



## DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

March 16, 2020

The Honorable Delores G. Kelley, Chair  
Senate Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, MD 21401-1991

### **RE: Senate Bill 1063– State Health Care Facilities - Employees - Alternative Workweeks – Letter of Support**

Dear Chair Kelley and Committee Members:

The Maryland Department of Health (Department) respectfully submits this letter of support for Senate Bill 1063– State Health Care Facilities - Employees - Alternative Workweeks. This bill would authorize full-time employees working at the Department’s clinical facilities to work three twelve-hour shifts in lieu of the traditional eight hour a day, five days per week schedule and still receive full-time status and benefits. We ask for a favorable report from the Committee.

We thank Senator Eckardt and Delegate Valentino-Smith for sponsoring this bill. We especially thank Chair Kelley and the entire Senate Finance Committee for sponsoring the three twelve-hour shifts amendment for the coronavirus emergency bill (SB1080). We appreciate the support in committee and on the Senate Floor.

The Department employs approximately 600 Registered Nurses out of a roughly 3000 person staff at our health care facilities. The majority of these positions perform direct nursing care functions. This bill would authorize the Secretary to more closely align nursing schedules at Department-operated facilities with non-state hospitals operating in Maryland and nationally. Current law and Department of Budget and Management regulations prohibit an employee who works less than a 40-hour work from receiving full-time employee benefits. The bill permits three twelve-hour shifts to count as equivalent to the traditional 40 hour work week for these positions.

The Department can implement this legislation using existing Departmental fiscal and operational resources. SB1063 has the potential to decrease the amount of overtime dollars paid to nurses at Department facilities; in addition, the increased flexibility in scheduling will enhance our ability to recruit full-time nurses to fill existing vacancies because it is standard practice in the healthcare industry.

This proposal follows through on the Fiscal Year 2021 American Federation of Teachers (AFT) Memorandum of Understanding (attached).

**Please note:** House Bill 1663 and Senate Bill 1080 - State Government – State of Emergency and Catastrophic Health Emergency – Authority of Governor and Unemployment Insurance Benefits (COVID–19 Public Health Emergency Protection Act of 2020) (HB 1663 and SB 1080) second readings passed with amendments on March 15, 2020. The amendments temporarily permit the Governor to authorize the three twelve-hour alternative schedules during the coronavirus emergency. There is one key difference between SB 1063 and the aforementioned amendments to SB 1080 and HB 1663. The SB 1080 and HB 1663 amendments limit the alternative work schedules to AFT registered nurses while SB 1063 applies to all employees working at Department-owned facilities that operate 24 hours a day, seven days per week in accordance with any collective bargaining agreements allowing an alternative work week. For ease of comparison, please see below:

**Comparison between HB1663/SB1080 (Coronavirus) and SB 1063 (this Bill)**

HB1663 / SB1080	SB1063
Coronavirus Emergency Legislation	Healthcare Industry Standard Practice
Limited to April 30, 2021	Permanent authorization
Only AFT-Registered Nurses (attached MOU)	All employees at Department-operated facilities that operate 24/7 (subject to collective bargaining agreements permitting alternative workweeks)

I hope this information is useful. If you would like to discuss this further, please contact Director of Governmental Affairs Webster Ye at (410) 260-3190 or [webster.ye@maryland.gov](mailto:webster.ye@maryland.gov).

Sincerely,



Robert R. Neall  
Secretary

**AMENDMENT TO MEMORANDUM OF UNDERSTANDING**

**Between  
American Federation of Teachers - Healthcare  
And  
The State of Maryland**

This Amendment to the Memorandum of Understanding is made this 27 day of December by and between the State of Maryland and the American Federation of Teachers – Healthcare.

The Memorandum of Understanding for employees in bargaining unit E dated January 1, 2018 – December 31, 2020 by and between the State and the Union is hereby modified in accordance with the terms of this Amendment. Wherever there is any conflict between this Amendment and the Memorandum of Understanding, the provisions of this Amendment control and the Memorandum of Understanding shall be construed accordingly.

The terms and provisions of the Memorandum of Understanding are hereby modified in the following manner:

**ARTICLE 7. WAGES**

**Wages**

Effective no later than January 1, 2021, a general cost of living adjustment wage increase (COLA) consisting of 2% will be added to each grade and step of the pay plan(s) affecting bargaining unit employees.

If (final) actual General Fund revenue collections for fiscal year 2020 as noted in the Comptroller's close-out memo exceed the Board of Revenue Estimates' official estimate of December 2019 as published in the Board's Report of December 2019 by an amount greater than \$75 million, the Governor shall agree to request a deficiency appropriation at the 2021 Session of the Maryland General Assembly in an amount sufficient to provide all permanent State employees of bargaining unit E a \$500 bonus on effective January 1, 2021.

## Annual Salary Review

Effective July 1, 2020:

The following classifications in the Art Therapist series will receive a 4-grade increase. Employees will receive a 6% increase in pay.

Job Profile	Job Title	Current Grade	BU
4205	Art Therapist I-4205	STD 0012	E
4206	Art Therapist II-4206	STD 0013	E

The following classifications in the Dance Therapist series will receive a 4-grade increase. Employees will receive a 6% increase in pay.

Job Profile	Job Title	Current Grade	BU
4224	Dance Therapist I-4224	STD 0012	E
4225	Dance Therapist II-4225	STD 0013	E

The following classifications in the Music Therapist series will receive a 4-grade increase. Employees will receive a 6% increase in pay.

Job Profile	Job Title	Current Grade	BU
4253	Music Therapist I-4253	STD 0012	E
4254	Music Therapist II-4254	STD 0013	E

The following classifications at Perkins will receive an additional 1-grade increase. Employees will receive an additional 6% in pay.

