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Patrick Moran – President

**SB976 – Collective Bargaining –
Local Government Employees and Public Employee Relations Act
Finance Committee
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FAVORABLE

AFSCME Council 3 supports Senate Bill 976. Senate Bill 976 will extend collective bargaining rights to county and municipal employees across Maryland, who do not currently have the freedom to collectively bargain. Additionally, the legislation will establish a framework of consistent rights, obligations, and duties of local government employees, exclusive representatives, and employers. Under the bill, local governments will benefit from streamlined administrative representation and certification procedures that would be handled by the Public Employee Relations Board.

AFSCME Council 3 represents approximately 45,000 state, county, and municipal employees across Maryland. From Western Maryland to the Eastern Shore, AFSCME members are on the frontlines everyday making it possible for our communities to function. However, not all local government public employees across Maryland enjoy the freedom to choose collective bargaining.

Currently, twelve counties, half of the jurisdictions in Maryland, do not have collective bargaining rights for county employees.¹ In addition, jurisdictions vary on whether their ordinances specify bargaining unit determinations, dispute resolution processes for bargaining, resolving and settling grievances, or explicitly identifying unfair labor practices, i.e., prohibited conduct by the employer and exclusive representative.

Historically, the evolution of Maryland's public sector collective bargaining rights for public employees has been incremental, piecemeal, and has resulted in a varied patchwork of differing laws that create an uneven system of rights, duties, and obligations for public employees, exclusive representatives, and employers. Frequently, members of the General Assembly are presented with local delegation bills that would extend collective bargaining rights to certain categories of public employees in jurisdictions across Maryland. However, our state does not need to continue with this haphazard practice. Senate Bill 976 will extend freedoms to public servants, streamline administrative processes and procedures, and create a more efficient system of public sector labor relations across Maryland.

The General Assembly has bucked historical practice and enacted recent reforms that promote uniformity in public sector labor relations. In the 2023 session, the General Assembly passed, and Governor Moore signed into law, the Public Employee Relations Act.² Among other things, this

¹ The twelve counties are: Calvert, Caroline, Carroll, Dorchester, Garrett, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Worcester.

² Chapter 114, 2023 Laws of Maryland, https://mgaleg.maryland.gov/2023RS/chapters_noln/Ch_114_hb0984E.pdf.

legislation dissolved three different public sector labor relations boards into one Public Employee Relations Board, consolidated various definitional terms, rights, duties, and procedures concerning public sector labor relations for state, higher education, community college, and public school employees, and enumerated unfair labor practices by public employers and exclusive representatives.³

Opponents to this legislation may argue that this legislation imposes a “one-size-fits all” system that does not respect or acknowledge the differences and variances that may exist across jurisdictions and that local control needs to be preserved. This argument is unpersuasive and without merit because it fails to recognize the adaptability and flexibility of collective bargaining as a practice and procedure, which is supported by nearly 100 years of precedent with collective bargaining in our country.

Originally enacted in 1935, the National Labor Relations Act (NLRA) has governed private sector labor relations across the United States for ninety years. The National Labor Relations Board (NLRB) has broad jurisdiction over the private sector to administer and enforce the provisions of the Act over a vast array of industries including healthcare, private educational institutions, telecommunications, aerospace, retail, warehouse, transportation, the tech industry, non-profits, restaurants, and more. Regardless of the industry, collective bargaining provides the parties the flexibility to negotiate issues and topics that are unique and important to workers and management. The adaptability and success of collective bargaining derives from the fact that laws establishing collective bargaining build a common framework for parties to operate within but leave labor and management with broad space to negotiate and resolve disputes in a peaceful manner that are suitable for their workplace.

Public sector collective bargaining is no different in this regard. Private and public sector labor laws, regardless of industry, possess common elements including: i) defining key terms; ii) establishing employee, employer, and exclusive representative rights; iii) providing the procedures for the election of the exclusive representative; iv) establishing appropriate bargaining units; v) instituting the duty to bargain in good faith; vi) establishing dispute resolution procedures and the peaceful settlement of grievances; and vii) enumerating unfair labor practices that neither management nor labor unions may commit.

Senate Bill 976 possesses the same features outlined above for local government employees, employers, and exclusive representatives. The bill establishes key terms; rights, duties, and obligations for local government employees, employers, and exclusive representatives; election procedures; and dispute resolution procedures. The bill alleviates administrative burden from local government employers by requiring the PERB to manage questions of certification and unfair labor practice charges that may arise between management and exclusive representatives. Moreover, the bill provides flexibility to local governments with an exemption opportunity from the bill’s requirements if the local government files a petition with the PERB and the PERB determines the local government’s laws comply with the law and the Public Employee Relations Act. In sum, this legislation extends collective bargaining rights to local government employees, establishes streamlined administrative processes and procedures for public sector labor relations, and provides local government employers with flexibility to opt out of the law’s requirements if they currently maintain local laws that comply with the requirements of the bill and the Public Employee Relations Act. **We urge the committee to issue a favorable report on Senate Bill 976.**

³ *Id.*