

# **3.5.2024 HCEA Senate Bill 1043 Testimony\_FAV.pdf**

Uploaded by: Benjamin Schmitt

Position: FAV



**FAVORABLE  
Senate Bill 1043  
Education – Public School Employers and Employees – Subcontracting for  
Services**

**Senate Education, Energy, and the Environment Committee  
March 6, 2024**

**Ben Schmitt  
President**

Good afternoon Chair, Vice Chair, and members of the Committee my name is Ben Schmitt, and I'm the President of the Howard County Education Association. Before serving in this role, I was an Elementary Art Teacher for 25 years.

I'm here today to lend our union's strong support for SB1043 and urge a favorable report on the bill. Several years ago HCPSS outsourced positions called 'student assistants' covered by our union contract. These essential support staff provide close, direct adult supervision of children with a range of disabilities. HCPSS has a panoply of companies who provide temporary services to kids with disabilities. The largest such group are universally known as "TE's," or Temporary Employees who are paid lower wages, receive no benefits, receive little training, and are not paid at all if their student is absent. There are more than 300 of them currently in our system. If those positions were converted to HCSPSS student assistants, they would immediately receive better benefits, higher wages, more job protection, more training to support these students, and the students would likely receive better services. SB1043 levels the playing field for public school employees by requiring subcontractors to pay the same wage to their employees as HCPSS.

If School Systems can contract out the work of our support staff, what stops them from contracting out the work of Teachers? They already do. HCPSS also subcontracts speech services, which creates enormous challenges for our speech pathologists. While the subcontracted SLP's may work remotely, they often are not serving the neediest students. That leaves our members faced with serving the children with the most profound disabilities. Not only that, but when parents have concerns or complaints, it is our members, not the

subcontracted workers who deal with those concerns, which creates extra work for our members.

This year, Howard County schools hired a contractor which will handle all of our bus routes within 3 years, a California company that receives private investment funding from venture capitalists all over the world. What happened when Zum took over was widely documented in local media. The drivers Zum promised to deliver never showed and they ended up flying people in from as far away as Seattle. Routes they promised would be smooth were anything but.

The people left holding the bag here were scared students, frustrated parents, and in many cases, educators who were made to stay at school long after their day ended because the scheduled buses never arrived. Taxpayers were promised smooth and efficient services. We got chaos and confusion instead. As Zum's profits from taxpayers go up, that necessarily comes at the expense of state and local funds that we should be using to implement the Blueprint.

Please don't let these contractors undermine the hard work this Senate has done to pass and fund the Blueprint.

For these and many other reasons, **I urge a favorable report on SB1043.**

**SDB1043\_MSEA\_Gobel\_FAV.pdf**

Uploaded by: Christian Gobel

Position: FAV

**FAVORABLE**  
**Senate Bill 1043**  
**Education – Public School Employers and Employees – Subcontracting for**  
**Services**

**Senate Education, Energy, and the Environment Committee**  
**March 6, 2024**

**Christian Gobel**  
**Government Relations**

The Maryland State Education Association supports Senate Bill 1043. Senate Bill 1043 establishes that it is the public policy of the State to utilize public school employees for the delivery of instructional and non-instructional work and services in public schools in contrast to subcontracting out this work to the private sector. Additionally, the legislation seeks to impose more transparency and accountability on public school employers when they attempt to subcontract out work or services performed by public school employees. Senate Bill 1043 accomplishes these dual policy goals by: i) enhancing workplace protections for public school employees; ii) making the approval of subcontracting agreements contingent on the inclusion of certain standards and provisions in the agreement; iii) requiring subcontractors to submit certain information to public school employers in their bids; and iv) promoting more open and transparent decision-making processes from public school employers when considering subcontracting essential school services.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

Senate Bill 1043 enhances workplace protections for public school employees by prohibiting the subcontracting of work or services performed by public school employees during the term of a collective bargaining agreement (CBA), subject to certain exceptions. Following the expiration of a CBA, if an employer attempted to

enter into a subcontracting agreement, then the employer must: i) provide written notice to an impacted exclusive representative and the Public Employee Relations Board (PERB) within ninety days before the employer request bids for the subcontracting agreement; ii) meet and consult with the exclusive representative regarding the decision; and iii) negotiate the effects of the decision with the exclusive representative. However, an employer may subcontract out work during the term of a CBA if the subcontracting agreement is for services not available from the public school employer or cannot be performed by public school employees, provided that the employer adhere to other requirements in the bill.

