

# **BUS STATUS FOR SUPV.pdf**

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Position: FAV

Written Testimony Submitted to the  
Maryland Senate Finance Committee

SB 298

State Personnel – Collective Bargaining – Supervisory and Managerial Employees

February 16, 2023

SUPPORT

Good afternoon, Chair Griffith and members of the Senate Finance Committee. My name is Mrs. Arlene Major and I am an Emergency Dispatch Supervisor at Maryland State Police Golden Ring Barrack in Essex, Md. I am a member of Supervisors United for Collective Bargaining 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 SB 298, and ask this committee for a favorable report.

I have been with MSP for over 14 years and one year previously as a 911 call taker with the Albuquerque Police Department. After being acting Supervisor and then promoted to the supervisory role, the last two years in this position has brought on numerous learning and on the job training experiences. This job is not just simply "be a supervisor". The many hats that must worn and switched during a shift is countless. I also have to cover the radio when there is not coverage available. Under my supervision, I am allotted 5 Emergency Dispatchers where at this time I only have one which requires me to do so much more to cover those vacancies for an extremely busy traffic barrack which requires me to do so much more to include the job of 5 dispatchers and that is the way it is across the state. Besides the radio and CAD traffic, I have to deal with court mail, warrants, RMS, training, liaison duties and more. Currently, I maintain just over 1000 warrants/summons for my barrack alone which must be processed, recalled, input into NCIC and RMS, removed returned to court as well as PIA or FOIA requests which require me to go over 911 calls and traffic calls requested by numerous state agencies and the public.

Paperwork, system- knowledge, trooper safety as well as multi-tasking is key for this job as well as keeping troopers informed as well as safe in order to return home to their families. I also make it a point to involve my dispatcher(s) as well as barrack command staff in the decisions made because it effects all not just some.

Why do I feel collective bargaining is necessary for supervisors? The very definition of this is the process in which working people, such as myself, through their unions, which I put money into, negotiate contracts with their employers to determine the terms of their employment to include pay, benefits, hours, leave, job health and safety, work balance, family and more. The title of supervisor does not make me less of an employee and I feel that being left out of coverage all the while being required to maintain all that collective bargaining stands for is a bit off putting.

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 SB 298.

Thank you.

Sincerely,

**Arlene R Major**

Emergency Dispatch Supervisor  
Maryland Department of State Police  
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# **Danielle Holman Written Testimony SB298.pdf**

Uploaded by: Danielle Holman

Position: FAV



*Maryland Classified Employees Association*

*SUPERVISORS UNITED FOR COLLECTIVE BARGAINING*

**Written Testimony Submitted to the  
Maryland Senate Finance Committee  
SB 298**

**State Personnel – Collective Bargaining – Supervisory and Managerial Employees  
February 15, 2023  
SUPPORT**

Good afternoon, Chair Griffith and members of the Senate Finance Committee. My name is Danielle Holman and I am a Community Detention Officer Supervisor for the Department of Juvenile Services. I have been with the agency for almost 15 years. I am a member of Supervisors United for Collective Bargaining 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 supervise a team of 12 with the Department of Juvenile Services. My staff have post positions, which run 24 hours a day 7 days a week. Our team monitors youth throughout the state that are court ordered Community Detention GPS monitoring. Being out in the community with the dangerous climate of areas in Maryland, primarily Baltimore City can prove debilitating even for the most seasoned worker. I am in the infancy stage of being a supervisor. I just surpassed my 1<sup>st</sup> year mark earlier this month. The most difficult part of the job is separating from the job. Supervising a staff that works 24 hours a day and deserve management support is a tough feat. It is an unreasonable expectation for me to account for everything that happens in a 24-hour period with staff. I have been managing procedurally but it leaves minimal space to decompress and have outside interests. Recently, my staff was tasked with identifying the body of a youth who was murdered with the device on. During my time on the team, I had to do something similar. I worked my 8 hours for the day. This happened very late at night. A major belief that I have as a supervisor is to be a source of support. In this instance, my support extended well beyond a paid shift into a sleepless night, still expected to show up for work the next day and not being rightfully compensated.

Collective bargaining raises our voices, allows us to not only be heard but also truly seen. We are on the front lines, being an example to our staff who are represented but the question lingering is...what about us? Being in management is a promotion to those who deserve and exemplify the values of their agencies. Do the state of Maryland lawmakers want to further project that state employees' who excel and are promoted are punished by silencing their representation? We keep this state running, often times at the expense of our families and ourselves. Ultimately, Supervisors and Managers are overtly and adversely affected.

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 SB 298. Thank you.

**SB 298\_AFSCME3\_FAV.pdf**

Uploaded by: Denise Gilmore

Position: FAV



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Patrick Moran - President

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**SB 298 - State Personnel - Collective Bargaining - Supervisory and Managerial Employees  
POSITION: FAVORABLE**

AFSCME Council 3 supports SB 298. 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.

