargaining - Supervisory and Managerial Employees
House Appropriations Committee
January 31, 2023**

SUPPORT

**Donna S. Edwards
President**

Maryland State and DC AFL-CIO

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of HB 183 as currently written. 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 300,000 union members, I offer the following comments.

HB 183 grants collective bargaining rights to supervisory and managerial employees of the state. It creates separate bargaining units for each and clarifies that confidential employees will still remain excluded from these units. It allows the agencies to define through regulations who is defined as supervisors and managers.

The unique history of federal labor law has resulted in many supervisors and managers being denied the benefits of collective bargaining. Supervisors and managers can better prioritize the interests of the public and state when they are covered by a collective bargaining agreement. Union contracts can help promote employee retention, career progression, and professional development leading to a better trained and more stable workforce for the state. By granting supervisors and managers the freedom to choose to unionize, the state is investing in its grassroots leadership that helps state services function.

Outside of the National Labor Relations Act, supervisors and managers have more flexibility to form unions and collectively bargain. The Directors Guild of America, whose members would be considered supervisors under the NLRA, were able to establish their union and collectively bargain with studios to set minimum standards for their industry.

In the public sector, where laws vary from state to state and even county to county, supervisors and managers can be granted the same rights to form unions and collectively bargain. Maryland already has unions with school administrators and supervisors organized as the Association of Supervisory and Administrative School Personnel. A Monthly Labor Review report found a variety of approaches to supervisor and manager collective bargaining. At the time, Connecticut, Louisiana, and New York included supervisors in the same bargaining unit as non-supervisory workers. States like Alaska,



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California, Florida, Maine, Minnesota, Nebraska, New Hampshire, New Jersey, Pennsylvania, and Vermont, created distinct statewide supervisory units.

Collective bargaining can lead to better wages and benefits and the smooth resolution of workplace issues. HB 183 deliberately creates separate bargaining units for supervisors and managers to remove any concerns about undue influence on the unions of non-supervisory workers.

We urge a favorable report for HB 183.

StateSupervisorBill.pdf

Uploaded by: Erin Volz

Position: FAV



Maryland Classified Employees Association

SUPERVISORS UNITED FOR COLLECTIVE BARGAINING

**Written Testimony Submitted to the
Maryland House Appropriations Committee
HB 183**

**State Personnel – Collective Bargaining – Supervisory and Managerial Employees
January 31, 2023
SUPPORT**

Good afternoon, Chair Barnes and members of the House Appropriations Committee. My name is Erin Volz and I am a Child Welfare Investigations Supervisor in the Anne Arundel County Department of Social Services. I have been with the Department for over seven years, and a supervisor for nearly two years. I am a member of Maryland Supervisors for Collective Bargaining Rights and the Maryland Classified Employees Association, AFT local 1935. As a state supervisor, currently excluded from the state's collective bargaining law for Maryland employees, I am here today to advocate for HB 183, and ask this committee for a favorable report.

The Department of Social Services (DSS) provides many essential entitlements to your constituents. These entitlements enable Maryland families to ensure that their needs, and the needs of their children, are met. I am a licensed clinical social worker and I have been employed with DSS since I completed graduate school and earned my MSW. Although the opportunities are plentiful for licensed social workers, I decided to dedicate my career to State service in child welfare. At the time I began my employment, it was well known that the private sector offered a substantially higher salary; however, I felt that my services would be better utilized in the child welfare system. I chose to enter the field of social work that prioritizes child safety in their homes. After five years of service to the State as a Child Welfare Investigator, I earned my LCSW-C (the highest social work licensure in the state of Maryland) and became a Child Welfare Investigations Supervisor. There is nowhere else I'd want to practice social work, although, at times, the challenges we face are greater than my love for this profession.

Although many believe that the purpose of DSS is to provide families access to benefits, including food stamps, cash assistance, daycare vouchers, housing, and assisting with navigating the healthcare system, the field in which I am employed, Child Protective Services (CPS), is not an entitlement. Child Protective Services is a necessary failsafe to ensure that regardless of a person's financial ability to provide care to their children, their children remain safe, whether that is in the home or in foster care. One could argue that CPS is equally as necessary to the functioning of our society as other services held in much higher regard: law enforcement, first responders, teachers, doctors, and nurses. Although CPS is often forgotten when recognition is given, the necessity of our services is critical, and we are essential. The COVID-19 pandemic was as dangerous to our health and safety as it was to those mentioned above. Governor Hogan's order to stay at home did not apply to those of us in child welfare. State buildings were closed, so we had to perform our essential duties without anywhere to practice. We are required to enter the homes of strangers, interview everyone in the home



Maryland Classified Employees Association

SUPERVISORS UNITED FOR COLLECTIVE BARGAINING

privately, and assess for child safety. We were also not provided with any PPE from the State, nor were we initially entitled to additional pay. We placed ourselves at an eminent risk of contracting COVID-19, daily, to ensure that the needs of the children of Maryland were met.

