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Patrick Moran - President

**Testimony  
SB 400 – State Employment –  
Wage History and Wage Range  
Support with Amendments**

AFSCME Council 3 represents 25,000 State and Higher Education employees in Maryland. We support SB 400 with amendments. This legislation works to address the gender pay gap for state employees by guaranteeing that the appointing authority no longer rely on an applicant's salary history when setting wages during hiring. Female state employees are currently earning 90 cents to every dollar a male state employee makes. This wage gap gets worse when you factor in race.

When a candidate for a state position applies for a state job, the salary range for the position is included in the posting. Department of Budget and Management (DBM) salary guidelines set that no employee can be hired outside of this salary range but do allow for an applicant to negotiate a starting salary above the minimum base pay for the position in instances where the position has been difficult to recruit for. Justifying an above base hire due to recruitment challenges can be done without requiring an applicant's salary history. The state already collects the data on how long a position has been vacant, the total number of applications that meet minimum qualifications within a geographical region, turnover rates, and so forth.

We very much appreciate the intent of this legislation, but another bill introduced this session, SB 217, goes further in addressing the wage gap. We propose that provisions of SB 217 be amended into SB 400:

**Amendment 1: Add in language from SB 217 to include the Private Sector.**

We feel the General Assembly should adopt legislation that covers both the public and private sectors as it's only fair. This is likely less a public sector issue than a private sector one. Collective Bargaining Agreements and civil service rules generally diminish wage disparities as the practice to produce a wage range already exists. As referenced above however, and in the additional documents attached to this testimony, among our membership, there are skilled/professional hirings in the State that very much implicate these issues.

**Amendment 2: Include the provisions in SB 217 for injunctive relief.**

As written, SB 400 is short on remedies. SB 217 includes statutory damages (i.e. fines) which are a necessary motivator. Those fines do not exist in SB 400. While a fine collected from one agency and paid to another agency (the commission) might seem pointless, we think the threat of such an embarrassing outcome might keep some state agencies on track and abiding by the law.

Every AFSCME Maryland State and University contract guarantees a right to union representation.  
An employee has the right to a union representative if requested by the employee.  
800.492.1996

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All and all, we do sincerely appreciate the efforts to fix existing wage disparities in state government. Adding in our proposed amendments to align this bill more closely with SB 217 would ensure that we have a broad-based approach for doing this in the public and private sectors and ensures an enforcement mechanism to increase the efficacy of SB 400.

For all of these reasons, we urge the committee to adopt these amendments and provide a favorable report. Thank you.