SB 298 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 SB 298. 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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# **SB 298 - State Personnel - Collective Bargaining -**

Uploaded by: Donna Edwards

Position: FAV





# MARYLAND STATE & D.C. AFL-CIO

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**Donna S. Edwards**

*Secretary-Treasurer*

**Gerald W. Jackson**

**SB 298 - State Personnel - Collective Bargaining - Supervisory and Managerial Employees  
Senate Finance Committee  
February 16, 2023**

**SUPPORT**

**Donna S. Edwards  
President**

**Maryland State and DC AFL-CIO**

Madame Chair and members of the Committee, thank you for the opportunity to submit testimony in support of SB 298 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.

SB 298 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. SB 298 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 SB 298.

# **Collective Bargaining SB 298.pdf**

Uploaded by: Erin Volz

Position: FAV



*Maryland Classified Employees Association*

*SUPERVISORS UNITED FOR COLLECTIVE BARGAINING*

**Written Testimony Submitted to the  
Maryland Senate Finance Committee**

**SB 298**

**State Personnel – Collective Bargaining – Supervisory and Managerial Employees**

**February 26, 2023**

**SUPPORT**

Good afternoon, Chair Griffith and members of the Senate Finance 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 Supervisors United for Collective Bargaining 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 SB 298, 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



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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 supervisors, we cannot



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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 SB 298. Thank you.

# **SUPERVISORS COLLECTIVE BARGAINING\_2.pdf**

Uploaded by: GARRY COCHRANE

Position: FAV





Maryland Classified Employees Association

**SUPERVISORS UNITED FOR COLLECTIVE BARGAINING**

**Written Testimony Submitted to the  
Maryland Senate Finance Committee  
MD SB 0298**

**State Personnel – Collective Bargaining – Supervisory and Managerial Employees  
February 26, 2023  
SUPPORT**

**February 15, 2023**

Good afternoon, Chair Griffith and members of the Senate Finance Committee. My name is Garry Cochrane and I am a Supervisor at Metro Railcar Maintenance for Maryland Transit Administration, my work location is 5801 Wabash Avenue, Baltimore, MD 21215. I have been working at the MTA for twenty-two years. I am a member of Supervisors United for Collective Bargaining 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 submitting this letter to you to advocate for HB 0183, and ask this committee for a favorable report.

My job duties include daily performing tasks associated with all aspects of maintaining a railcar. I assigned work assignments to everyone that I supervise and I checked and closed work orders in Maximo. I approved time sheets and I constantly interact with my employees about their work assignments.

The reason I want to have collective bargaining is to maintain my salary above the employees that I supervise. Employees that I supervise have collective bargaining rights. I feel as though supervisors should be able to negotiate their salaries. This is the correct thing to do for the State of Maryland General Assembly to pass this bill.

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 MD SB 0298. Thank you.

Garry Cochrane

State of Maryland



**Written Testimony SB298.pdf**

Uploaded by: Janette Charlton

Position: FAV



*Maryland Classified Employees Association*

*SUPERVISORS UNITED FOR COLLECTIVE BARGAINING*

**Written Testimony Submitted to the  
Maryland Senate Finance Committee**

**SB 298**

**State Personnel – Collective Bargaining – Supervisory and Managerial Employees**

**February 26, 2023**

**SUPPORT**

Good afternoon, Chair Griffith and members of the Senate Finance Committee. My name is Janette Charlton and I am a Health Facilities Surveyor Coordinator at the Maryland Department of Health, Office of Health Care Quality (OHCQ), in Columbia MD and I am a new supervisor who has worked for the state since January 2003. I am a future member of Supervisors United for Collective Bargaining 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 supervise a team of eight nurse and program surveyors who conduct inspections throughout Maryland to ensure the health and safety of individuals with intellectual and developmental disabilities living in group homes and receiving services from the Developmental Disabilities Administration. I started at OHCQ as a surveyor conducting inspections myself in 2009, and I first applied to be a supervisor in 2015 when a position first became available. The position was ultimately given to an applicant outside the agency. I was disappointed of course but I continued to work at OHCQ as a surveyor until 2022, when I again decided to apply for an open supervisor position. I was finally promoted in February 2022, after having been a surveyor since 2009. In that time I saw people from outside the agency consistently given supervisory roles over myself and my colleagues despite our experience and degrees. And because state salaries are public information, I know that some of these supervisors in my same position (and some of the nurses I supervise) are paid more than me despite my years of state service, background and knowledge. I would say that 90% of the co-workers I began with in 2009 ultimately quit OHCQ. Morale here is very low.

I was told during the hiring process that because I am already a state employee, I had no ability to negotiate my pay when I became a supervisor. I was hired at a time when the hiring authority seemed to make arbitrary decisions on what the starting salaries should be. I have co-workers who made more and sometimes less than me despite doing the exact same job, and as far as I am aware no one has ever sought to correct these essentially unfair labor practices for those of us vested employees who have worked with the state the longest and have become supervisors, for those of us who throughout the years have most weathered the brunt of furloughs, stalled salary raises, insurance increases, etc.

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



*Maryland Classified Employees Association*

***SUPERVISORS UNITED FOR COLLECTIVE BARGAINING***

not hire, fire, promote, or adjust grievances for any state employee. We again call this committee to issue a favorable report for SB 298. Thank you.

