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BILL: SB 367
TITLE: Public Employee Relations Act
DATE: February 16, 2023
POSITION: Opposes
COMMITTEE: Senate Finance Committee
Senate Education, Energy, and the Environment Committee
CONTACT: Mary Pat Fannon, Executive Director, PSSAM

The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four local school superintendents, **opposes** Senate Bill 367.

This legislation consolidates and alters certain laws governing collective bargaining for certain public employees, including laws related to the establishment of bargaining units, elections and certification of exclusive representatives, employee and employer rights, unfair labor practices, strikes, and lockouts. The bill establishes the Public Employee Relations Board to oversee collective bargaining activities for certain public employees.

PSSAM strongly opposes the following provisions of the bill: (1) adding class size and school calendar issues as permissible collective bargaining topics; (2) replacing the use of mediation with arbitration throughout the bill; and, (3) the elimination of the Public School Labor Relations Board (PSLRB) by consolidating it with the State Labor Relations Board, and the State Higher Education Labor Relations Board into a new Public Employee Relations Board.

The bill significantly alters the longstanding collective bargaining process and dispute resolution by eliminating the PSLRB. This Board has expertise in public school collective bargaining issues, which could be minimized in a broader Public Employee Relations Board. The inclusion of class size and calendar issues as permissible collective bargaining topics is also a great concern. This committee has previously heard PSSAM's concerns regarding the issue of class size in Senate Bill 206, which makes bargaining class size a permissible subject. There are many unintended consequences of making this change as described in our testimony on SB 206.

Financial and operational concerns top those concerns, especially the potential outcome of needing more teachers to satisfy bargained class sizes.

This legislation would also significantly complicate and confuse our implementation of the Blueprint for Maryland's Future. The Blueprint is based on the concepts of equity and adequacy. This legislation would result in 24 different agreements that could create new inequities among systems based on the strength (or weakness) of either bargaining unit.

Second, the Kirwan Commission considered and rejected mandating smaller class sizes. There was no conclusive research that smaller classes were responsible for student success; they found small classes were not a characteristic of successful schools around the world. Third, the Blueprint calls for increases in teacher salaries and more planning time (60% teaching and 40% planning), which will require additional staff. School systems are already strategizing and contemplating this need in the context of the national teacher shortage.

Placing a cap on class sizes or allowing this to be a topic of negotiations would limit a system's ability to allocate resources to high need schools. Local boards and superintendents need the flexibility to invest in the students and families who need us the most. Lastly, the Blueprint for Maryland's Future already requires wholesale revisions to the local systems' collective bargaining agreements through the establishment of the career ladder.

The Public School Labor Relations Board (PSLRB) has been hearing and resolving disputes between employees and their unions, and unions and school systems since 2010. The PSLRB is composed of members appointed by our organization, (PSSAM), the Maryland Association of Boards of Education (MABE), the teachers' associations, and the Governor. This membership structure allows for expertise in school system governance, administration, employee contract negotiations, and dispute resolution, all of which would be lost by consolidating the PSLRB into the new Board.

Finally, replacing mediation with arbitration would make an already complex and time-sensitive process more contentious and dissuade parties from coming to the bargaining table willing to compromise for the good of our teachers and students.

For these reasons, PSSAM opposes Senate Bill 360 and urges an unfavorable report.