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**BALTIMORE CITY COUNCIL  
EDUCATION, WORKFORCE, AND YOUTH  
COMMITTEE**

*Mission Statement*

*The Committee on Education, Workforce and Youth (EWY)* is responsible for creating opportunities for our young people, ensuring economic opportunity and prosperity for Baltimore's workforce, and supporting our most vulnerable neighbors. The committee's areas of jurisdiction include public education, labor relations, workforce development, employment, public parks, recreation, and youth affairs. Issue areas include, but are not limited to: education, including adult education, higher education, workforce development, labor, senior affairs, veterans, childcare, accessibility and disability issues, recreation and parks, and historical landmarks.

**The Honorable Robert Stokes, Sr.  
Chairman**

**PUBLIC HEARING**

**THURSDAY, OCTOBER 14, 2021  
10:00 AM**

**VIRTUAL WEBEX MEETING**

***Council Resolution #21-0050R***

**Informational Hearing – Museum Workers' Right to Organize**

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**BILL SYNOPSIS**

**Committee:** Education, Workforce and Youth

**Council Resolution:** 21-0050R

**Informational Hearing – Museum Workers’ Right to Organize**

**Sponsor:** Councilmember Torrence, et al

**Introduced:** June 21, 2021

**Purpose:**

For the purpose inviting the City Solicitor, the Director of the Department of Human Resources, representatives from the Walters Art Museum, and AFSCME Council 67 to discuss the feasibility of unionization of museum workers.

**Effective:** On the date it is enacted.

**Agency Reports**

Law Department	Comments
Department of Human Resources	Takes no Position / Defers to the Labor Commissioner and Law Department

**Analysis**

**Current Law**

**Baltimore City Code – Article 1, Subtitle 1-City Council, Section 1-6**

**§ 1-6. Agencies to provide legislative information.**

It shall be the duty of the head of every City department or bureau established by the Baltimore City Charter or by ordinance to provide all technical materials, plats, drawings, and information that are requested by any member or the President of the City Council for the purpose of introducing legislation into the Council.

(City Code, 1976/83, art. 1, §6.) (Ord. 76-080.)

## Background

Per the primary sponsor of the Resolution, “The Walters Art Museum is a city’s quasi agency. The city provides funding and bonds each year to the museum. We need to understand the govern structure of the museum and some of the workers have some concerns. At the hearing we would like to be briefed by the Law Department to see if any changes are needed to our municipal codes to clarify that Walters employees have a right to collective bargaining. The Department is also requested to give an overview of the City and State laws pertaining to unionizing.

Per the Law Department’s report, the Walters Art Gallery is not an agency of Baltimore City within the meaning of the City Charter and that the Department cannot advise the Board or the museum employees concerning labor relations. *(See attached report)*

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## Additional Information

**Fiscal Note:** None

**Information Source(s):** Baltimore City Code, Council Resolution 21-0050R and all agency reports received as of this writing.

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*Marguerite M. Currin*

Analysis by: Marguerite M. Currin  
Analysis Date: October 8, 2021

Direct Inquiries to: (443) 984-3485

Council Bill 21-0053R

Agency Reports

*See attached*

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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
JAMES L. SHEA, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

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September 27, 2021

The Honorable President and Members  
of the Baltimore City Council  
Attn: Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 21-0050R – Informational Hearing – Museum Workers’  
Right to Organize

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0050R for form and legal sufficiency. This resolution is for the purpose of inviting representatives from Baltimore City Department of Human Resources, the Law Department and others to discuss labor relations issues concerning the Walters Art Gallery.

In 1933, the Board of Trustees of the Walters Art Gallery (the “Board”) was incorporated by state law pursuant to the testamentary gift of Mr. Henry Walters. 1933 Md. Laws, ch. 217. That state law gave the Board “full and exclusive power to appoint a director for the Walters Art Gallery, and to appoint or provide for the appointment of such curators, assistances and other employees as may be advisable.” It provided that the “Board shall, generally, have all the powers with respect to the affairs of said corporation which are conferred by the Public General Laws of Maryland upon the directors or managing bodies of Maryland Corporations.” The City adopted what is now Subtitle 14 of Article 18 of the City Code to accept of the testamentary gift and reiterate that the Walters “Trustees have the powers and duties provided in Chapter 217, Laws of Maryland 1933, and this section.” City Charter, Art. 18, § 14-8(a). The City Code Sections do not, nor could they, conflict with the state law. Md. Constitution, Art. 11-A, Sect. 3.

