



190 West Ostend St., #201
Baltimore, MD 21230
Phone: 410.547.1515
Fax: 410.837.5436

Patrick Moran - President

Testimony
SB 794 – State Department of Education – Procurement and Personnel Actions
Budget and Taxation Committee
March 1, 2022
UNFAVORABLE

AFSCME Council 3 represents 30,000 state and higher education employees, including the dedicated women and men who work for the Maryland State Department of Education (MSDE). We are opposed to SB 794. This legislation would create a separate personnel system for MSDE and allow them hire “at-will” special appointees in place of employees who are covered under the merit protections of the State Personnel Management System (SPMS). SB 794 would also allow for the MSDE to opt of the procurement regulations for the Blueprint for Maryland’s Future.

The SPMS was designed to put in a place a fair system for processing personnel transactions. Most employees in the executive branch are in the SPMS and it functions fine. There is no reason that MSDE needs an independent personnel system. They are a state agency under the executive branch, and their employees should have the same due process, collective bargaining, and grievance rights that other state employees have.

SB 794 largely undoes legislation enacted into law in 2019 in Ch. 645 and 646 which placed all new hires in MSDE into the skilled and professional services in the SPMS. Prior to 2019, MSDE utilized the highest number of “at-will” special appointees in state government. Employees were subject to terminations and discipline without cause, and it created an environment where employees were more loyal to a particular supervisor or manager to avoid getting fired, than to the work they were sometimes hired to do. Civil service protections are in place to prevent cronyism in public sector jobs, and they are important for protecting career civil servants who wish to do their jobs at a high standard regardless of the administration.

SB 794 would threaten the progress made at the MSDE recently to promote more career service among its employees. In a time when state government is experiencing a record level of vacant positions, the last avenue that should be pursued is removing the merit protections many frontline state positions carry. SB 794 is a bad bill. We urge the committee to provide an unfavorable report on SB 794.

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An employee has the right to a union representative if requested by the employee.
800.492.1996

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