

**BILL:** House Bill 145  
**TITLE:** Public School Labor Relations Board – Renegotiation Procedures and Administration  
**DATE:** February 11, 2016  
**POSITION:** OPPOSE  
**COMMITTEE:** Ways and Means Committee  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 145, which includes the proposal to make the final contract re-negotiation process a subject for collective bargaining; and the proposal to establish Anne Arundel County as the venue for cases involving the Public School Labor Relations Board (PSLRB).

The Fairness in Negotiations Act enacted in 2010 included several major and even nationally unprecedented, reforms in public school labor relations. The Act abolished Maryland’s system of resolving contract disputes through an impasse negotiation overseen by the State Superintendent of Schools; and abolished the State Board of Education’s authority to resolve scope of bargaining disputes as to whether a specific proposal is a permissible, mandatory or illegal subject for bargaining. In both cases, these responsibilities were shifted to the PSLRB. For local boards of education, the passage of the 2010 legislation represented a major shift in bargaining power in favor of employee organizations.

However, one provision of the law enacted in 2010 stands out as ensuring that local boards of education retain the ability to make the final determination on the contract in cases when the local government fails to fully fund the negotiated agreement. Under current law, “If a fiscal authority does not approve enough funds to implement the negotiated agreement, the public school employer shall renegotiate the funds allocated for these purposes by the fiscal authority with the employee organization before the public school employer makes a final determination in accordance with a timetable and procedure established by the Board.”

House Bill 145 proposes to substantively amend and thereby weaken this “keystone” provision of the law, by opening the door to employee associations demanding the development of an alternative renegotiation process. The fundamental objection to this bill is that such locally negotiated processes may not preserve the role of the local board of education established in current law. MABE and local boards advocated strenuously for the provision in current law because it protects the local board’s governance role. Such local agreements could weaken the assurance of finality in each of the 24 local school system’s contract negotiations with multiple unions - finality which is critical in order to inform final action on the annual budget.

Finality is paramount in the context of resolving the contract and school system budget prior to the new fiscal year, which is followed only weeks later by the new school year. The timely resolution of cases coming before the PSLRB is essential given the impact such decisions have on the fiscal relationship between the local government and school system. These negotiations authorized by this bill would become a new source of complaints to the PSLRB and allow the PSLRB to engage in binding arbitration of these disputes. This outcome is antipodal to the intent of the Fairness in Negotiation Act.

MABE opposes House Bill 145 primarily because it would usher in a new contentious issue for bargaining in each of Maryland's 24 school systems. School boards would be pressured to concede to an alternative renegotiation process that does not preserve this "final determination" provision. But MABE's opposition is not only concerned with preserving the local board's authority to resolve the contract aligned with budget realities. To be clear, allowing locally negotiated processes would lead to reopening the contract negotiations very late in the process, and place already resolved educational positions and programs at risk.

MABE opposes the renegotiation provisions of House Bill 145 because they would extend, not expedite, the dispute resolution process. The current law envisions, and clearly indicates, that it is the PSLRB's responsibility to establish a timetable and procedures for renegotiations. This step should be taken first, through regulations, well before any substantial amendments are enacted.

Lastly, MABE opposes the proposal in this bill to establish Anne Arundel County as the sole venue for disputes arising from decisions made by the PSLRB. Shifting the burden to each local school system to remove educators and administrators from their home county to travel to Anne Arundel County rather than local courts would present an unwarranted burden on these professionals and the students they serve relative to burden on the agency officials representing the PSLRB.

For these reasons, MABE opposes House Bill 145 and requests an unfavorable report.