Supervisors had the burden, both financially and physically, to locate PPE for our staff and pay for it out of our own pockets. It was, and still is, our responsibility to ensure that staff are safe in the field. Just because our voices were not heard does not mean that we abandoned our responsibilities to our staff. We used our own home internet, printers, ink, paper, and every other office supply imaginable for nearly two years without compensation. There was no way for us to advocate for ourselves or our staff without a bargaining unit specifically focused on the additional issues of the supervisory position; those that often go unseen to our staff. In the early days of the pandemic, when hand sanitizer and face masks were nowhere to be found, we worked tirelessly to ensure that our staff had these items. Some sewed homemade masks, others reached out to community members who were sewing them and providing them to first responders. All of the supervisors in CPS are social workers, finding resources for people is essentially what we are educated to do. Not only did we have to continue to perform our regular duties as supervisors: managing staff, monitoring caseloads, participating with safety and permanency planning for children, participating in interagency meetings, providing supervision, meeting mandates, closing cases, addressing client concerns, testifying in court (the list is unimaginably exhaustive), but we also had the additional responsibility of searching for PPE for our staff to ensure their physical safety. If there had been collective bargaining, perhaps Maryland supervisors would have been able to provide our staff with these essential items, or at least obtain fair compensation for them.

Outside of the COVID-19 pandemic, as supervisors, it is our responsibility to advocate on behalf of our staff and ensure that they are afforded countless protections through their own collective bargaining units. Our staff's collective bargaining units have been able to secure equitable pay raises, job security, and affordable employee health benefits for our staff. As a supervisor, I applaud the efforts made by my staff's collective bargaining unit and celebrate the compensation my staff have received.

Although I am sincerely happy for my staff, I also feel as though supervisors were not equally compensated for our efforts. There was an unintended consequence of the collective bargaining efforts that were accomplished. After a raise in compensation for our staff, many of my peers are now earning a salary that is LESS than what their staff are earning. This creates a very difficult position for those currently in supervisory positions; if they were to resign as a supervisor and pursue a "demotion" to a non-supervisory position, they would be paid at a higher rate than what they are currently receiving. Additionally, as supervisory positions often come with more responsibility than non-supervisory positions, this could become an appealing option for those supervisors with lower pay rates. Without experienced and knowledgeable



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supervisors, we cannot continue to grow and develop the skills of our State staff. We need our experienced supervisors to continue to lead in supervisory positions, removing the temptation of pursuing a demotion for a pay increase would help to ensure our supervisors continue to lead. I firmly believe that the only way to achieve this is by the creation of a collective bargaining unit specifically for supervisory staff. Supervisors shouldn't have to choose between advocating for their staff to receive the benefits afforded by a collective bargaining unit and being paid at a lower rate than their staff themselves. Supervisors shouldn't have to voluntarily take a demotion to earn a salary that is comparable to their staff. Please, advocate for supervisors this legislative session, in the same way we advocate for our staff.

To conclude, when state collective bargaining law was introduced and passed over 20 years ago, we as supervisors were erroneously excluded, even though we are state workers and do not hire, fire, promote, or adjust grievances for any state employee. We again call this committee to issue a favorable report for HB 183. Thank you.

J Rey testimony.pdf

Uploaded by: Jonathan Rey

Position: FAV



Maryland Classified Employees Association

SUPERVISORS UNITED FOR COLLECTIVE BARGAINING

**Written Testimony Submitted to the
Maryland House Appropriations Committee
HB 183**

**State Personnel – Collective Bargaining – Supervisory and Managerial Employees
January 31, 2023
SUPPORT**

Good afternoon, Chair Barnes and members of the House Appropriations Committee. My name is Jonathan Rey. I am a Security Attendant Supervisor specifically the Lieutenant of transportation at Clifton T. Perkins Hospital Center located at 8450 Dorsey Run rd. Jessup, MD 20794, I have been with CTPHC for little over 10 years now with an EOD of 12/12/2012. I am a member of Maryland Supervisors for Collective Bargaining Rights and the Maryland Classified Employees Association, AFT local 1935. As a state supervisor, currently excluded from the state's collective bargaining law for Maryland employees, I am here today to advocate for HB 183, and ask this committee for a favorable report.