Subcontracting, the practice of replacing employees in a bargaining unit with the employees of a subcontractor to perform the same work under comparable conditions of employment, has long been ruled a mandatory subject of bargaining in the private sector under the National Labor Relations Act.<sup>1</sup> This legal duty obligates the employer to provide notice to the union and provide an opportunity to bargain the decision and the effects of the employer's decision to replace bargaining unit employees with those of a subcontractor.<sup>2</sup> Numerous public sector jurisdictions have adopted similar rulings through public sector labor relations adjudications.<sup>3</sup> Additionally, certain states have recently enacted legislation enabling public school employers and exclusive representatives to negotiate the issue of subcontracting non-instructional employee positions.<sup>4</sup>

Relatedly, certain states have enacted reforms to establish standards, processes, and procedures that must be met where a public employer attempts to subcontract out

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<sup>1</sup> *Arbah Hotel Corp.*, 371 NLRB No. 126, slip op. at 4 (2022) (citing *Fibreboard Corp. v. NLRB*, 379 U.S. 203, 215 (1964)).

<sup>2</sup> *Id.*

<sup>3</sup> See, e.g., *Oakland Unified School Dist.* (2005) California PERB Decision No. 1770; *Service Employees Local 316 v. Ill. Educ. Labor Relations Bd.*, 153 Ill. App. 3d 744, 106 Ill. Dec. 112, 505 N.E.2d 418, 125 LRRM 2274 (App. 4th Dist. 1987); *Millcreek Twp. Sch. Dist. v. Millcreek Twp. Educ. Support Pers. Ass'n*, 653 Pa. 409, 439 (2019) (citing *Pa. Labor Relations Bd. v. Mars Area Sch. Dist.*, 480 Pa. 295 (1978)); *Community College District 17 (Spokane)* Washington PERC Decision 9379 at 2 n.1 (June 2006).

<sup>4</sup> See N.J. Stat. Ann. §§ 34:13A-44 – 49; 2023 Mich. Pub. Act 143 (authorizing collective bargaining negotiations between schools and exclusive representatives for noninstructional support service contracts).

work performed by public employees, including public school employees.<sup>5</sup> These reforms are designed to promote transparency and accountability in the subcontracting out process including requirements for cost projections for solicited services, reviewing bids in open session, inviting public comment on the proposals, and establishing protections for workers who may be impacted by the subcontracting decision.

Finally, it is important to note that Senate Bill 1043 seeks to establish comparable protections for public school employees that currently exist for public employees working in state government.

Current state policy, “is to use state employees to perform all state functions in state-operated facilities in preference to contracting with the private sector to perform those functions.”<sup>6</sup> At least sixty days before a state agency issues a solicitation for a service contract, the state agency must provide the exclusive representative of the employees who may be affected by the service contract with written notice of the work that is being proposed for contracting out, contracting procedures, requirements, timetables, and employees rights under relevant state law, and an opportunity to meet and discuss possible alternatives to the proposed service contract.<sup>7</sup>

Additionally, a state agency attempting to enter into a service contract must provide the Department of Budget and Management with certain information including a demonstration that the agency has explored alternatives to a service contract, cost comparisons that calculate the cost of providing the service with state employees versus the cost of the service contract, and a formal plan of assistance for all state employees who will be negatively impacted by the service contract.<sup>8</sup> The plan of assistance must include i) efforts to place impacted employees in other vacant state

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<sup>5</sup> See *generally*, Cal. Educ. Code § 45103.1; 105 ILCS 5/10-22.34c; 24 P.S. § 5-528; Or. Rev. Stat. §§ 279B.030, 279B.033.

<sup>6</sup> MD Code, State Personnel and Pensions, § 13-402.

<sup>7</sup> MD Code, State Finance and Procurement, § 13-218.1(b)(1).