Past solicitor opinions have explained that the Walters is not akin to other agencies of the Mayor and City Council of Baltimore because it “does not possess those attributes which our courts have held are necessary to the make-up of a public corporation,” most importantly because it is not sufficiently subject to government “control, regulation and direction.” 59 Op. City Sol. 372, 376 (1967) (referencing 54 Op. City Sol. 296 (1962)). The City has more control over the Baltimore Museum of Art, Enoch Pratt Free Library and the former Municipal Museum than it does over the Walters. 59 Op. City Sol. at 377. “The employment practices and policies of the Walters are in no wise affected by the Civil Service provisions of the City Charter. This is true with respect to the selection, appointment, promotion and tenure of all employees.” *Id.*

Although starting in 1958 the City paid the “employers’ share of Social Security, health insurance and pension costs,” the “main source of the Walters’ fund is from the endowment established by Henry Walters, gifts, grants, membership dues, and proceeds of Gallery activities.” *Id.* “The ordinance which created a retirement system for the employees of Walters set up the system as a special one which shows that the employees of Walters were not employees of the City.” *Id.* (citing Baltimore City Code, Sections 3 and 15 (1966 ed.)). The City only had the ability to create this special pension system for the Walters’ employees by authority granted by the Maryland General Assembly. City Charter, Art. II, § (24); *Kimball-Tyler Co. v. Baltimore*, 214 Md. 86, 94 (1957) (Article II of the City Charter is state law that can only be changed by the General Assembly); 87 Op. Atty Gen. Md. 187, 191, n. 8 (2002).

The City Solicitor reiterated in a later opinion that “concerning the question of whether the Walters Art Gallery is an agency of the City within the meaning of the City Charter provisions requiring competitive bidding of city contracts, after a detailed analysis and discussion of the history of the Walters Art Gallery and its relationship to the Mayor and City Council of Baltimore, concluded that the ‘Waters Art Gallery is not an agency of Baltimore City within the meaning of the City Charter.’” 61 Op. City Sol. 251, 253 (1969) (citations omitted).

The Law Department cannot advise the Board or the museum employees concerning their labor relations. City Charter, Art. VII, § 24; 82 Md. Op. Att’y Gen. 15 (1997) (a government lawyer “does not have an attorney-client relationship with members of the public, for they are neither the corporate entity that is the client nor agents of the county authorized by law to act on its behalf.”); Md. Rule 19-301.

However, a resolution is an appropriate way for the City Council of Baltimore to conduct an informational hearing. *See, e.g., Inlet Assocs. v. Assateague House Condominium*, 313 Md. 413, 428 (1988). Therefore, the Law Department approves this Resolution for form and legal sufficiency.

Very truly yours,



Hilary Ruley  
Chief Solicitor

cc: James L. Shea, City Solicitor  
Nina Themelis, Mayor’s Office of Government Relations  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Ashlea Brown, Chief Solicitor  
Victor Tervalá, Chief Solicitor



August 19, 2021

To the Honorable City Council President, Nick Mosby  
and Members of the Baltimore City Council  
City Hall, 100 N. Holliday Street, Room 409  
Baltimore, Maryland 21202

**Re: CC Bill 21-0050R – Informational Hearing – Museum Workers’ Right to Organize**

Dear President and City Council Members,

The Department of Human Resources (DHR) has reviewed City Council Bill 21-0050R – Information Hearing – Museum Workers’ Right to Organize. This bill was created to explore City and State law and determine the impact and feasibility of establishing a union for Walters Art Museum employees.

DHR provides human resources services through strategic partnerships and collaborations, supporting the hiring and benefits administration; policy creation and adherence; and ensuring the alignment of HR systems so that City government is an employer of choice. DHR is committed to integrity, accountability, employee development, and advocates for equitable practices in behaviors, policies, and procedures. While we support worker rights and well-being, collective bargaining and all labor negotiations are within the purview of the Office of the Labor Commissioner, not DHR.