As a Lieutenant in the security department at my facility it is part of my duties to handle the shift paperwork and respond to incidents to help facilitate the security departments response to any codes/emergencies in the hospital. Specifically, as the Lieutenant of transportation it is my job to coordinate across multiple departments and employees the weekly patient trips that are taken out of the facility by various escorting staff which also involves the accountability and inventory of any transportation related equipment including state vehicles. I have been in my current position which was a competitive promotion approaching 1 year now on April 13th. The quantity of trips that are taken each week increases by the day as a majority of the trips are court related or medical. There is no staffing minimum that can account for X amount of trips on any given day of the week. All scheduled trips are generally staffed by an employee or officer working overtime. Whether its voluntary or the Officer is mandated/drafted to work per facility policy.

Collective bargaining for supervisors specifically would be beneficial in attracting employees to further apply themselves within their current classification. The majority of staff whom have the training, knowledge and experience to help better the workplace often weigh their options of taking on more responsibility without much incentive in pay. Clifton T. Perkins for example has a lot of overtime available for certain classifications but once an individual makes the transition into supervision the option for overtime is no longer there to the extent it was previously which holds employees back from bettering themselves and the work place.

To conclude, when state collective bargaining law was introduced and passed over 20 years ago, we as supervisors were erroneously excluded, even though we are state workers and do not hire, fire, promote, or adjust grievances for any state employee. We again call this committee to issue a favorable report for HB 183. Thank you.



Maryland Classified Employees Association

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JG.pdf

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Position: FAV



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**Written Testimony Submitted to the
Maryland House Appropriations Committee**

HB 183

**State Personnel – Collective Bargaining – Supervisory and Managerial Employees
January 31, 2023
SUPPORT**

Good afternoon, Chair Barnes and members of the House Appropriations Committee. My name is Josh Glass and I Case Manager Supervisor at Garrett Children's Center, and I have been with the Department of Juvenile Services for 17 years. I am a member of Maryland Supervisors for Collective Bargaining Rights and the Maryland Classified Employees Association, AFT local 1935. As a state supervisor, currently excluded from the state's collective bargaining law for Maryland employees, I am here today to advocate for HB 183, and ask this committee for a favorable report.

I have been with the department for almost 17 years. I am currently a pay Grade 17 Step 7. I am very appreciative and thankful for my Job. However, I struggle to maintain a positive attitude within the Department of Juvenile Services and with the State of Maryland. I am currently one of the lower paid Case Managers in Residential Facilities, and I have more time of service then 90% of them. It is very degrading walking into other facilities as a **SUPERVISOR**, with more time of Service; and make less money than those people you **SUPERVISE**.

To conclude, when state collective bargaining law was introduced and passed over 20 years ago, we as supervisors were erroneously excluded, even though we are state workers and do not hire, fire, promote, or adjust grievances for any state employee. We again call this committee to issue a favorable report for HB 183. Thank you.

MILLER TESTIMONY IN SUPPORT OF HB 183.pdf

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Position: FAV

Maryland Classified Employees Association, Inc.

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Leonard Lee – Administrator
Marilyn Miller – Advisory Board President

HB 183 – State Personnel – Collective Bargaining – Supervisory and Managerial Employees House Appropriations Committee - January 31, 2023

SUPPORT

Marilyn Miller - Advisory Board President Maryland Classified Employees Association, AFT Local 1935

Chairman Barnes and members of the Committee, thank you for the opportunity to submit testimony in support of House Bill 183. My name is Marilyn Miller, and I am the Advisory Board President of the Maryland Classified Employees Association (MCEA), a statewide union with an 86-year history of advocacy for State employees. MCEA is an exclusive bargaining representative in both higher education and the Maryland Transit Administration, and also counts among its membership supervisors in State service who have been excluded from collective bargaining since that right was given to the majority of the state workforce in 1996. Because this exclusion continues to be an unjust deprivation of these employees' ability to organize and advocate for themselves, I ask for your support.

Public employee “supervisors” do not have the authority to hire, fire, or adjust grievances for their subordinates. In most cases they continue to be responsible for the work product and skillset of the employees they supervise, with their additional supervisory responsibilities merely added on. Yet these workers have long been denied the basic right to a voice in discussing with their employer their own safety concerns, productivity issues, pay and benefits, and other working conditions. This is critically important, and without the right to bargain, supervisors are deprived of a tool enjoyed and relied on by those they supervise.