<sup>8</sup> MD Code, State Personnel and Pensions, § 13-405.



agency positions; ii) requiring the contractor to hire displaced employees, if feasible; and iii) prior notification to the impacted employees.<sup>9</sup>

Furthermore, the Secretary of Budget and Management exercises oversight of contractual employees in the state service by ensuring that the use of contractual employees by state agencies are for services that cannot be performed by assignment or hiring of non-temporary employees, that comparable rates of pay exist between contractual employees and employees in positions that encompass comparable duties, responsibilities, experience, and authority, and the services performed under the contract are infrequent, of limited duration, or require quick implementation and no reasonable alternatives exist.<sup>10</sup>

In sum, Senate Bill 1043 promotes the public interest by creating more transparency and accountability from public school employers where they attempt to subcontract out work or services performed by public school employees. The protections for public school employees sought after in this bill resemble comparable protections for state employees, and the process outlining the obligation to negotiate this subject is similar to requirements in the private sector and other public sector jurisdictions. Public school employees, students and families, and communities stand to benefit with the processes established under this legislation.

**We urge the committee to issue a Favorable Report on Senate Bill 1043.**

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<sup>9</sup> MD Code, State Personnel and Pensions, § 13-405(d).

<sup>10</sup> MD Code, State Personnel and Pensions, § 13-202(a).





**FAVORABLE**  
**Senate Bill 1043**  
**Education – Public School Employers and Employees – Subcontracting for**  
**Services**

**Senate Education, Energy, and the Environment Committee**  
**March 6, 2024**

**Cresta Kowalski**  
**UniServ Director**

The Allegany County Education Association (ACEA) supports Senate Bill 1043. Senate Bill 1043 establishes essential guardrails when public school employers attempt to subcontract out work or services performed by public school employees. The protections and standards established under the bill will apply to both certificated and non-certificated public school employees. The legislation ensures that public school employees, families, and communities, all have a say and opportunity to voice their opinion on this important issue before a public school employer may subcontract out work or services performed by public school employees.

ACEA represents over 864 educators and school employees who work in Allegany County Public Schools, teaching and preparing our students so they can pursue their dreams. ACEA is a local union affiliated with the Maryland State Education Association and the National Education Association at the state and national level, respectively.

We recognize that schools across the state of Maryland are struggling to find workers for some positions, but to subcontract those positions to private contractors does not provide a permanent solution. It is a temporary fix and the services that are provided are not able to be guarded by the school system to ensure they are of quality and up to the standards we expect for our students. Furthermore, subcontracting does not ensure that we are getting cost savings on services; instead, it leaves the school system at the mercy of the external company's need to raise costs on the backs of the taxpayers.



It is the responsibility of the state legislature to create a process for our school districts to use negotiations and fair collective bargaining before making decisions that impact our students and staff. We strongly urge the committee to issue a Favorable Report on Senate Bill 1043.

**We strongly urge the committee to issue a Favorable Report on Senate Bill 1043.**



**FAVORABLE**  
**Senate Bill 1043**  
**Education – Public School Employers and Employees – Subcontracting for**  
**Services**

**Senate Education, Energy, and the Environment Committee**  
**March 6, 2024**

**Cindy Porter**  
**President**

The Carroll Association of School Employees (CASE) supports Senate Bill 1043. Senate Bill 1043 establishes essential guardrails when public school employers attempt to subcontract out work or services performed by public school employees. The protections and standards established under the bill will apply to both certificated and non-certificated public school employees. The legislation ensures that public school employees, families, and communities, all have a say and opportunity to voice their opinion on this important issue before a public school employer may subcontract out work or services performed by public school employees.

CASE represents over 900 support professionals who work in Carroll County Public Schools, working closely with students to help them become college and career ready. CASE is a local union affiliated with the Maryland State Education Association and the National Education Association at the state and national level, respectively.

According to a 2022 National Education Association member survey, 67 percent of education support professionals live in the communities in which they work, and many of them volunteer in those communities. Being a part of the communities in which they work strengthens the relationships that these employees develop with the students they serve. These relationships are an important part of helping students succeed in school and beyond.

When returning to school buildings after the Covid 19 pandemic, Carroll County Education Support Professionals experienced the inclusion of temporary private



company employees being utilized as assistants and paraprofessionals. These temporary employees didn't have the connections to the communities or our students that Carroll County Public Schools staff have at a time when our students very much needed connection. Being a private company employee provides no incentive to form those relationships that are so crucial to our students and their success. Employing people who have a stake in their communities is a benefit to our school systems and students in the state of Maryland and should be a vital consideration when deciding the disposition of this legislation.

