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Testimony of David Maher
HB 266 – State Government – Public Employee Relations Act – Alterations
Appropriations Committee
Favorable with amendments

My firm represents AFT-Maryland, which represents teachers, professors, paraprofessionals and school related personnel, doctors, nurses and professional executive branch employees. My firm also represents firefighters, teachers, county and municipal employees, and other public employees.

HB 266 proposes several revisions to the Public Employee Relations Act, which governs collective bargaining and unionization for executive branch employees, public higher education employees, and public-school employees. AFT-Maryland supports SB 231 and the Public Employee Relations Board's development and fine-tuning of the Act.

HB 266, however, also contains language which would interfere with long-standing law about dues deduction for executive branch employees. This new language in HB 266 would tie dues deduction to a union's representational status. Since at least 1983, state law has provided that executive branch employees may elect to support a union through paying union dues deducted from their paycheck, regardless of representational status. This law, Md. Code State Pers. & Pens. § 2-403, long predates the executive branch collective bargaining law, which provided a mechanism for unions to gain representational rights.

§ 2-403 is an important part of Maryland's long history of respecting its employees' right to free association. It enables employees to work together and support one another, even when they are not represented by a union. And that provision still helps employees today. Many executive branch employees lack collective bargaining rights—that is, they are not legally allowed to have a union bargain with the State on their behalf. § 2-403 permits employees to work together to present grievances, to have community, to engage in mutual aid, and to pursue legislative goals including collective bargaining rights.

Employees are always free to revoke dues deduction under existing State law. PERA provides that an employee may revoke their membership and cancel dues deduction, whether the employee is represented by a union or not. This language is unnecessary and creates unnecessary ambiguity.

AFT-Maryland opposes tying dues deduction rights to representational status. HB 266 should be amended to remove the new language on lines 13-14 of page 2, and any amendment to Md. Code State Govt. § 22-209 should be removed. This amendment was adopted by the Senate in the cross-file, SB 231.

AFT-Maryland otherwise supports this bill.