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**Testimony in OPPOSITION to
Senate Bill 491
Charles County Board of Education - School Bus Contractor Employees - Negotiations**

On behalf of Charles County Public Schools, I urge this Committee to issue an unfavorable report on Senate Bill 491. This opposition is not based on any desire to avoid the concerns of contracted drivers and attendants. My senior staff and I have regularly met with these contracted employees, and our Board of Education has addressed concerns about their pay and benefits by both providing salary increases and ensuring that they receive benefits over and above what virtually every other local school system with bus contractors has provided to their contracted bus drivers and attendants. These efforts are on-going, and I am committed to continuing to work with them and the private contractors they work for.

However, Senate Bill 491 would create legal confusion and various conflicts with other state laws dealing with employment and collective bargaining within Charles County Public Schools. For example, the bill would establish the Board of Education as the joint employer of individuals who are currently employed by private contractors. This seems to be unprecedented in state law. No other contracted employees are deemed by state statute to be the joint employees of a governmental agency. Therefore, the effects of this designation are unknown but could be extensive. This would add more than 300 contracted bus drivers and attendants to the school system's employment rolls, potentially subjecting the school system to a determination by federal or state agencies that these individuals should be covered by other employment laws.

The bill also mandates that these contracted employees be included in "negotiations" with school bus contractors. Currently, there are no formal negotiations with school bus contractors required by law, unlike the mandated negotiations with school system employees covered by Sections 6-401, et seq. and 6-501, et seq. of the Education Article. Couching the new provisions of Senate Bill 491 as collective bargaining raises questions about whether this mandates that there be formal "collective bargaining" with school system bus contractors over the terms of contracts.

Additionally, Senate Bill 491 requires the school system to identify "representatives who reflect the interests of school bus contractor employees" to participate in the negotiations. This might create a conflict with federal law which allows and has led to some of the contractors' drivers and attendants to privately unionize through the Amalgamated Transit Union (ATU). However, under state law, current school system non-certificated employees (including bus drivers and attendants directly employed by the school system) have already selected the American Federation of State, County and Municipal Employees Council 67, Local 2981 (AFSCME) to represent them. This conflict between state and federal laws over union representation could lead to confusion and conflict in Charles County over who actually represents these individuals.

I urge this Committee to issue an unfavorable report on Senate Bill 491. If you have any questions, please feel free to contact me.

Sincerely,

Maria V. Navarro, Ed.D.
Superintendent of Schools