**We strongly urge the committee to issue a Favorable Report on Senate Bill 1043.**



**FAVORABLE  
Senate Bill 1043  
Education – Public School Employers and Employees – Subcontracting for  
Services**

**Senate Education, Energy, and the Environment Committee  
March 6, 2024**

**Jeannette Young  
President**

The Education Support Professionals of Baltimore County (ESPBC) supports Senate Bill 1043. Senate Bill 1043 establishes essential guardrails when public school employers attempt to subcontract out work or services performed by public school employees. The protections and standards established under the bill will apply to both certificated and non-certificated public school employees. The legislation ensures that public school employees, families, and communities, all have a say and opportunity to voice their opinion on this important issue before a public school employer may subcontract out work or services performed by public school employees.

ESPBC represents over 2,200 education support professionals who work in Baltimore County Public Schools. ESPBC works to advance and protect the rights, benefits, and interests of members and promote a quality system of public education for all students. ESPBC is a local union affiliated with the Maryland State Education Association and the National Education Association at the state and national level, respectively.

In my capacity as President of ESPBC, what I have observed is that increasing numbers of contracted out school employees has several intended and unintended consequences. My observations, borne out by what my members tell me, is that these contracted out school workers do not have the same level of commitment to BCPS and our students. Turnover rates are higher, which increases costs to BCPS, and often my members have to train these workers because the contractor will not or cannot.



Simultaneously, we are often told by BCPS that due to budget constraints they cannot add permanent positions doing similar work into our bargaining unit, where they would receive union scale wages, benefits, important rights on the job, health insurance and more. Subcontracted positions performing similar work as our unit members keep wages down, increase turnover, result in poorer services to students, and increase the workload of our members.

**We strongly urge the committee to issue a Favorable Report on Senate Bill 1043.**



**FAVORABLE  
Senate Bill 1043  
Education – Public School Employers and Employees – Subcontracting for  
Services**

**Senate Education, Energy, and the Environment Committee  
March 6, 2024**

**Missy Dirks  
President**

The Frederick County Teachers Association (FCTA) supports Senate Bill 1043. Senate Bill 1043 establishes essential guardrails when public school employers attempt to subcontract out work or services performed by public school employees. The protections and standards established under the bill will apply to both certificated and non-certificated public school employees. The legislation ensures that public school employees, families, and communities, all have a say and opportunity to voice their opinion on this important issue before a public school employer may subcontract out work or services performed by public school employees.

FCTA represents over 3,300 educators who work in Frederick County Public Schools, teaching and preparing our students so they can pursue their dreams. FCTA is a local union affiliated with the Maryland State Education Association and the National Education Association at the state and national level, respectively.

For years, Frederick County Public Schools has contracted Speech Language Pathologist (SLP) services to fill open positions that were going unfilled. The amount in the budget was increasing year over year and costing the system hundreds of thousands of dollars to pay for dozen or more contracted SLPs and still having vacant positions. The result was a revolving door of SLPs – the contracted providers often left during the school year or did not return the following year. Leaving students and family constantly having to forge new relationships and the service providers not knowing any of the specific needs of students to start the year. The issues became even worse since the start of the pandemic because many of the contracted SLPs would only work remotely even when all the SLPs employed directly by FCPS were



working in person. This created a burden on the staff at those schools particularly elementary schools where the students still needed supervision by an adult in-person while they were getting the virtual services of the SLP. The SLP was also unable to fulfill their share of all other onsite duties and responsibilities of educators. FCTA fielded many concerns from other SLPs and school staff dealing with the ramifications of the contracted SLPs being granted different working conditions than the regularly employed SLPs.

FCTA has repeatedly asked the schools system to work with us to help reduce the number of contracted services and for many years was ignored. But then the tide shifted and FCPS started to work collaboratively on this issue. In 2017 a joint workgroup was convened that made recommendations to the negotiating teams regarding SLPs needs under their licensure process which differs from the teacher certification process namely reimbursing license fees, bundling SLP CEU credits into MSDE credits so they can be applied to the PayScale for lane advancement. While this started to recognize the needs of the employees and staved off some attrition of current SLPs more was needed. We jointly agreed in negotiations to add tuition reimbursement for the CEU courses that SLPs need to maintain licensure in the same manner that college coursework is reimbursed for other educators.

