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Patrick Moran – President

**SB 831 – Labor Law – Child Labor Penalties, Private Sector Employee Labor Relations, and State Employee Labor Standards
Finance Committee
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FAVORABLE WITH AMENDMENTS

Maryland is successfully modernizing its labor relations landscape to more efficiently address disputes when they arise and to avoid disputes by developing clear and steady precedents for the benefit of public employers, their employees, and their unions. The General Assembly significantly advanced those efforts when it passed the Public Employee Relations Act (“PERA”) in 2023. That Act created the Public Employee Relations Board (“PERB”). The PERB consolidated three previous labor boards. In the three years since it was created, the PERB has benefited from the appointment of strong, experienced board members, the hiring of capable and dedicated staff, and, most of all, the appointment of a chairperson with decades of experience with labor relations at the federal level. The PERB has quickly come into its own as it addresses matters of all kinds, involving all manner of work and workers, across the public sector in Maryland.

As the federal government threatens to retreat from policing labor relations and to abdicate any meaningful role in private sector labor relations, now is the time to position the PERB to address those needs should it become necessary. The issue of when it is necessary is a critical one – and a legal one. The NLRA generally preempts state laws that try to police labor relations in the private sector. For Maryland to successfully fill the gap and take jurisdiction if the federal government abdicates its jurisdiction takes study and nuance. It is hard to be rigid and formulaic in that regard. SB 831 speaks of the NRLB expressly or implied ceding jurisdiction (10:15-16). It tries to anticipate circumstances like the lack of a quorum or a lack of independence for the NLRB. (10:27-30). But, of course, it is impossible to anticipate how this Presidential Administration may act. HB 1539 has the better solution in this regard. It calls for Maryland’s Department of Labor to monitor the federal landscape and make a determination as to jurisdiction when circumstances so direct. (20:10-18). SB 831 should be amended to adopt HB 1539’s approach.

SB 831 is needed as one hundred years of federal labor laws are neglected and undermined. The only silver lining is that this comes at a time when the General Assembly has committed itself to facilitating just workplace and fair practices, and has, with the Moore Administration, created in the PERB an agency to do just that. The PERB ought to be positioned to fill the gap – both as a matter of law and a matter of funding.

We urge the committee to issue a favorable report with amendments on SB 831.