DHR takes **no position** and defers to the Labor Commissioner and the Baltimore City Law Department concerning the Walters employee unionizing process. For any additional questions or concerns, please contact me via email at [Quinton.Herbert@baltimorecity.gov](mailto:Quinton.Herbert@baltimorecity.gov) or by phone at (410) 396-1563.

Sincerely,

A handwritten signature in blue ink that reads 'Quinton M. Herbert'.

Quinton M. Herbert, JD



# Written Testimony Received

*See attached*

## Karen French Testimony in Support of 21-0050R

The Walters Art Museum is one of the great attractions of Baltimore City and Maryland. I have been lucky enough to work there as a conservator for almost 28 years, in the third-oldest conservation lab in the country, world-renowned for its conservation treatments and technical research. I work alongside a group of talented and dedicated staff caring for the wonderful collections, and helping to present and interpret them.

During these almost 3 decades at the museum, I have seen many changes and reorganizations, and heard promises for other improvements. Personally, over this time I have been part of two “short-term” committees that met for several years each, attempting to facilitate changes within the museum structure; however, some things were slow to alter, and others never changed at all.

Recently the museum committed to a set of public goals to increase diversity, equity, accessibility, and inclusion. These new goals included:

- building "a team culture that is based on clarity, inclusivity, and accountability"
- "a new compensation strategy that is understood by staff and promotes pay equity"
- "efforts to "diversify the staff and support diverse staff and perspectives"
- “Strengthening open and clear internal communication”
- “Creating clarity around the museum’s decisions and decision-making processes”

I, along with many of my co-workers, feel the most direct, inclusive, and transparent way to achieve these important goals is for the Walters to have a single union representing workers from across all departments in the museum, so we may work together identifying our priorities for collective bargaining with a representative and democratic process.

Walters staff are city workers at a quasi-city agency. We deserve the same guaranteed rights to collective bargaining as virtually all other city workers, and therefore urge the Baltimore city council to support the bill to amend the municipal code, correct the oversight that excluded us from this, and enable the Walters staff to move forward with a successful union election.

A wall-to-wall union will allow us to work together efficiently to achieve the museum's goals and should result in a stronger and better Walters Art Museum. Amending the municipal code to enable a union election through Baltimore City will signal that the city supports its workers and the arts, and should benefit the Walters, our families, and communities across the city and state.

The Walters is one of the great treasures of Baltimore, not only because of its extraordinary collection of artworks, but because of the dedicated, talented staff who care for these collections and help to tell their stories. As city workers at a city agency, we deserve the same guaranteed rights to collective bargaining as virtually all other city workers. We urge the city council to amend the municipal code to correct this oversight so that we can move forward with a successful union election.

The Walters has recently committed itself to a set of public goals to increase diversity, equity, accessibility, and inclusion. Many workers contributed to the development of these goals and are already working hard to achieve them. The final section of these goals, Build and Support a Dynamic Team, includes many items that are best addressed through collective bargaining and cooperation within a union structure. These include building "a team culture that is based on clarity, inclusivity, and accountability," "a new compensation strategy that is understood by staff and promotes pay equity," "professional development, leadership development, and mentorship programs," efforts to "diversify the staff and support diverse staff and perspectives," as well as "promote new ladders of opportunity in all areas of the museum." The most direct, inclusive, and transparent way to achieve these vital goals is through a single union representing all workers from across all departments in the museum so that we may work together to identify priorities for collective bargaining through a representative, democratic process.

We believe in the Walters Art Museum and support the incredible work of all our coworkers. Forming a wall-to-wall union will enable us to work together in the most efficient manner to achieve the museum's goals and support its mission to be a transformative force in the greater Baltimore area. Not only will this improve the Walters as an institution, but it will have enduring benefits for our families and our communities across Baltimore. Amending the municipal code to enable a union election through Baltimore City sends a strong message that Baltimore supports the arts, supports its workers, and stands ready to move into a more equitable and inclusive future.

