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BILL: House Bill 145
TITLE: Public School Labor Relations Board – Renegotiation Procedures and Administration
DATE: February 11, 2016
POSITION: OPPOSE
COMMITTEE: House Ways and Means Committee
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House Bill 145 authorizes a public school employer and an employee organization to use a specified alternative procedure regarding the renegotiation of specified allocated funds under specified circumstances; requires the Attorney General to assign an assistant Attorney General to provide legal services to the Public School Labor Relations Board, the Higher Education Labor Relations Board, and the State Labor Relations Board; requires the chair of the Public School Labor Relations Board to be a specified member of the Board.

PSSAM **opposes** House Bill 145 that includes providing an alternative if the local government does not provide enough funds to cover the cost of the negotiated agreement, and also specifies the venue for judicial proceedings involving the Public School Labor Relations Board (PSLRB).

During the 2010 Session, one of the major areas of discussion with the *Fairness In Negotiations Act* (The legislation that resulted in the creation of the Public School Labor Relations Board) was what procedures would be in place if the local government did not provide enough funding to cover the costs of the negotiated agreements that were adopted by the representative unions and the local board of education. The supporting fact that generated this discussion was the reality that local boards of education have no revenue generating authority. The realization accepted by everyone including the proponents was that it was not rational or reasonable to hold the local board of education binding to the fiscal aspects of an agreement if the required funding was not approved by the local government.

Representatives of the Maryland State Education Association and other employee associations went on record stating that the language added to cover any event where the local government did not provide the necessary funding would require renegotiations with employee groups, but that the local board of education will make the final determination. This was a major concern expressed by school system leadership and local government representatives that resulted in the amending of the proposed legislation to address this short fall of funding situation. There was deliberate testimony and follow up questions offered by delegates and senators that clarified and solidified the need for this language.

Superintendents offer that there is no misunderstanding of the meaning of the original law establishing the procedures associated with the need to renegotiate to be implemented by the PSLRB. House Bill 145 would add an additional option for local school boards of education and employee representative associations. Again, the current law associated with this renegotiation aspect is clear. There is no need to add an option.

House Bill 145 also specifies that the venue for any judicial proceedings involving actions of the PSLRB will be held in the county where the PSLRB's principal office is located, which is Anne Arundel County. Superintendents believe that this option should rest with the party who is filing a request for a judicial action.

Regarding the other recommended changes included in this legislation, superintendents offer that due to the delay in establishing the PSLRB, it is premature to offer changes. More study is needed to determine if and where changes are needed in the current law.

For the reasons stated above, PSSAM **OPPOSES** House Bill 145 and respectfully requests an UNFAVORABLE report.

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