But the largest impact was made as the result of another joint workgroup that looked at and recommended moving all SLPs to a flexible 11 month contract to recognize all the work outside the contractual day SLPs needed to put in because they do not get substitutes and are required to make up 100% of all service hours missed regardless of the reason. In addition to the paperwork for IEPs and medical billing. July 1, 2022 regularly employed SLPs were moved to that flexible 11 month work years. At the February 14, 2024 Board of Education meeting the Special Education Department reported to the BoE that we had 3.5 contractors in our Elementary Middle and High positions with only 2 other vacancies and 3 contractors in our other programing.

That is a significant increase in regularly employed SLPs recruitment and retention because the school system and FCTA collaboratively worked together to identify and address root causes of the need for the large numbers of SLP subcontractors. This is a success story that could be replicated if this law were passed.





**We strongly urge the committee to issue a Favorable Report on Senate Bill 1043.**

**SEIU Local 500 Testimony SB 1043 - Favorable.pdf**

Uploaded by: Christopher Cano

Position: FAV

SB1043 - Favorable  
Senate EEE Committee  
March 6, 2024  
SEIU Local 500

My name is Vicki Brown and I am an Educational Interpreter for the Deaf and Hard of hearing program for Montgomery County Public Schools (MCPS). As an MCPS employee and a SEIU Local 500 member I am deeply concerned about cuts to vital programs and positions that impact our students, my colleagues, our members and the work that we do. Now is not the time to divest from staff. Now is the time to invest in our staff members who come to work each day to ensure student success.

I wanted to speak out about the contracting out that is happening in MCPS. We are interpreters/transliterators, bus drivers, custodial staff, paraeducators, food and nutrition workers and other support professionals who ALL have essential roles in our school and in the community. We deserve a living wage, respect and fairness. We DO NOT deserve to have vacant positions filled by contractors who earn twice as much as we do and who are NOT invested in the success of our students. MCPS is talking about how much money they do not have to fund the budget and hire employees to fill vacant roles, yet they continue to outsource our jobs. As I stated, I am an Educational Interpreter for MCPS. MCPS recognizes our unique group and our skillset, but MCPS does not recognize that the wage is still not at a fair labor market rate to attract new interpreters or retain the ones currently employed. MCPS has an inequitable practice of hiring contractors and agencies to fill these vacant positions, yet they don't look at how to attract, recruit and retain public school employees. MCPS is discussing how much of a budget shortfall they have, but is anyone looking at the hundreds of thousands of dollars being spent on contracting out? Furthermore, the agencies that send interpreters to our schools are a temporary fix. Our schools need dedicated public school employees who are valued by their employers, administrators and supervisors.

The Responsible Contracting in Our Public Schools Act will address subcontracting issues by implementing a process for employers to speak with us before decisions are made and negotiate with us regarding the effect of these decisions on educators and students. This bill will require public school employees to notify employers upon considering subcontracting work and services. The bill will make sure our employer can't subcontract our work during the term of our collective bargaining agreement. This bill will require public school employers to perform a cost comparison showing the cost

of in house services compared to services provided by contractors and agencies. I am certain that there is not a cost comparison being done for the interpreters/transliterators.

The amount of money being spent on contractors and agencies is astronomical and could easily free up budget line items and fill voids in essential staff. Stop outsourcing our jobs to contractors and agencies and invest in your dedicated and committed support professionals. Our students deserve it and so do we.

Thank you,

Vicki Brown  
On Behalf of SEIU Local 500

**SB 1043 MSHA Fav.pdf**

Uploaded by: Lisa Smith

Position: FAV



March 5<sup>th</sup>, 2024

**Bill: SB 1043 - Education – Public School Employers and Employees – Subcontracting for Services**

**Position: Favorable**

Dear Chair, Vice-Chair, and Members of the Committee:

The Maryland Speech Language Hearing Association (MSHA) represents speech-language pathologists and audiologists across Maryland. Collectively, we elevate and engage members to strive for excellence in serving those impacted by communication and related disorders through advocacy, equity, education, interprofessional collaboration, and leadership development. MSHA recognizes the importance of ensuring that public school employees are given the opportunity to perform essential roles within our education system to enhance continuity, quality, and accountability in the delivery of instructional and support services to our students. We are in support of SB 1043 – Subcontracting for Services.