# Maryland

Department of Budget and Management



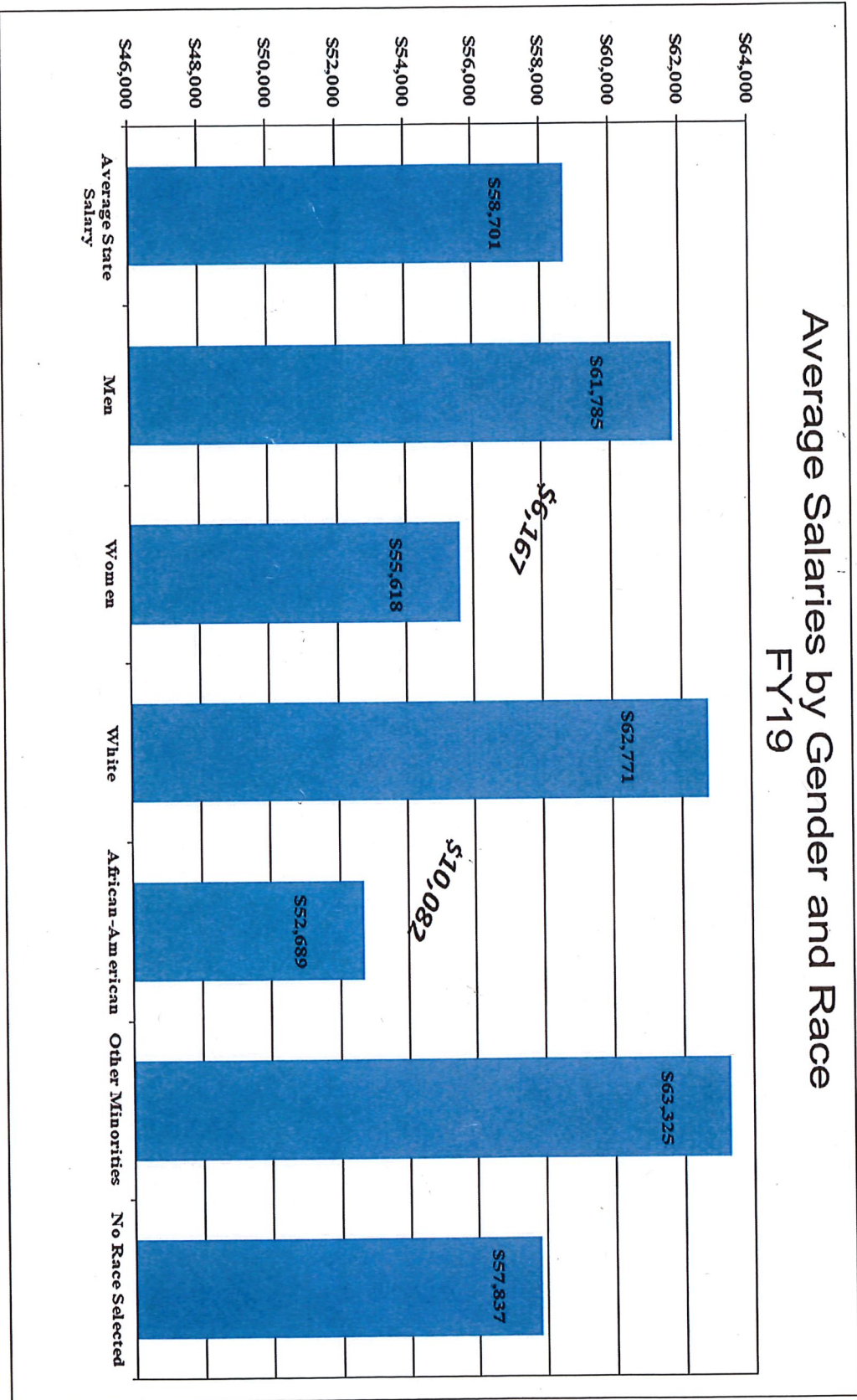
**Annual Statewide Equal Employment  
Opportunity Report - Fiscal Year 2019**



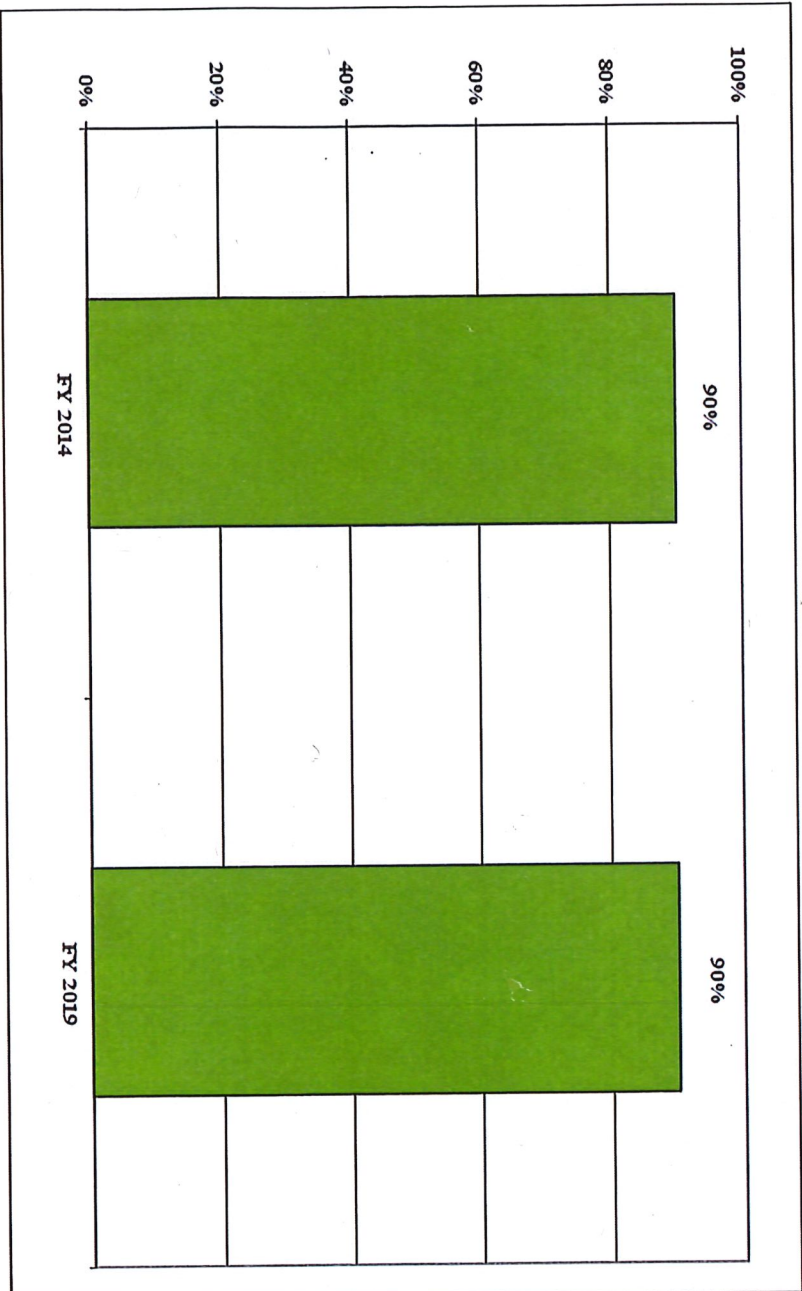
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### Average Salaries by Gender and Race FY19

