

BILL: House Bill 504
TITLE: Collective Bargaining - Public School Employees - Authorization to Strike
POSITION: OPPOSE
DATE: February 17, 2022
COMMITTEE: Ways and Means
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The Maryland Association of Boards of Education (MABE), representing all of the State's boards of education, strongly opposes House Bill 504 to allow public school employees to engage in strikes.

The Blueprint for Maryland's Future Act requires wholesale revisions to each of Maryland's 24 collective bargaining agreements with teachers' associations. For teachers and principals, these renegotiated contracts must reflect the mandated elements of the career ladders that must be established in each school system, including detailed provisions to require National Board Certification (NBC) for advancement, pay raises associated with NBC, mandated minimum amounts of time devoted to non-classroom instruction duties, and more. These employee relations reforms, unprecedented in scope and complexity, will be challenging enough without being negotiated in a manner that is more adversarial than the longstanding historical norms. MABE opposes House Bill 504 because that it precisely what local boards believe would be the logical outcome of introducing for the first time in Maryland the option for school system employees to strike.

To be clear, local boards place the highest priority on valuing and rewarding the dedicated services of each and every school system employee to our students and communities. MABE believes that these employees are the key to the successful education of our students, and each employee's service, from bus driver to superintendent, is integral to that success. Unfortunately, Maryland continues to experience a major teacher shortage due to a number of factors including the low number of teacher candidates graduating from Maryland's universities, the number of potential teachers entering the profession, and the competitiveness of working conditions, salaries, and benefits. The COVID pandemic has worsened these conditions, and has seen shortages of staff in fields ranging from bus drivers to health professionals. As these teacher and staff shortage continue, the Blueprint is also requiring heightened educational and professional development standards for teachers, and the complexity of the demands on all staff are increasing as well.

Most importantly, MABE opposes this bill because Maryland has already established extensive employee and employee association rights in statute. 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. 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.

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.

Again, the Blueprint for Maryland's Future law creates a statewide salary and professional advancement ladder for educators and administrators, and mandates many other significant reforms to the education, certification, professional development, and compensation of teachers, principals and other educators and school personnel. MABE supports the Blueprint's provisions for increased state funding and other policy reforms consistent with local decision-making on salaries and benefits relative to local priorities, available state and local resources, and negotiated agreements.

For these reasons, MABE urges an unfavorable report on House Bill 504.