Signed,

-Gregory Bailey, Senior Objects Conservator, Walters Art Museum

-Angela Elliot, the Terry Drayman-Weisser Head of Objects Conservation and William B. Ziff  
Senior Objects Conservator

-Eric Gordon, Senior Paintings Conservator, Walters Art Museum

-Glenn Gates, Conservation Scientist, Walters Art Museum

**Written Testimony in Support of 21-0050R**  
**Members of the Curatorial Department, Walters Art Museum**  
Baltimore City Council Hearing (14 October 2021, 10:00am)

As members of the Curatorial department at the Walters Art Museum, we urge the city council to pass 21-0050R in order to guarantee our right to collectively bargain, thereby including us among all other city workers. It is our view that organizing a union at the Walters will be to the benefit of all by ensuring a safe, healthy, and equitable workplace. In the Curatorial department specifically, there are a number of key issues we hope to redress through collective bargaining.

The Curatorial department has felt deeply the negative impact of being at-will employees. The insecurity of our jobs—as demonstrated by a number of terminations in recent years—has taken its toll and has fostered an environment of fear and uncertainty. Furthermore, irregular performance reviews, preferential treatment based on personal relationships, a lack of salary transparency, and no clear process for advancement have led to disparities within the department. In addition, the erosion of benefits, chief among them pensions and sick leave, have led to further insecurity. With these benefits restored and key policies regarding pay, performance, and advancement clearly codified in a collectively bargained contract, we hope to instead cultivate a work environment that is equitable, supportive, and secure.

Other policies that would improve the work culture of the Curatorial department specifically include the shared right to our own intellectual property. We also hope to establish an open access policy regarding the records and minutes across all areas of the institution including the Board of Trustees records.

In short, members of the Curatorial department have felt we were at the whim of the museum and its mercurial policies in various ways. We are pushing for a collectively bargained contract in order to establish job security, clear policies, increased transparency, and the equitable treatment of all staff.

In Solidarity,  
Members of the WAM Curatorial Team

**CITY OF BALTIMORE  
COUNCIL BILL 21-0050R  
(Resolution)**

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Introduced by: Councilmembers Torrence, Bullock, Burnett, Cohen, Dorsey, McCray, Ramos

Introduced and read first time: June 21, 2021

Assigned to: Education, Workforce, and Youth Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Human Resources

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A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Informational Hearing – Museum Workers’ Right to Organize**

3 FOR the purpose of inviting the City Solicitor, the Director of the Department of Human  
4 Resources, representatives from the Walters Art Museum, and AFSCME Council 67 to  
5 discuss the feasibility of unionization of museum workers.

6 **Recitals**

7 **WHEREAS**, The City Council requests an overview of the City and State laws related to  
8 unionizing;

9 **WHEREAS**, The City Council requests a greater understanding of the relevance of the City  
10 Code in relation to the administrative proceedings at the Walters Art Museum;

11 **WHEREAS**, The City Council requests the Law Department’s opinion regarding the  
12 amendment of the City Code to clarify that Walters employees have a right to collective  
13 bargaining;

14 **WHEREAS**, The City Council would like to better understand the labor rights and protections  
15 of museum workers in comparison to other employees in the City;

16 **WHEREAS**, The City Council would like to better understand how museum workers across  
17 the country and at the Walters have faced pay inequity and lack of diversity, transparency, and  
18 job security;

19 **WHEREAS**, The City Council would like to hear about the nature of the work at the Walters,  
20 improvements workers would like to see made, and how working in partnership with the  
21 museum will improve their workplace;

22 **WHEREAS**, The City Council would like to better understand how recognizing the Walters  
23 employees’ union might raise the standards for working conditions, wages, and benefits for  
24 museum workers; and

25 **WHEREAS**, The City Council would like to hear how organizing a union for Walters Museum  
26 workers can foster a culture of inclusion, trust, equity, and accountability.

EXPLANATION: Underlining indicates matter added by amendment.  
~~Strike out~~ indicates matter deleted by amendment.

**Council Bill 21-0050R**

1       **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, That the City  
2 Council invites the City Solicitor, the Director of the Department of Human Resources,  
3 representatives from the Walters Art Museum, and AFSCME Council 67 to discuss the  
4 feasibility of unionization of museum workers.

5       **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the City Solicitor,  
6 the Director of the Department of Human Resources, the Executive Director of the Walters Art  
7 Museum, the President of AFSCME Council 67, and the Mayor’s Legislative Liaison to the City  
8 Council.