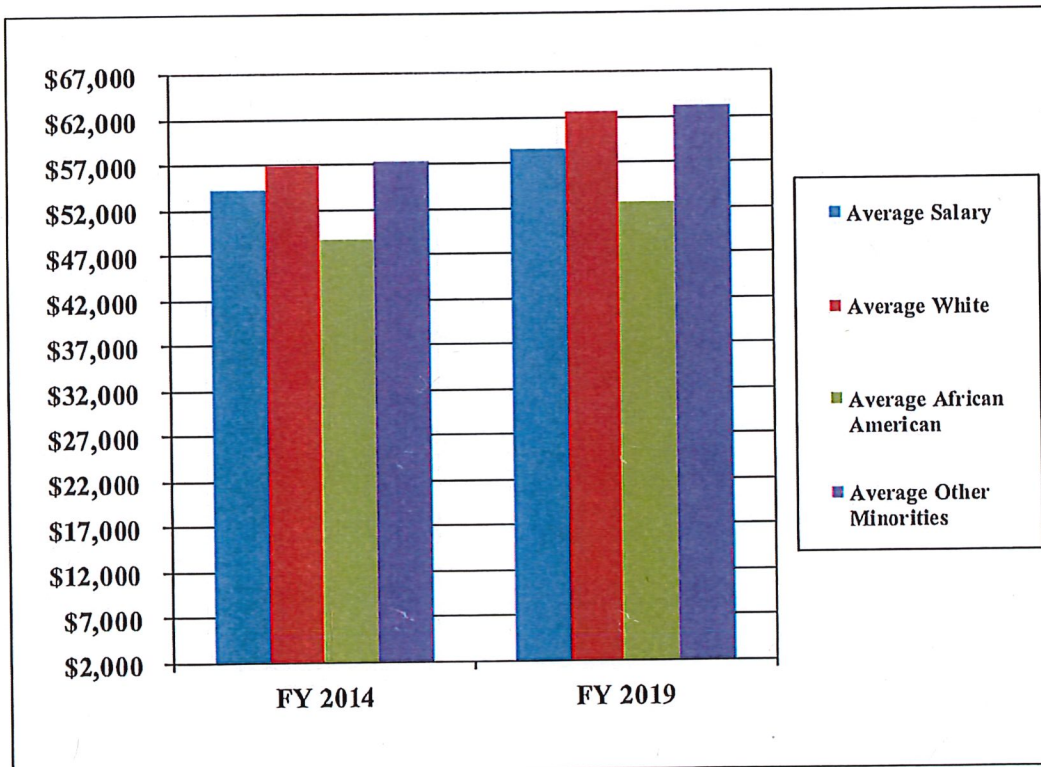


### Average Salary for Women Trails Average Salary for Men



**COMPARISON OF AVERAGE SALARIES BY RACE  
FOR FY 2014 AND FY 2019**

Year	Average Salary	White	African American	Other Minorities
FY 2014	\$54,413	\$57,043	\$48,780	\$57,416
FY 2019	\$58,701	\$62,771	\$52,689	\$63,325



**COMPARISON OF AVERAGE SALARIES BY GENDER  
FOR FY 2014 AND FY 2019**

<b>Year</b>	<b>Average Salary</b>	<b>Men</b>	<b>Women</b>
<b>FY 2014</b>	<b>\$54,413</b>	<b>\$57,155</b>	<b>\$51,670</b>
<b>FY 2019</b>	<b>\$58,701</b>	<b>\$61,785</b>	<b>\$55,618</b>