Job Profile	Job Title	Current Grade	BU
4206	Art Therapist II (PERKINS)	STD 0013	E
4225	Dance Therapist II (PERKINS)	STD 0013	E
4254	Music Therapist II (PERKINS)	STD 0013	E

The following classifications in the Dentist series will receive a 1-grade increase. Employees will receive a 6% increase in pay.

Job Profile	Job Title	Current Grade	BU
4233	Dentist I-4233	STD 0023	E
4234	Dentist II-4234	STD 0024	E
4235	Dentist III Community Health-4235	STD 0025	E
4236	Dentist III Residential-4236	STD 0025	E

The following classifications in the Pharmacist series will receive a 2-grade increase. Employees will receive a 6% increase in pay.

Job Profile	Job Title	Current Grade	BU
0688	Pharmacist I-0688	STD 0016	E
2376	Pharmacist II-2376	STD 0017	E
3451	Pharmacist III-3451	STD 0018	E
0468	Clinical Pharmacist-0468	STD 0019	E

#### **(NEW) Loan Repayment Plan**

The following classifications will be eligible for the Loan Repayment Program:

1. Somatic Physicians

#### **(NEW) Registered Nurse 36-hour Workweek**

Hospital and Developmental Disabilities facilities (Facility/ies) within The Maryland Department of Health (MDH) that operate 24/7 will have the option to offer a 36-hour workweek for its employees in the Registered Nurse (RN) series.

- The 36-Hour Workweek will require an employee to work three, 12-hour shifts within the workweek that runs Wednesday through Tuesday.
- Leadership at each facility will determine whether and in which units/functions/areas of the facility the 36-hour workweek will be offered, as well as how many of these shifts will be available.
- Current employees may request to be considered for this workweek or they may remain on their existing schedule.

- Employees who elect the 36-Hour Workweek must commit to the program and agree to provide at least 6 months' notice prior to returning to a different schedule.

While 12-hour shifts are often a preferred option for many RNs, they can also present scheduling challenges. In order to be considered for a 36-Hour Workweek, existing employees must:

- Have worked for the previous 90 days with no call-out,
- Have less than 80 hours of unexcused absences in the previous 365 days,
- Have been rated "satisfactory" or "outstanding" on his/her most recent End-Cycle PEP,
- Not be on a 1-Day Sick status, and
- Have no more than 1 disciplinary action imposed in the previous 365 days.

Once accepted into the 36-Hour Workweek, employees must meet all of the following criteria:

- Be enrolled in a compressed workweek status,
- Have no more than 1 callout in the previous 90 days,
- Have no more than 2 tardy occurrences in the previous 90 days (Facility Leadership will have the discretion to excuse a tardy occurrence when the reason for that occurrence is reasonably beyond that employee's control),
- Not be placed on 1-Day Sick status,
- Have no more than 1 disciplinary action imposed in the previous 365 days,
- Have been rated "satisfactory" or "outstanding" on his/her most recent End-Cycle PEP,
- Make-up any missed holiday and/or weekend shift within the current work schedule if the missed shift occurs during the first half of the current schedule. If the missed shift occurs during the second half of the schedule, employees will be required to make up the shift prior to the end of the first half of the upcoming schedule,
- Employees are encouraged to find his/her own 12-hour shift replacement (swap) for any unscheduled callout. In the event the employee is unable to find a replacement, the occurrence will fall under the provisions for call-outs as noted in this section, and
- Work two weekends a month.

Employees in the 36-Hour Workweek who fail to meet the criteria listed above, will be assigned to a different shift schedule.

#### Miscellaneous

- When it is necessary to temporarily change the shift of an employee in the 36-Hour Workweek program in order to cover operations or provide training/development opportunities, Article 5, Section 4 D of the AFT/State of Maryland MOU will apply.
- The determination of which employees will be assigned to the 7 PM - 7 AM shift (in the event that there are not enough volunteers) will be based on seniority.
- Additional OT shifts may be required to provide for continued operations.
- Short-turnaround pay does not apply to staff in Compressed Workweek status.

In exchange for working three 12-hour shifts,

- Employees who work this shift will no longer be considered 8/80 and will not earn overtime when their daily hours exceed 8 in the day. Cash overtime payment and/or compensatory time will be credited to eligible employees only when their actual hours worked exceed 40 in the Wednesday through Tuesday workweek.

- Employees will be paid the equivalent of 40 hours for the 36 hours that they worked.
- Benefits will be accrued based on a 40 hour work week.

Definitions

Certain terms in this agreement are defined as follows:

Call-Out -- When an employee is scheduled to work a shift, but then does not report to that shift (with or without notice, with or without documentation, and/or with or without paid leave).

Disciplinary Action -- As defined within State Personnel and Pensions Article.

Late -- When an employee reports after his/her shift is scheduled to begin.

Tardy -- When an employee reports after his/her shift is scheduled to begin.

Unscheduled -- When an employees is scheduled to work any part of a shift and fails to do so (with or without notice and/or with or without paid leave).


This program may be discontinued at any time by the State. Before the discontinuation of the program, the State will provide at least 60 days notice to the union and affected employees.

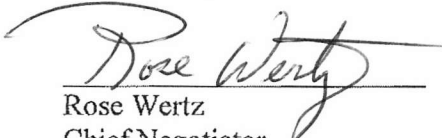
IN WITNESS WHEREOF, the parties hereto intending to be legally bound have executed this Amendment as of December 21, 2019.

For the State of Maryland:

  
\_\_\_\_\_  
Cynthia Kollner  
Chief Negotiator

For the Union:

  
\_\_\_\_\_  
Debra Perry  
President

  
\_\_\_\_\_  
Rose Wertz  
Chief Negotiator