MCEA has an active and motivated council, Maryland Supervisors for Collective Bargaining Rights, which continues to meet and share information and ideas about how to improve the workplace. Chief among their goals is to lift this arbitrary exclusion of supervisors. These women and men have served the State and risen to be entrusted with supervisory responsibilities – they deserve the same right to self-determination that has been afforded Maryland State employees for over 25 years. **In fairness to these dedicated State employees, I ask for a favorable report on HB 183.**

Affiliated with AFT/AFT-MD/AFL-CIO - Website: mcea.md.aft.org

State Personnel - Collective Bargaining - Supervio

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Position: FAV

collective bargaining testimony.pdf

Uploaded by: Oattie Deavers

Position: FAV

Written Testimony Submitted to the Maryland House Appropriations Committee HB 183
State Personnel - Collective Bargaining – Supervisory and Managerial Employees
January 31, 2023 SUPPORT

Good afternoon, Chair Barnes and members of the House Appropriations Committee. My name is Oattie Deavers and I am Regional Manager with the Maryland Transportation Authority (MdTA) for the Vehicle Recovery Unit (VRU) in Rockville Maryland, I have been with the MdTA 28+ years and have served in a supervisory role for approximately 16 years.

I am a member of Maryland Supervisors for Collective Bargaining Rights and the Maryland Classified Employees Association, AFT local 1935.

As a state supervisor, currently excluded from the state's collective bargaining law for Maryland employees, I am here today to advocate for HB 183, and ask this committee for a favorable report.

I manage the day to day operations of the VRU at the Inter County Connector (MD-200), this includes but is not limited to, scheduling, record keeping, performance evaluations, daily performance tracking, payroll, just to name a few for the employees assigned to this unit, maintaining fleet vehicles and associated records assigned to the VRU, all internal towing, all clerical duties, keeping track of all tools, equipment & vehicles to include inventory records, ordering supplies etc. and most importantly risking my life patrolling the highway for stranded motorist, accidents, and any other incidents that disrupt the flow of traffic, coordinating with police, fire and rescue, and any other agencies during emergencies and making sure the subordinates in my charge are safe as well as the Maryland residents and all others that use our roadway **are** safe.

I want collective bargaining because over the years the cost of living has drastically increased but the paycheck being directed deposited to my account has not kept up with those increases, not to mention the increasing responsibilities that continue to come. There have been several instances where non-supervisory employees have received bonuses and pay increases and we as supervisors have been left behind. During the Covid-19 pandemic while most other employees were sent home on administrative leave the employees of the MdTA VRU were required to risk our lives and those of our loved ones and work every single day performing the exact same duties, during that time other employees that had to be at work for various reasons were paid additional pay and we were left behind. Here at the MdTA in the unit I work in there is a great pay discrepancy where a new employee can walk in the door and make the same amount or more money than current supervisors. There is also a discrepancy between the MdTA VRU Regional managers and the State Highway Administration CHART Regional Managers. Over the years with pay issues we've been told by MdTA executive management that there's nothing they can do to rectify these pay discrepancies.

To conclude, when state collective bargaining law was introduced and passed over 20 years

ago, we as supervisors were erroneously excluded, even though we are state workers and do not hire, fire, promote, or adjust grievances for any state employee. We again call this committee to issue a favorable report for HB 183. Thank you.

Statesupervisorsbill_HB0183_TrenaBumbray.pdf

Uploaded by: Trena Bumbray

Position: FAV



Maryland Classified Employees Association

SUPERVISORS UNITED FOR COLLECTIVE BARGAINING

**Written Testimony Submitted to the
Maryland House Appropriations Committee
HB 183**

**State Personnel – Collective Bargaining – Supervisory and Managerial Employees
January 31, 2023
SUPPORT**

Good afternoon, Chair Barnes and members of the House Appropriations Committee. My name is Trena Bumbray and I have been an IT Programmer Analyst Supervisor, for the Maryland Department of Health for over 10 years. I am a member of Maryland Supervisors for Collective Bargaining Rights and the Maryland Classified Employees Association, AFT local 1935. As a state supervisor, currently excluded from the state's collective bargaining law for Maryland employees, I am here today to advocate for HB 183, and ask this committee for a favorable report.

A typical day as an IT Programmer Analyst Supervisor, includes addressing and maintaining issues with existing web applications and databases, running reports, meeting with stakeholders to discuss business rule and functions for new projects, testing projects and applications written by another programmer, tracking Google Analytics for several websites, modifying existing web applications and databases, as well as supervising network staff and a programmer.

One of the main issues I have in this role is keeping up with the latest information technology trends. Since information technology is always changing and growing it's imperative that the State provides training opportunities to keep IT staff up to date with this changing field. These training requirements should be listed in the position description.

