

Employee Relations and Negotiations

(Adopted 2001; amended 2002, 2005, 2008, 2010, 2013; readopted 2016; amended 2017, 2018)

WHEREAS, the Maryland Association of Boards of Education (MABE) supports the legitimate interests of employees to be party to decisions involving their working conditions; and

WHEREAS, the existing structure and process for collective bargaining for Maryland's public education personnel have been tested over a period of more than 40 years since its adoption through legislation; and

WHEREAS, the State Board and the Maryland courts have defined and refined the collective bargaining process to ensure that educational policy decisions are not subject to labor negotiations; and

WHEREAS, the State Board and the courts have recognized that, in setting policy, local boards must balance the legitimate and sometimes competing interests of parents and guardians, students, educational personnel, and the community, and seek advice from all key stakeholders in order to reach credible decisions; and

WHEREAS, the program of educational improvement in Maryland is dependent on clearly defined policies and affirmative action by the state and local boards of education that put children and high standards for learning first and foremost; and

WHEREAS, boards of education are entrusted with the responsibility to represent the community's interests in public education and to foster community engagement in policy and planning decisions; and

WHEREAS, in 2002 legislation amended amending the public education collective bargaining law to:

- Maintain the requirement that "salaries, wages, hours, and working conditions" must be negotiated;
- Create a new category of "all other subjects" which may be negotiated, by certificated and noncertificated staff, if both the employee organization and local board mutually agree;
- Shift the negotiation of discipline and discharge of noncertificated employees from an illegal to permissive subject;
- Allow noncertificated employees in the nine counties on the Eastern Shore to establish bargaining units; and
- Prohibit certain subjects from being negotiated, including the maximum number of students in a class, school calendar, and all matters precluded by applicable statutory law; and

WHEREAS, in 2010 legislation amended the public education collective bargaining law to:

- Establish a new Public School Labor Relations Board (PSLRB) for the purposes of assuming all responsibilities previously assigned to the State Board of Education with regard to labor relations, including the resolution of disputes and the determination of mandatory, permissive, and illegal subjects of bargaining;

- Repeal the authority of the State Superintendent of Schools to declare labor impasses and replace the impasse process with mediation and binding arbitration; and
- Repeal the authority of local boards of education to make final determinations of matters that have been the subject of negotiation; and

WHEREAS, in 2013 legislation required each local board of education to negotiate a representation fee to be charged to nonmembers of the employee organizations representing both certificated and noncertificated employees; and

WHEREAS, legislation enacted in 2017 provides whistleblower protection for school employees to prohibit a public school employer from taking, or refusing to take, any personnel action as reprisal against a public school employee because the employee discloses or threatens to disclose unlawful behavior; provides information or testifies for an investigation of unlawful behavior; or objects to or refuses to participate in unlawful behavior; and

WHEREAS, legislation enacted in 2018, by overriding the Governor's veto, alters the procedures for suspending or dismissing a teacher, principal, supervisor, assistant superintendent, or other professional assistant by authorizing such an individual to request a hearing before an arbitrator at the expense of the local school system for a binding arbitration decision instead of appealing to the local board of education; and

WHEREAS, in 2018 the General Assembly enacted legislation to require local boards of education to provide employee unions access to new employee processing, including employee names, position classifications, and personal cell phone numbers, and to negotiate the process for providing such access;

NOW, THEREFORE, BE IT RESOLVED, that MABE will collaborate with the Public School Superintendents Association of Maryland (PSSAM) and the Maryland Negotiation Service (MNS) to promote decisions by the PSLRB that employ a balancing test that defines matters as illegal for bargaining if the employee interests are outweighed by the interests of students; and

BE IT FURTHER RESOLVED, that MABE will work affirmatively in support only of changes to the present collective bargaining structure that preserve or enhance the authority of the state and local boards to establish educational policy in a collaborative and broadly based context that promotes the confidence and support of the public in its schools.