



Collective Bargaining Overview

Maryland Senate Finance Committee

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Agenda

- Brief History
- Terms & Processes
- State approaches
- Additional Resources

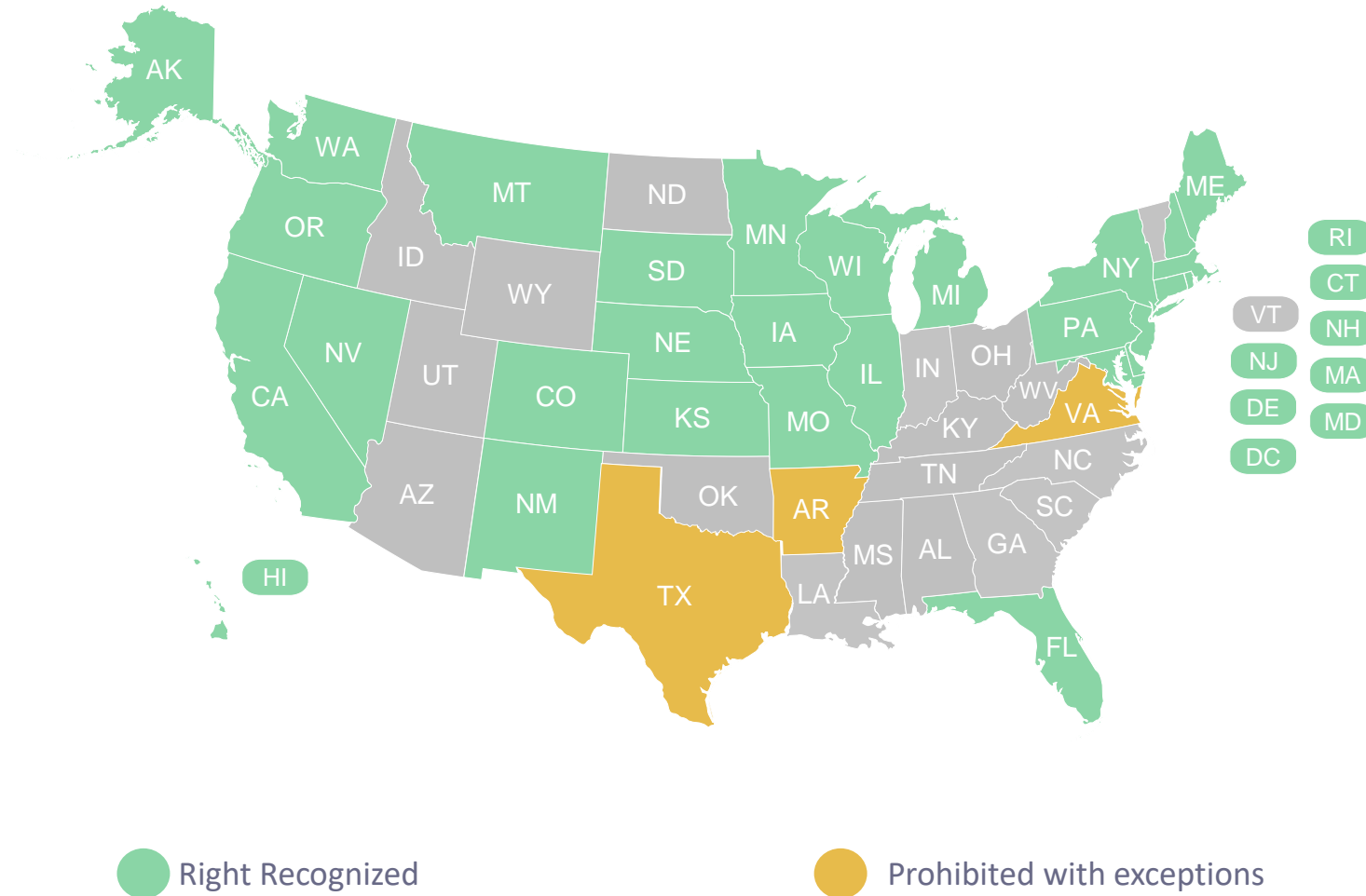


History of Collective Bargaining

- Concepts and tactics predate the United States.
- 1700s – trade unions emerge.
- 1800s – national/international unions gain popularity.
- 1959 – Wisconsin becomes first state to authorize collective bargaining for public employees.