**MILLER TESTIMONY IN SUPPORT OF SB 298.pdf**

Uploaded by: Marilyn Miller

Position: FAV

# Maryland Classified Employees Association, Inc.

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Leonard Lee – Administrator  
Marilyn Miller – Advisory Board President

## **SB 298 – State Personnel – Collective Bargaining – Supervisory and Managerial Employees Senate Finance Committee – February 16, 2023**

### **SUPPORT**

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

Chair Griffith and members of the Committee, thank you for the opportunity to submit testimony in support of Senate Bill 298. 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 SB 298.**

**Affiliated with AFT/AFT-MD/AFL-CIO - Website: [mcea.md.aft.org](http://mcea.md.aft.org)**

# **Olusola Ayoodugbesan Written Testimony SB298.pdf**

Uploaded by: Olusola Ayoodugbesan

Position: FAV



*Maryland Classified Employees Association*

***SUPERVISORS UNITED FOR COLLECTIVE BARGAINING***

**Written Testimony Submitted to the  
Maryland Senate Finance Committee**

**SB 298**

**State Personnel – Collective Bargaining – Supervisory and Managerial Employees**

**February 26, 2023**

**SUPPORT**

Good afternoon, Chair Griffith and members of the Senate Finance Committee. My name is Olusola Ayoodugbesan, and I am a Correctional Case Management Supervisor at Maryland Correctional Institution (MCIJ), Jessup, Maryland. I have worked in this position for 15 years. I am a member of Supervisors United for Collective Bargaining 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 case management supervisor, I directly supervise a group of case management specialists, to ensure that work is completed thoroughly, accurately, and in a timely manner consistent with established agency policies and procedures. Part of my duties entails assigning and reviewing the work of others; training of employees; approving leave requests; signing of time cards and signing of annual performance evaluations. I am also responsible for resolving procedural problems within the unit; serving as a spokesperson for subordinates, explaining policies and directives from management and issuing formal disciplinary reminders, warnings and reprimands.

A typical day involves the carrying out of the above listed functions within normal business hours, which in most cases is not enough time to accomplish required tasks. Working over my normal hours is routine, for which I get compensated for comp time only. Some of the difficulties I have to overcome includes working with faulty or outdated equipment, staffing shortages, low morale, amongst others. I have a total of 26 years of state service, 15 of which I have been a supervisor. I got elevated to this role after 11 years as a state employee.

Collective bargaining is needed for my position, to ensure equality and fair employment practices. For example, I have to routinely work mandatorily over my scheduled hours, and get compensation for an hour for an hour, with no option to receive cash payment. But regular employees/subordinates are compensated for one and a half hours, for every comp time worked, with an option for paid comp time. When the 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 SB 298. Thank you.

# **SB 298 State Personnel - Collective Bargaining - S**

Uploaded by: Anna Yates

Position: UNF



**Senate Bill 298**  
**State Personnel - Collective Bargaining - Supervisory and Managerial Employees**  
**Senate Finance Committee**  
**February 16, 2023**

**Unfavorable**

Chair Griffith and Members of the Finance Committee,

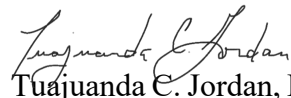
Thank you for the opportunity to share our thoughts on Senate Bill 298. The Bill's inclusion of supervisory and managerial employees in collective bargaining would create significant challenges in the College's ability to serve our students and campus community. St. Mary's College urges an unfavorable report on this Bill.

Supervisory and managerial employee's core responsibilities are to carry out management rights and to implement its policies and procedures. Extending collective bargaining rights to supervisory and managerial employees would place these individuals in an improper position in which they would be faced with choosing to act in the best interest of the institution, or in the best interest of members of the collective bargaining unit they supervise.

In addition, providing supervisors and managers with collective bargaining rights would interfere with the College's ability to carry out its mission. Supervisors and managers play a critical role in ensuring that the College fulfills its essential responsibility: to care for the health and needs of students. To include the self-interest of collective bargaining employees to the work environment of supervisors and managers will undermine this core responsibility and create institutional risk.

For these reasons, I urge an unfavorable report on Senate Bill 298.

Thank you for your consideration and continued support of St. Mary's College of Maryland.



Tuajuanda E. Jordan, PhD  
President

*The*  
**NATIONAL  
PUBLIC  
HONORS**  
*College*



**SB298\_USM\_UNF.pdf**

Uploaded by: Sherri Roxas

Position: UNF



**SENATE FINANCE COMMITTEE**  
**Senate Bill 298**  
**State Personnel - Collective Bargaining - Supervisory and Managerial Employees**  
**February 16, 2023**  
**Unfavorable**

Chair Griffith, Vice Chair Klausmeier and members of the committee, thank you for the opportunity to offer testimony on Senate Bill 298.

Senate Bill 298 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 hinder the effective and efficient operations of the institutions.

For all of the foregoing reasons, the USM respectfully advocates for an unfavorable report on Senate Bill 298.



**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.

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