EMPLOYEE RELATIONS & COLLECTIVE BARGAINING

MABE POSITIONS

The Maryland Association of Boards of Education, representing all local boards of education in Maryland:

- ✓ **Supports** legislation or action by the PSLRB to adopt a balancing test to determine whether the impact of a negotiated matter on the school system as a whole outweighs the direct impact on employees.
- ✗ **Opposes** legislation to authorize a local school board and an employee organization to use an alternative procedure to renegotiate the funds allocated for a negotiated agreement.
- ✗ **Opposes** "grounds for discipline" legislation to remove the authority of local boards to hear appeals in employee discipline cases.
- ✗ **Opposes** legislation, or decisions of the PSLRB, that compromise the authority and responsibility of the State Board and local boards to establish educational policy in collaboration with all key stakeholders including parents, students, teachers, and the community.

BACKGROUND

Since 1968, Maryland's public school teachers and most other school employees have enjoyed the right to organize through employee organizations, or unions, and negotiate contracts for salaries and benefits. MABE does not oppose the role of employee organizations or collective bargaining in representing the interests of teachers and other employees. However, MABE does not believe that the scope of bargaining should be expanded to include education policy matters, and opposes a binding arbitration process to resolve either scope of bargaining or contract disputes.

For many years, the State Board of Education exercised its authority to determine whether specific topics were mandatory to be bargained because they dealt with "salary, wages, hours, and other working conditions", or prohibited from being bargained because they dealt with education policy issues such as curriculum, class size, school calendar, and teacher assignments. In 2002, the General Assembly created a "permissive" category of items that may be collectively bargained; and prohibited the negotiation of the school calendar, maximum numbers of students in classes, and other matters precluded by applicable law. This law also allowed support personnel in the nine Eastern Shore counties to establish bargaining units.

In 2010, the Fairness in Negotiations Act created the Public School Labor Relations Board (PSLRB) to replace the State Board of Education as the arbiter of scope of bargaining and contract disputes. MABE advocated successfully for a provision which ensures that if a county government does not approve sufficient funds to implement a negotiated agreement, the local school board is required to negotiate with the employee organization, but has the authority to make the final determination in response to the available funding. Local boards and local governments agree that this provision is a key statewide protection of local board fiscal control to invest available funding in the best interests of student learning.

In 2016 and 2017, a "grounds for discipline" bill would have allowed school employees disciplined by the superintendent to appeal not to the local board but to an outside arbitrator. MABE strongly opposes this initiative to remove the local board role of ensuring a high quality and safe learning environment for all students by responding to the misconduct of teachers and administrators. Also introduced in 2016, but not enacted, was a bill to make educator evaluations a mandatory subject of bargaining. MABE firmly believes that the collaborative process of developing teacher and principal evaluations is in the best interests of the students.

In 2017, bills passed to require procedures for mutually agreements with teachers unions on the amount of time devoted to federal, State, and locally mandated assessments; and another bill passed to require agreements with teachers unions on the use of prekindergarten assessments. In addition, a whistleblower protection act for school employees was enacted.

For additional information, see MABE's Resolution on Employee Relations and Negotiations.