Public Employee Collective Bargaining Rights

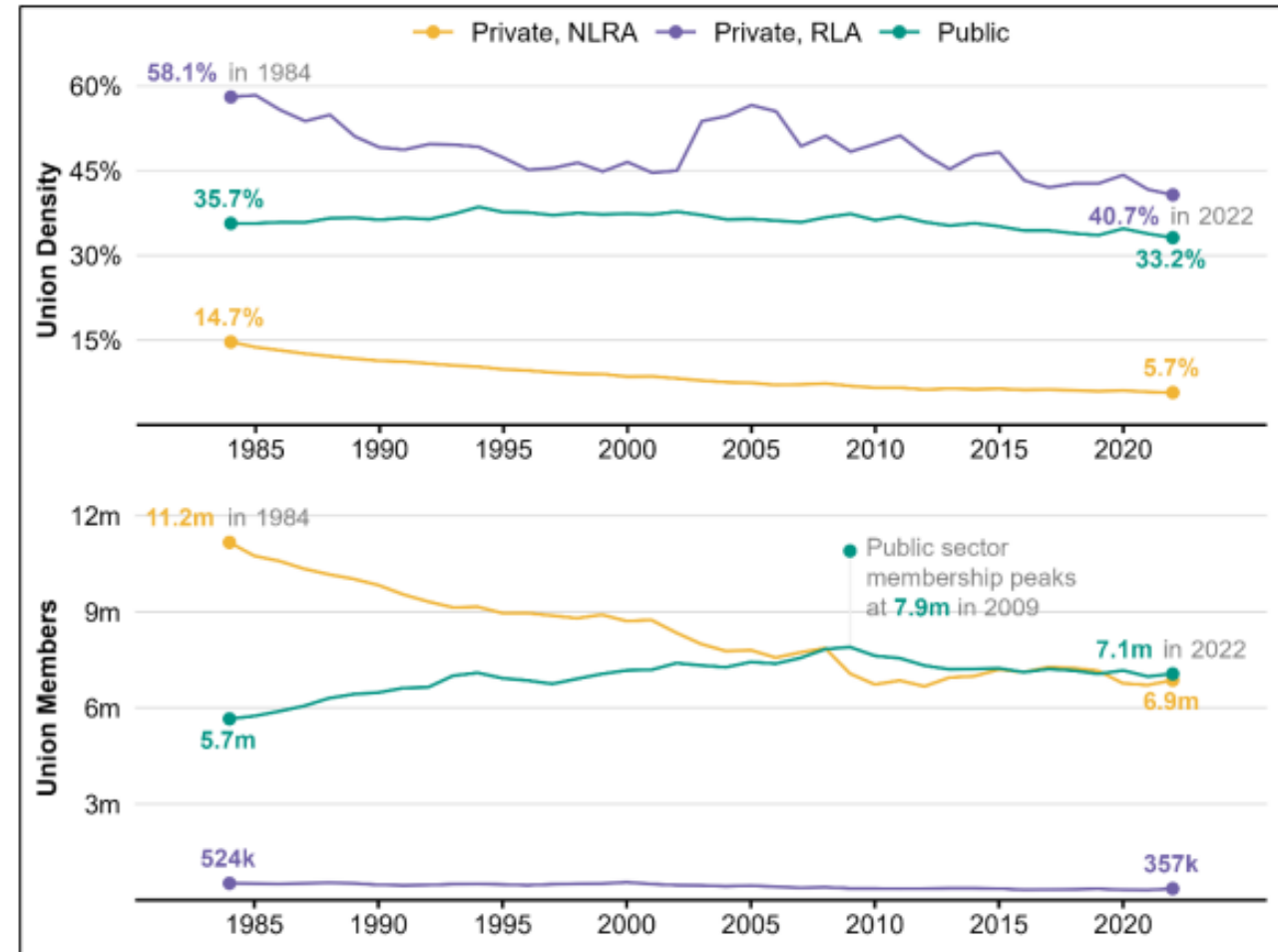


Union Density

Congressional Research Service

- 1984
 - Public employee union density: 35.7%.
 - Private employee union density: 14.7%.
- 2022
 - Public employee union density: 33.2%.
 - Private employee union density: 5.7%.
- Steady membership in public workforce vs. steady decline in private workforce.

Figure 3. Union Membership and Density by Sector of Statutory Coverage
1984-2022



Source: CRS estimates using microdata from the University of Minnesota IPUMS-CPS at <https://cps.ipums.org/cps/>.

Terms & Processes

- Authorized representative/employee organization.
- Demand/petition for recognition.
- Certification election.
- Negotiations.
 - Scope.
 - Key differences.
- Ratification.
- Dues and fees.

