



Maryland General Assembly Senate Finance Committee  
Hearing: Thursday, February 16, 2023, 1:00 p.m.

Dear Madam Chair Griffith and Members of the Committee:

I write to you today to urge the Finance Committee to reject Senate Bill 284, “Trustees of the Walters Art Gallery - Collective Bargaining,” sponsored by Senator Jill P. Carter.

There are three reasons to reject this bill:

1. SB 284 is unnecessary because there are no institutional or legal impediments for Walters employees to vote on forming a union—and negotiations for a voluntary recognition agreement are already underway.
2. As written, SB 284 presents as a government takeover of the Walters Art Museum—a view endorsed by AFSCME and other advocates for the bill.
3. If passed, it will lead to unnecessary and expensive litigation for the Walters and the State of Maryland, as well as an assertion of jurisdiction by the NLRB.

**First and foremost**, this bill is unnecessary. On Wednesday, January 25, 2023, several employees of the museum presented me with a proposal for voluntary recognition through a vote administered by a neutral third party. By taking this action, our employees acknowledged that they have a legal avenue to forming a union. We agree with our employees. Therefore, on Friday, February 10, after a series of email exchanges, I provided feedback and recommended changes to these employees’ draft voluntary recognition agreement, and we have also agreed to a meeting on February 22.

This process and the dialogue between some of the museum’s employees and the museum’s leadership underscores what I have said since April 2021, when some employees first announced their desire to form a union: There are no impediments to employees who wish to form a union from taking the steps necessary to do so. Negotiation of a voluntary recognition agreement would be impossible if there were legal impediments preventing Walters employees from forming a union.

AFSCME and the museum employees organized under the name “Walters Workers United” (WWU) have also been clear, consistent, and very public in affirming they understand that the law, as currently written, provides them legal rights and protections related to union organizing. The WWU website, hosted by AFSCME, underscores this. Their FAQ page (<https://www.waltersworkersunited.org/frequently-asked-questions>) outlines the protections provided by law, the National Labor Relations Act, for their organizing activities, rendering SB 284 moot.

And it is worth noting that the right of employees to vote on this important decision is central to both the draft voluntary recognition agreement provided by the museum’s employees and the response from the museum. WWU’s website also references, multiple times, their view that an employee vote is an essential part of the process of securing a union at the museum. SB 284 revokes from employees a right they clearly want, the right to vote.

The second issue is that SB 284 as written is so vague and so broad as to constitute a **government takeover of the museum**. I do not make this statement lightly. Rather, I refer you to statements by AFSCME and WWU—who have testified in support of this legislation and been public in their support as well—that articulate a government takeover of the private assets of the Walters Art Museum as their goal.

Specifically, AFSCME and WWU described, in a filing signed by their lawyer and submitted to the Circuit Court for Baltimore City as part of their MPIA lawsuit, their view as to the impact of the Walters Art Museum being a unit or instrumentality of the government: asserting that it would mean “the private funds the trustees raise are not their own” but instead belong to the government (page 11 of their Reply Brief), and that the Board of Trustees would be “wholly beholden” to the government (page 5 of the Reply Brief).

Perhaps this sweeping change to the management and governance of the museum is not the one intended by this body; perhaps SB 284 merely perpetuates inadvertently the vague and broad language included in HB 116. However, given this broad and sweeping language, I am sure you can understand why I have a responsibility on behalf of the Walters Art Museum to address this bill, which would be detrimental to the very existence of the institution.

This leads to my third concern with SB 284. If passed, this language, if interpreted as asserted by AFSCME and WWU, could be interpreted as a **government taking of the privately-owned assets of the Trustees without compensation or 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. That would likely require the Trustees, as fiduciaries of its privately owned assets, to pursue legal action to prevent this seizure. It will also raise concerns because of the **Supremacy Clause of the U.S. Constitution**, under which federal law preempts state law—in this case backed by long standing legal precedents affirming that scope of jurisdiction of the National Labor Relations Board (NLRB) rests exclusively with the NLRB and federal courts rather than state legislatures. In other words, it is not for the Maryland General Assembly to decide that the Walters is a unit or instrumentality of the State or the City for purposes of labor relations; that decision rests with the NLRB.

Again, I urge the Finance Committee to reject SB 284. If State Senators wish to support the employees of the Walters Art Museum who would like to form a union, rather than advancing SB 284 the single best step the members can take at this stage is to encourage employees to negotiate with us to finalize a voluntary recognition agreement. Our employees have the right, the power, and the responsibility to continue 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