

and each time, each employee must opt out if the employee does not wish the Department to provide the information.

While the bill restricts the uses of the personal information provided to the unions, there is no practical means to achieve this objective, especially because the union is authorized to share the information with third parties consistent with the provisions of the Bill. The unions would have significant personal data belonging to State employees and there are no assurances that the data would be protected from misuse or theft. Moreover, the bill contains no penalties for misuse of State employee personal information obtained by the unions. Thus, Senate Bill 348 opens the doors to identity theft as well as to an onslaught of unwanted telephone and mail solicitations to State employees.

Senate Bill 348 also reduces the ability of the State to assure the safety of its employees, citizens in the custody of the State and visitors to State facilities. The bill confers authority on the State Labor Relations Board to specify permissible labor related activities at State facilities. This provision of the bill shifts control over activities in State facilities to the State Labor Relations Board.

In addition to the significant adverse effects the bill has on the privacy of State employee information and the safety of State facilities, the changes the bill makes to the collective bargaining process are similarly unwise. First, the bill significantly expands the definition of collective bargaining to include not only the negotiation of a memorandum of understanding but also the negotiation of other written understandings, the administration of terms and conditions of employment and the voluntary adjustment of disputes. This definition is broader than that provided by the National Labor Relations Act. This definitional change will assuredly lead to more disputes and more litigation and undermine any possibility of a collaborative effort between management and employees at all levels of State government. The costs to the State in lost productivity as well as the additional human and financial resources that will be required will be substantial.

Second, the bill provides for the appointment of a fact finder if the parties do not conclude negotiations by October 25 of each year. The most immediate effect of this provision would be a reduction in the likelihood that a Memorandum of Understanding would be reached with the unions that represent State employees. Authorizing the appointment of a fact finder by a date certain will discourage the parties from engaging in good faith negotiations in the hopes that they could secure a favorable recommendation from the fact finder. Of even greater concern is the fact that there are currently 5 unions representing State employees and that each would be entitled to ask for a separate fact finder.

Furthermore, Senate Bill 348 completely disregards the existing State processes for completion of the State budget. The State budget process is dependent on the receipt of official revenue estimates that are issued by the Board of Revenue Estimates in December of each year and the recommendations of the Spending Affordability Committee also issued in December. This information assists the Governor in allocating the State's resources among all of the needs of the citizens of Maryland, including State employees. The Spending Affordability recommendations are the General Assembly's own guidelines for establishing the appropriate level of State