



AFSCME MARYLAND
Local 3675
190 West Ostend Street, Suite 201
Baltimore, MD 21230

February 17, 2020

House Appropriations Committee
House Office Building, Room 121
6 Bladen St., Annapolis, MD 21401
e-mail: aa_app@mlis.state.md.us

Senate Finance Committee
Miller Senate Office Building, 3 East Wing
11 Bladen St., Annapolis, MD 21401 - 1991
e-mail: aa_fin@mlis.state.md.us

Re: Written Testimony HB616 & SB485 - Department of State Police Alternative Workdays

Dear Committee Members,

Bottom Line Up Front:

- Serious violations of the Memorandum of Understanding between the State of Maryland and AFSCME Maryland occurred in the production of HB616 and SB485 resulting in the attached MOU Dispute Complaint.
- AFSCME MD Local 3675 represents the Civilian employees in the Maryland State Police
- In support of the Superintendent and the mission of the Maryland State Police, Local 3675 **SUPPORTS HB616 and SB485 only with the following amendment:**

Article – Public Safety

2-411.

(a) If authorized by the Secretary, a police employee may work an alternative workday [of not more than 12 hours instead of an 8-hour workday] AS APPROVED BY THE SECRETARY.

(b) If authorized by the Secretary, **AND APPROVED BY THE EXCLUSIVE REPRESENTATIVE OF THE AFFECTED EMPLOYEES**, a 40-hour civilian employee may work an alternative workday (OF NOT MORE THAN 12 HOURS INSTEAD OF AN 8 HOUR WORKDAY) AS APPROVED BY THE SECRETARY.

If you have any questions, please do not hesitate to contact me

Sincerely,

Donald S. Hawkins,
Vice President
AFSCME MD, Local 3675

MOU Dispute Resolution Procedure Complaint Form

(To be used only for disputes concerning the application or interpretation of terms found only in an MOU.)
(Attach copies of any earlier agency decisions.)

Employee's Name: Donald Scott Hawkins		Department: MSP
Employee's Classification: Pilot I-B		Div./Unit/Admin.: Aviation
Employee's Bargaining Unit: H	Exclusive Representative: AFSCME Council 3	
Home Address: Address all correspondence to: Donald S. Hawkins, Vice President AFSCME Local 3675 8823 Libertytown Road, Berlin MD 21811		Home Phone #: (410) 629-1469
		Work Phone #: (410) 548-5189

Step One

Date dispute was discussed with employee's immediate supervisor: 2/17/2020


Step Two (A union representative must sign the complaint to file at Step Two) and **Step Three**

Facts giving rise to dispute (attach additional pages as necessary): See Attachment A

MOU provisions implicated (attach additional pages as necessary): See Attachment A

Requested Remedy: See Attachment B

Employee:



Signature

2-17-2020

Date

Union

Representative:



Signature

2-17-2020

Date

Print Name

Address: 8823 Libertytown Road, Berlin MD 21811

Phone Number: (410) 629-1469

Step Four (Must be signed by: AFSCME Executive Director; AFT-Healthcare-MD, MPEC, or Teamsters President; or designee)

<i>Signature</i>	<i>Date</i>
<i>Print Name</i>	<i>Print Title</i>

ATTACHMENT (A)

Facts giving rise to dispute and MOU provisions implicated:

1. The Memorandum of Understanding ("Agreement") between the State of Maryland ("Employer") and the American Federation of State, County and Municipal Employees, AFL-CIO ("Union") dated January 1, 2018 establishes that:
 - a. Pursuant to the Collective Bargaining Law (Title 3, State Personnel and Pensions Article), the Employer recognizes the Union as the sole and exclusive representative in all matters **establishing and pertaining to wages, hours and other terms and conditions of employment for all employees in Bargaining Unit A, B, C, D, F and H.**
 - b. Article 6 of the Agreement defines the normal hours of work for Civilian Employees. Article 6, Section 3. Defines the standard workweek for full-time employees to consist of **five (5) consecutive eight (8) hour days**, Monday through Friday each week.
 - c. In accordance with Article 33, Section 1. The Employer and the Union expressly agree not to seek statutory changes in working conditions that are mandatory subjects of bargaining when such changes have not been subject to the bargaining process described in this Article.
 - d. Violation of Article 33, Section 1 of the Agreement, is evidenced by:
 - i. The introduction of **House Bill 616** by Delegate P. Young, introduced and read first time on January 29, 2020, and assigned to the Appropriations Committee, Employer failed to provide Union required (any) notice prior to seeking statutory changes for the: "Modification to the Hours for the purpose of altering a certain authorization for certain Department of State Police employees to work an alternative workday to provide that the authorization for an alternative workday as approved by the Secretary of State Police; and generally relating to alternative workdays for certain Department of State Police employees;" such that: "If authorized by the Secretary, a police employee **or a 40-hour civilian employee may work an alternative workday of not more than 12 hours instead of an 8-hour workday.**"
 - ii. The introduction of **Senate Bill 485** by Senator Klausmeier, introduced and read first time on January 29, 2020, and assigned to the Finance Committee, Employer failed to provide Union required (any) notice prior to seeking statutory changes for the: "Modification to the Hours for the purpose of altering a certain authorization for certain Department of State Police employees to work an alternative workday to provide that the authorization for an alternative workday as approved by the Secretary of State Police; and generally relating to alternative workdays for certain Department of State Police employees;" such that: "If authorized by the Secretary, a police employee **or a 40-hour civilian employee may work an alternative workday of not more than 12 hours instead of an 8-hour workday.**"
 - e. In accordance with Article 33, Section 2. The Minimum notice to the Union of an intended change in working conditions is thirty (30) days. If required to meet a legislative mandate or an emergency situation, management will notify the Union as soon as possible.
 - f. In violation of Article 33, Section 2 of the Agreement, Employer failed to provide Union required (any) notification prior to seeking a legislative change to the conditions of employment for Maryland State Police Civilian Employees as specified in paragraph 1. d. above.

