
Testimony of David Maher
SB 367 – Public Employee Relations Act of 2023
Finance Committee
February 16, 2023
Support / Favorable

My firm represents AFSCME Maryland Council 3. We also represent firefighters, teachers, county and municipal employees, and many other public employees. We routinely practice before the three state labor boards, as well as the National Labor Relations Board for our private sector clients.

This bill reforms and modernizes the practice and procedure of labor law for public sector employees in Maryland. Maryland labor law, and the labor boards charged with administering and enforcing Maryland's public sector labor law, are unnecessarily fragmented and balkanized. As well, the labor boards are underfunded and understaffed. This unnecessary fragmentation is present in the laws as well, as employees' rights vary drastically based solely on who their employer. In some circumstances, employees of the same public sector employer have wholly different sets of collective bargaining rights depending on their job title.

As a result, the labor boards are ineffective, understaffed, and produce inconsistent interpretations of the same laws. Employees, unions, and public sector employees are unable to have timely, fair, and consistent resolution of disputes, as complaints filed with the labor boards go unresolved for over a year. The labor boards are unable to do their statutorily mandated jobs to investigate, encourage resolution of, and resolve complaints of unfair labor practices. The result is that employees must engage in organizing, bargaining, and administering contracts without the ability to enforce their rights to do so.

SB 367 fixes this problem by:

1. Labor Board reform will create a single board with the powers and resources needed to enforce existing law.

SB 367 unifies the existing boards into a single Public Employee Relations Board. This change is in line with federal and other state public sector labor laws, where a single labor board is responsible for the administering and enforcement of labor laws. The bill creates a professional, skilled staff with the tools, authority, and resources to expeditiously resolve labor disputes. It creates investigatory timelines to ensure that a party is not permitted to commit an unfair labor practice will not get resolved until a year or more after the election or collective bargaining where the unfair labor practice was committed was concluded. This structure will promote labor peace and effectively permit employees to exercise their rights through fair and timely adjudication, similar to the National Labor Relations Board

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and the centralized labor boards used by other states, such as California, New York, New Jersey, Pennsylvania, Illinois, Ohio, Michigan, Wisconsin, Washington, Minnesota, Oregon, New Mexico, Hawaii, New Hampshire, Maine, Rhode Island, and Vermont, with modern public sector collective bargaining laws.

2. Labor law standardization will create a single, straightforward, and enforceable body of labor law for public sector employees

SB 367 would also end the current fragmentation of Maryland's public sector labor law, which gives different rights to different employees without any purpose to these differences. SB 367 would create a common body of Maryland labor law, encompassing the rights of employees, unions, and public employers, election procedures, and basic standards for labor relations in the public sector. It retains common sense distinctions adapted to specific employees and public employers, such as the collective bargaining process.

Principally, this bill does not introduce anything new to Maryland labor law. With the exception the new enforcement powers and staffing of the new PERB, this bill does not extend to any employee, bargaining unit, union, or public employer a right or obligation that is not already given to another set of employees, bargaining units, unions, or public employers. Currently, card check is available to community college employees, but not to executive branch employees. Public employer neutrality and union access rights vary. Rights to information in bargaining, and the right to grieve violations of the contract, are enjoyed by some but not others.

This bill ends the unequal and inconsistent treatment of Maryland's public sector employees. It does not give collective bargaining rights to any public employees who currently do not have it, and it does not create new rights or obligations. It simply standardizes the law to ensure equal treatment, and makes much needed reforms to ensure that the laws in place are actually enforced.

For these reasons, we urge the Committee to give SB 367 a favorable report.