

In the matter of:	)	
	)	
STATE OF MARYLAND, DEPARTMENT OF	)	
BUDGET AND MANAGEMENT,	)	
	)	
Petitioner,	)	
	)	
v.	)	SLRB 2021-U-01
	)	
AFSCME MARYLAND, COUNCIL 3,	)	
	)	
	)	
Respondent.	)	
	)	

BOARD CONSENT ORDER

The Department of Budget and Management, on behalf of the State of Maryland (“State”) filed an unfair labor practice complaint against the American Federation of State, County and Municipal Employees, Council 3 (“AFSCME”), alleging that AFSCME committed an unfair labor practice by refusing to bargain in good faith, and violated the closed session negotiations provision of SPP Section 3-501(e). The State Labor Relations Board (“Board”) referred the complaint to the Office of Administrative Hearings for proposed findings of facts and conclusions of law and a proposed order.

On March 29, 2021, Administrative Law Judge Steven V. Adler issued a Proposed Ruling On Motions to Dismiss and for Summary Judgement. The ALJ granted the State’s motion in part, ruling that the State was entitled to judgment in its favor as a matter of law on the question of whether AFSCME violated the closed session negotiations provision of SPP Section 3-501(e). The ALJ denied the parties’ motions and ordered further proceedings on the question of the alleged refusal to bargain in good faith.

The parties have reached a negotiated settlement of the charges in this matter, and have submitted terms of settlement for the Board’s approval under COMAR 14.32.05.03(C) . The parties submitted the following statement to the Board:

AFSCME sent an email on July 8, 2020 to a recipient list and also posted to its publicly accessible website and Facebook page a username and password such that AFSCME contravened the SLRB’s holding as to SPP § 3-501(e) regarding closed sessions. The State contends that AFSCME acted in bad faith in sending the email and posting as it did. AFSCME contends that it did not act in bad faith. The parties agree that further proceedings to determine the subjective intentions of the parties would not benefit labor relations or be of precedential value in this instance.

The Board approves the settlement of this matter under the following terms and the attached posting, which are incorporated in this Consent Order:

1. AFSCME will cease and desist from unilaterally disseminating confidential collective bargaining proposals and counterproposals to the public during negotiations, including by sending emails to non-bargaining unit employees.
2. AFSCME will cease and desist from unilaterally facilitating the public disclosure of confidential collective bargaining proposals and counterproposals during negotiations, including by posting to its publicly accessible website and Facebook page, the username and password to access a members-only website containing confidential bargaining proposals and counterproposals.
3. AFSCME will post and maintain for 60 days, in places where AFSCME's notices to bargaining unit employees are customarily posted, a notice (attached), signed by AFSCME, stating that AFSCME will not unilaterally disseminate confidential collective bargaining proposals and counterproposals to the public during negotiations, including by sending emails to non-bargaining unit employees; and will not unilaterally facilitate the public disclosure of confidential collective bargaining proposals and counterproposals during negotiations, including by posting to its publicly accessible website and Facebook page, the username and password to access a members-only website containing confidential bargaining proposals and counterproposals.
4. Mutual release of liability.

The signatures below indicate the agreement and approval of the Petitioner, the Respondent, and the Board.



American Federation of State, County & Municipal Employees, Council 3

By: Patricia Moran  
(Printed Name from above)

President  
(Title)

Date: 7/10/21



State of Maryland, Department of Budget & Management

By: Cynthia A. Kollner  
(Printed Name from above)

Executive Director, DBM Office of Personnel Services & Benefits  
(Title)

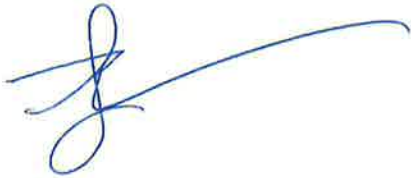
Date: 7/8/21

ANNAPOLIS, MD  
July 21, 2021

**BY ORDER OF THE STATE LABOR RELATIONS BOARD**



Richard A. Steyer, Chair



LeRoy A. Wilkison, Member



Nancy J. Courson Cooke, Member



Olivia D. Vaughns, Member

## NOTICE TO EMPLOYEES

Posted by Order of the State Labor Relations Board

The State of Maryland ("State") and AFSCME Maryland Council 3, AFL-CIO ("AFSCME") have agreed to resolve a complaint of unfair labor practice filed by the State, concerning the unilateral dissemination and public disclosure of the content of confidential bargaining proposals, by posting this Notice, which was approved by the State Labor Relations Board.

### TO EMPLOYEES IN BARGAINING UNITS A, B, C, D, F, & H

AFSCME WILL NOT unilaterally disseminate confidential collective bargaining proposals and counterproposals to the public during negotiations, including by sending emails to non-bargaining unit employees; and

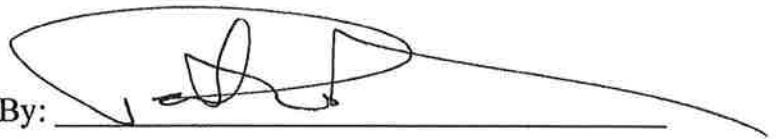
AFSCME WILL NOT unilaterally facilitate the public disclosure of confidential collective bargaining proposals and counterproposals during negotiations, including by posting to its publicly accessible website and Facebook page, the username and password to access a members-only website containing confidential bargaining proposals and counterproposals.

AFSCME MARYLAND COUNCIL 3, AFL-CIO

Dated:

7/16/2021

By:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE EXECUTIVE DIRECTOR OF THE STATE LABOR RELATIONS BOARD AT (410) 260-7291.