- g. Employer's failure to abide by the Agreement, has deprived Union the opportunity to meet with and confer with Employer over the new or revised hours and conditions of employment. Employer's actions further deprived Union the opportunity to determine what 40-hour civilian employees are effected by the proposed statutory change and the impact to the civilian employees.
- h. Employer's failure to abide by the Agreement has deprived Union the reasonable opportunity to determine the applicability of 29 USC Chapter 8: Fair Labor Standards Act; Section 207 Maximum Hours as applied to multiple civilian employee classifications within the Maryland State Police.

ATTACHMENT (B)

Requested Remedy:

Note: Despite the violations of the terms and conditions of the Agreement, the Union recognizes that the scheduling flexibility afforded in House Bill 616, and Senate Bill 485 may have significant benefit to the Agency and the mission of the Maryland State Police. Union further recognizes that the current window for legislative process is limited, and therefore the time available for the Union to analyze the proposed legislation and exercise its rights under the Agreement has passed. **In support of the Agency**, while still fulfilling Union's statutory obligations for the Civilian Employees, Union proposes and supports the following compromise remedy.

1. Modify House Bill 616 and Senate Bill 485 as follows

(a) If authorized by the Secretary, a police employee may work an alternative workday [of not more than 12 hours instead of an 8-hour workday] AS APPROVED BY THE SECRETARY.

(b) If authorized by the Secretary, **AND APPROVED BY THE EXCLUSIVE REPRESENTATIVE OF THE AFFECTED EMPLOYEES**, a 40-hour civilian employee may work an alternative workday (OF NOT MORE THAN 12 HOURS INSTEAD OF AN 8 HOUR WORKDAY) AS APPROVED BY THE SECRETARY.

2. IF compromise is unacceptable, then Union seeks the withdrawal of House Bill 616 and Senate Bill 485.

HOUSE BILL 616

E4

0lr2649
CF 0lr2824

By: **Delegate P. Young**

Introduced and read first time: January 29, 2020

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of State Police – Alternative Workdays**

3 FOR the purpose of altering a certain authorization for certain Department of State Police
4 employees to work an alternative workday to provide that the authorization is for an
5 alternative workday as approved by the Secretary of State Police; and generally
6 relating to alternative workdays for certain Department of State Police employees.

7 BY repealing and reenacting, with amendments,
8 Article – Public Safety
9 Section 2–411(a)
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2019 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Public Safety**

15 2–411.

16 (a) If authorized by the Secretary, a police employee or a 40–hour civilian
17 employee may work an alternative workday [of not more than 12 hours instead of an
18 8–hour workday] **AS APPROVED BY THE SECRETARY.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2020.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SENATE BILL 485

E4

0lr2824
CF HB 616

By: **Senator Klausmeier**

Introduced and read first time: January 29, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Department of State Police – Alternative Workdays**

3 FOR the purpose of altering a certain authorization for certain Department of State Police
4 employees to work an alternative workday to provide that the authorization is for an
5 alternative workday as approved by the Secretary of State Police; and generally
6 relating to alternative workdays for certain Department of State Police employees.

7 BY repealing and reenacting, with amendments,
8 Article – Public Safety
9 Section 2–411(a)
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2019 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Public Safety**

15 2–411.

16 (a) If authorized by the Secretary, a police employee or a 40–hour civilian
17 employee may work an alternative workday [of not more than 12 hours instead of an
18 8–hour workday] **AS APPROVED BY THE SECRETARY.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2020.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