Restrictions on Dues Deductions

Prohibited

- Iowa
- West Virginia
- Wisconsin

Modified

- Kansas – allowed
 - May not be used for political purposes.
- Florida – prohibited
 - Permitted for public safety employees.



Janus v. AFSCME



- Agency fees
 - 1977 – upheld in *Abood v. Detroit Board of Education*.
 - 2018 – ruled unconstitutional in *Janus v. AFSCME*.
- State Responses
 - Provisions in at least 22 states overturned.
 - Legislative steps taken to soften the impact.
 - Access to employee contact information protected.
 - Ability to decline or charge for representation.



Additional Resources

- Congressional Research Service
 - [Collective Bargaining and Employees in the Public Sector \(2011\)](#)
 - [A Brief Examination of Union Membership Data \(2023\)](#)
- NCSL
 - [Union Legislation and Collective Bargaining Law, Legislation Database](#)
 - [Right-To-Work Resources](#)
- Gallup
 - [More in U.S. See Unions Strengthening and Want It That Way](#)



Reach Out Anytime!



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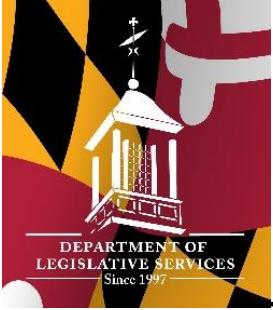
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Public Sector Collective Bargaining in Maryland

Presentation for the Senate Finance Committee

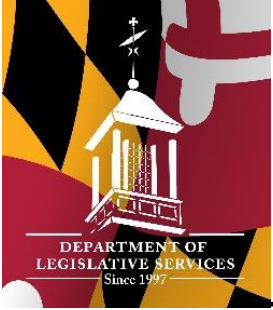


October 10, 2023



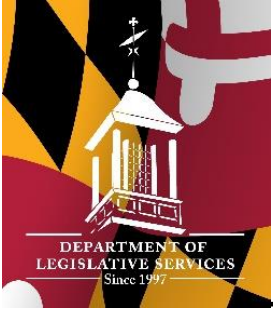
National Labor Relations Act

- Federal law that governs the right for employees to organize and collectively bargain with an employer
- Covers most private sector employees in Maryland
- Public sector employers are exempted



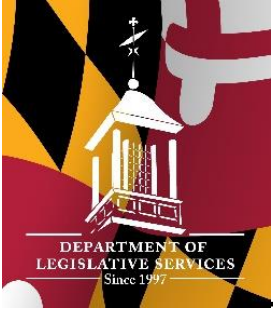
Collective Bargaining for Public Employees in Maryland

- Collective bargaining authorized in the Maryland Code
 - State employees, including higher education employees
 - Employees of the Mass Transit Administration
 - Certificated and noncertificated local board of education employees
 - Community colleges
 - Deputy sheriffs and local corrections officers (11 counties)
 - Libraries, Howard and Baltimore Counties
 - Misc. WSSC, Maryland-National Park and Planning Commission, Montgomery County Housing Opportunities Commission
- Collective bargaining authorized in local jurisdictions' code
 - Local Employees
 - Police
 - Fire and EMT employees



Common Collective Bargaining Provisions

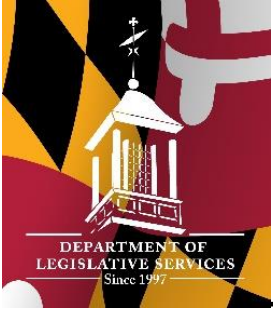
- Bargaining over wages and conditions of employment
- Labor relations board
- Determination of bargaining units
- Elections of exclusive representatives
- Unfair Labor Practices
- Employee and Management Rights
- Strikes and Lockouts
- Bargaining time frames
- Impasse and dispute resolution
- Memorandum of Understanding
- Adequate funding provisions



Common Collective Bargaining Provisions

Collective Bargaining

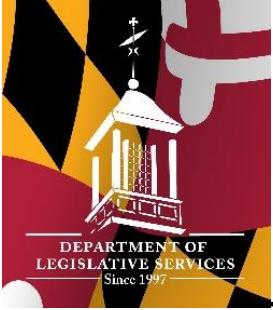
- Bargaining between management and employees over wages, benefits and conditions of employment
- Economic
 - wages and benefits
 - may be annual
- Non-economic
 - conditions of employment
 - Schedules, uniforms
 - generally apply for the term of an agreement