The provisions outlined in the bill, particularly those concerning subcontracting requirements, employee protections, and enforcement mechanisms, align closely with our organization's mission to promote the highest standards of care and professionalism in the field of speech-language pathology and audiology. We believe that these measures will safeguard the rights and well-being of public school employees while maintaining the integrity and effectiveness of educational services.

Maryland public schools are facing a crisis in speech-language pathology and audiology with hundreds of positions filled by private contractors instead of direct hires across the state. Temporary contractors do not provide the continuity of care required by Maryland's students. Tailored professional development, familiarity with curriculum, compliance with administrative tasks such as billing, and understanding the unique needs of the student – this is all knowledge that


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builds over time. Constant change to staffing and vendor management taxes district leadership, further lessening their capacity to plan and execute the core functions of their jobs.

MSHA believes this bill represents a significant step forward in strengthening Maryland's public education system.

For these reasons, we urge a favorable report.

Sincerely,

A handwritten signature in black ink that reads "Megan Miskowski". The signature is written in a cursive, flowing style.

Megan Miskowski, M.S., CCC-SLP  
Director of Advocacy and Public Policy  
Maryland Speech Language Hearing Association

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# **Local 2250 Testimony on HB1175 and SB1043.pdf**

Uploaded by: Martin Diggs

Position: FAV





**ASSOCIATION OF CLASSIFIED EMPLOYEES  
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES  
LOCAL 2250 AFL-CIO**

14440 OLD MILL ROAD, UPPER MARLBORO, MARYLAND 20772 TELEPHONE: 301-857-8335 FAX:301-810-3287  
[www.ace-afscme.org](http://www.ace-afscme.org)

**Testimony in Support of House Bill 1175/Senate Bill 1043**

As the President of Ace-AFSCME Local 2250, representing over 6,000 proud and well-trained educational support professionals in Prince George's County, I speak in favor of House Bill 1175/Senate Bill 1043. These measures would put into law reasonable standards around contracting for positions in the public school system.

Our contract explicitly mandates the formation of a committee to thoroughly examine such decisions before any hiring of contractors, a process that has been sidestepped in the past. When the new Transportation Director took office, assurances were made to notify Local 2250 of any plans to hire contractors. However, these promises were swiftly contradicted when the Superintendent urged expedited actions without due consultation.

We question the wisdom of that decision, particularly given the financial challenges facing the school system. The previous PGCPs CEO's investigation into this matter revealed potential high costs for contracting out, stating in short, it would cost the school system \$95,000 per new employee. This is a huge concern amplified by the system's strained budget.

Our members have concerns about the training and background checks that occur when positions are contracted out. Our members are mandated to take professional development training throughout the year, a requirement that the contractors do not have. For our bus drivers and bus attendant members, so many are considered full-time employees but can't get 40 hours in a week. Contracting out the work hurts the people who have been dedicated employees for years.

For over two decades, I have served as a bus driver in the PGCPs system. It runs in the family as my mother was a bus driver for thirty years in the PGCPs system. The education support personnel in PGCPs love the students and want to do good work but the lack of value placed on our work is apparent, as evidenced by the disregard for our negotiated agreements when it comes to contracting.

During the pandemic, we were called heroes. Now we are being replaced by the lowest bidder.

**BTU Testimony in Support of SB 1043 (1).pdf**

Uploaded by: Nathan Ferrell

Position: FAV



AFT 340 AFL-CIO  
Seton Business Park  
5800 Metro Drive, 2<sup>nd</sup> Floor  
Baltimore, MD 21215-3209

## **Testimony in Support of Senate Bill 1043**

### **Subcontracting for Services**

Senate - March 6, 2024 - Education, Energy and the Environment Committee @ 1 p.m.

#### **Position: Favorable**

**The Baltimore Teachers Union supports Senate Bill 1043**, which establishes critical safeguards and protections for public school employees, students, families, and the public through key reforms to privatizing or subcontracting school services.

The Baltimore Teachers Union represents 8,280 teachers, paraprofessionals, counselors, clinicians, librarians, secretaries, community school site specialists, bus transportation aides, and many more school-based and central office support staff. We are 4 out of 5 workers in Baltimore City Public Schools, serving 75,595 students and their families. Our national union, the American Federation of Teachers, represents over 1.7 million educators, healthcare workers, and public employees in the United States and its territories.