As an IT Programmer Analyst Supervisor, hiring dedicated, knowledgeable talent that are teachable and willing to grow is very challenging. The individuals I interview are required to have specific programming skills that are often in demand therefore, interviewees tend to take positions in private industry or federal government. It's also unfair when the individuals only come in at base and quickly leave to take higher paying positions. If the salaries were comparable to private industry or federal government, we would be able to hire and maintain qualified staff which would ultimately produce excellent outcomes.

In conclusion, when state collective bargaining law was introduced and passed over 20 years ago, we as supervisors were erroneously excluded, even though we are state workers and do not hire, fire, promote, or adjust grievances for any state employee. We again call this committee to issue a favorable report for HB 183. Thank you.

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Position: UNF



HOUSE APPROPRIATIONS COMMITTEE

House Bill 183

State Personnel - Collective Bargaining - Supervisory and Managerial Employees

January 31, 2023

Unfavorable

Chair Barnes, Vice Chair Chang and members of the committee, thank you for the opportunity to offer testimony on House Bill 183.

House Bill 183 would have a significant negative impact on the USM and its constituent institutions. The proposed amendments would materially and substantially expand collective bargaining rights to additional groups of employees by removing certain exclusions from existing law in contravention of long-standing labor relations principles.

Currently, the collective bargaining statute codified in the State Personnel and Pensions Article (SPP), § 3-101 et seq., specifically restricts collective bargaining rights from extending to “any supervisory, managerial, or confidential employee of a State institution of higher education...” (SPP § 3-102(b)(12)). These exclusions have been in place for over 20 years, since the establishment of public sector collective bargaining rights in the State of Maryland.

Granting collective bargaining rights to supervisory and managerial employees through this bill would defy many years of well-established prior precedent. The National Labor Relations Act (NLRA or the Act), passed in 1935, is the federal law which governs collective bargaining in the federal government and the private sector. While the Act itself is inapplicable to State and local government, the State Higher Education Labor Relations Board (the Board), the body responsible for overseeing our collective bargaining law, looks to the NLRA for guidance when interpreting Maryland’s law. The NLRA has not included supervisory or managerial employees as those to whom collective bargaining rights extend. The Act specifically excludes supervisors and persons in managerial positions from the definition of “employee” (29 U.S.C. § 151, et seq.), and the National Labor Relations Board (NLRB) as a matter of policy further excludes from bargaining units those employees considered to be professional employees and those who act in a confidential capacity.

Excluding supervisory and managerial employees from collective bargaining is well-supported and well-reasoned. Extending collective bargaining rights to supervisory and managerial employees creates an inherent conflict of interest. As the Board of Regents (BOR) has defined these terms, a supervisory employee is an employee who has authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. A managerial employee is an employee who is engaged predominantly in executive and management functions; or charged with the responsibility of directing the effectuation of management policies and

practices. This is consistent with and similar to how the NLRA/NLRB defines these terms. These types of employees have the authority to speak and act for management and are expected to advance management’s priorities. They must be able to execute and exercise independent judgment about management policies. They are also responsible for holding their employees accountable and making personnel decisions. As such, they are classified as an extension of management and a part of the employer’s bargaining power, not the employees. The priorities of an exclusive representative are often not in alignment, and even sometimes incompatible, with those of management. A supervisory or managerial employee may face pressure from an exclusive representative or from their bargaining unit peers in the exercise of the supervisor’s or manager’s required employment responsibilities. Creating such an inherent conflict of interest through expansion of collective bargaining rights to these groups would not only hinder the effective and efficient operations of the institutions, but it would be irresponsible and improper as well.

For all of the foregoing reasons, the USM respectfully asks for an unfavorable report on House Bill 183.



About the University System of Maryland

The University System of Maryland (USM)—one system made up of twelve institutions, three regional centers, and a central office—awards eight out of every ten bachelor’s degrees in the State of Maryland. The USM is governed by a Board of Regents, comprised of twenty-one members from diverse professional and personal backgrounds. The chancellor, Dr. Jay Perman, oversees and manages the operations of USM. However, each constituent institution is run by its own president who has authority over that university. Each of USM’s 12 institutions has a distinct and unique approach to the mission of educating students and promoting the economic, intellectual, and cultural growth of its surrounding community. These institutions are located throughout the state, from western Maryland to the Eastern Shore, with the flagship campus in the Washington suburbs. The USM includes Historically Black Colleges and Universities, comprehensive institutions, research universities, and the country’s largest public online institution.

USM Office of Government Relations - Patrick Hogan: phogan@usmd.edu