Common Collective Bargaining Provisions

Labor Relations Board

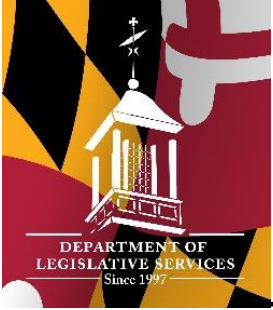
- Established in law
- Enforces provisions of collective bargaining law
- Resolve disputes arising from implementation and interpretation of collective bargaining laws
- May designate bargaining units
- Oversees elections of exclusive bargaining representatives
- Certifies the results of an election and designation of an exclusive bargaining representative



Common Collective Bargaining Provisions

Determination of Bargaining Units

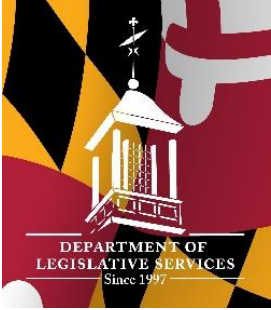
- In the Maryland Code
 - State Institutions of Higher Education
 - Public School Employees
 - Community Colleges
 - Deputy Sheriffs and local corrections officers
- Labor board
 - Executive Branch employees, unless otherwise specified



Common Collective Bargaining Provisions

Election and certification of exclusive representatives

- Overseen by a labor board
- at least 30% of the proposed bargaining unit sign the petition for exclusive representation
- The labor board investigates the petition
- The labor board conducts an election, if a labor organization receives the majority of the votes cast, it becomes the exclusive representative
- A labor board may certify the results of an election
- An exclusive representative may be decertified by a labor board under a similar process



Common Collective Bargaining Provisions

Employee and Management Rights

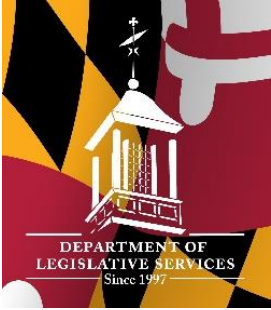
- Employees have the right to freely organize
- Management has the right to run the agency and to manage its employees consistent with its mission

Unfair Labor Practices

- For management, there may be no interference with collective bargaining
- For exclusive representatives, there may be no coercion of employees to participate

Strikes and Lockouts

- Both are prohibited under Maryland law



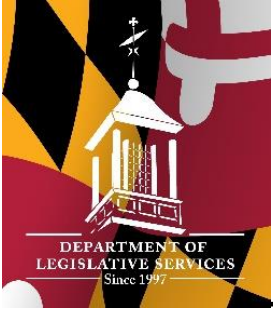
Common Collective Bargaining Provisions

Bargaining time frames

- Bargaining generally should be concluded before the executive finishes the budget

Impasse and dispute resolution

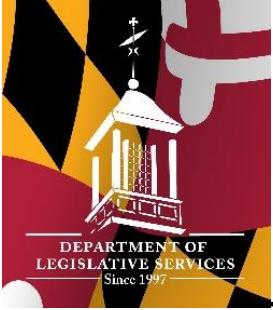
- Initiation of the process, appointment of a mediator, and who pays
- Mediation
- Fact Finding, Executive Branch employees, community college employees
- Arbitration, MTA employees and public school employees
- Decisions by an arbitrator under Maryland law are generally subject to an appropriation



Common Collective Bargaining Provisions

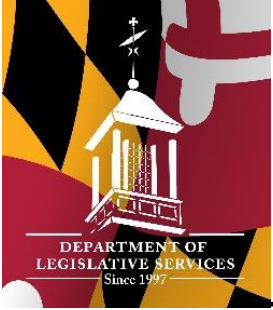
Memorandum of Understanding (MOU)

- Includes the terms and conditions agreed to by the parties in collective bargaining
- MOU term is usually 3 years, and may continue longer if no new agreement is reached
- MOU is ratified by the members of the bargaining unit and the designated chief executive
- MOU may allow an annual reopening to negotiate economic terms



Recently Enacted Statewide Collective Bargaining Laws

- 2021
 - Education – Community Colleges – Collective Bargaining
 - State Employees - Collective Bargaining - Applicability, Bargaining Processes, and Memorandums of Understanding
- 2022
 - State Personnel Management System – Office of the Public Defender - Placement and Collective Bargaining
- 2023
 - Public Employee Relations Act



2024 Session Possible Legislation

- State Personnel - Collective Bargaining - Faculty, Part-Time Faculty, and Graduate Assistants
- Arbitration Reform for State Employees Act of 2023
- Education - Public Libraries - Collective Bargaining
- State Personnel - Collective Bargaining - Supervisory and Managerial Employees
- Education - Collective Bargaining - Certificated Employees - Class Size