

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.
- ✓ **Supports** legislation to reinstate the authority of local boards to hear appeals in employee discipline cases, as opposed to binding arbitration, especially in cases involving the safety of students.
- ✗ **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** 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.

In 2018, a "grounds for discipline" bill passed to allow school employees disciplined by the superintendent, through suspension or termination, to appeal not to the local board but to an outside arbitrator for a final and binding decision. MABE strongly opposed this initiative to remove the local board role of reviewing the superintendent's decision and ensuring a high quality and safe learning environment for all students by responding to the immorality, misconduct, insubordination, incompetency or willful neglect of teachers and administrators.

Also passed in 2018 was a bill to require school systems to provide unions with routine access to "new employee processing," which is when new employees are advised of specified employment-related matters. This bill was in response to the *Janus v. AFSCME* Supreme Court decision holding that mandatory representation fees for non-members of public sector unions are unconstitutional. In 2017, bills passed to require procedures for mutual 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.

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.

The Kirwan Commission has developed recommendations for a statewide salary and professional advancement ladder for educators and administrators, and other significant reforms to the education, certification, professional development, and compensation of teachers, principals and other educators and school personnel. MABE supports recommendations for increased state funding and other policy reforms consistent with local decision-making on salaries and benefits relative to local priorities, available resources, and negotiated agreements.

For additional information, see [MABE's Resolution on Employee Relations and Negotiations](#).