



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