Senate Bill 1043 aims to build the capacity of school districts to deliver high quality essential services to students, their families and the public by implementing common sense reforms for privatization. Senate Bill 1043 safeguards the interests and job security of public school employees by regulating the subcontracting of their jobs during the term of a collective bargaining agreement by requiring public school employers to engage in a collaborative process with collective bargaining organizations before privatizing services and entering agreements with subcontractors. When outside vendors perform services, as opposed to the educators and support staff that know students and families best, it can lead to disruption in essential service and limit public transparency.

This bill preserves high labor standards by prohibiting the subcontracting of public school employees' jobs during the term of a collective bargaining agreement. This provision is crucial for maintaining stability within our public school system and ensuring that contractual agreements between employers and employees are respected. Additionally, the bill prohibits a subcontracting agreement from being approved primarily on the basis that savings will result from lower wages and benefits from the employees of a subcontractor. School districts do a disservice to the public when worker exploitation is pursued as a legitimate cost-saving measure.

Additionally, the bill establishes a structured process for public school employers to meet and consult with local unions before making any decisions to subcontract work or services performed by public school employees. This proactive approach promotes transparency, open communication, and collaboration, allowing both parties to negotiate the effects of such decisions. This not only strengthens the relationship between employers and employees but also fosters a sense of mutual respect and understanding.

In conclusion, the BTU strongly supports SB 1043 as it aligns with our commitment to protecting the rights and well-being of public school employees. We believe that this legislation will contribute to a more stable, collaborative, and fair working environment within our public education system.

Thank you for considering our testimony and for your dedication to ensuring the welfare of educators and staff across our state.

**It is for these reasons the BTU supports Senate Bill 1043 and urges a favorable report.**

Telephone: (410) 358-6600 Fax: (410) 358-2894 Website: [www.baltimoreteachers.org](http://www.baltimoreteachers.org)

# **SB 1043 SEIU Local 500 Testimony on contracting ou**

Uploaded by: Sally Murek

Position: FAV

Testimony - SB 1043, School Employers & Employees – Subcontracting for Services  
Favorable  
Senate Education, Energy, and Environment Committee  
March 6, 2024  
SEIU Local 500

Dear Chair Feldman and Members of the Senate Education, Energy, and Environment Committee:

We at SEIU Local 500 represent over 20,000 hardworking union members who serve the people in various roles from cradle to career. Many of our members come from educational support staff backgrounds in Montgomery County Public Schools. These hardworking union members have recently seen their jobs being outsourced to contractors rather than filled as the full time positions they are. In some cases, such as ASL interpreters, we have seen contractors paid more than those staff employed by the school system. In other cases, such as building services workers, due to contract restraints, we have seen janitorial services contracted for mopping and sweeping as operating heavy machinery would be in violation of the contract.

All these issues are raised to address one key question, should good unions jobs that need to be filled by the normal hiring process be circumvented by filling them with paid contractors who are costing us more tax-payer dollars than merely hiring someone for the open position?

The answer is No.

Contractors should not be fulfilling public sector union jobs in our school system. The school systems in this state should be filling open positions through the normal hiring process. And, this bill will put to rest any attempts to circumvent this. A legislative solution to protecting good jobs in the public sector from outsourcing is needed. We at SEIU Local 500 support SB 1043 and ask for a favorable report.

Thank you for your consideration,

Sally Murek  
On Behalf of SEIU Local 500

**DG Written Testimony\_SB1043.pdf**

Uploaded by: Senator Gile

Position: FAV

DAWN D. GILE  
Legislative District 33  
Anne Arundel County

Finance Committee

Chair

Anne Arundel County  
Senate Delegation



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of SB1043 - Education – Public School Employers and Employees –  
Subcontracting for Services**

Mr. Chair, Madame Vice Chair, and Members of the Senate Education, Energy, and the Environment Committee:

Across the state, school systems subcontract out work or services that are often performed by public school employees. The scope of work subcontracted out varies from school system to school system, but routinely encompasses a wide array of essential school services from related service providers, transportation services, custodial work, and even instructional services, such as classroom teachers.

Bus drivers, food and nutrition workers, custodians, classroom teachers, paraeducators, and other public school employees all work together to promote a quality learning environment and deliver the best education possible to our students. However, employers disregard the concerns of these essential public school employees when they subcontract out the work or services they perform with little to no input from the employees currently doing the work. Subcontracting out work may cause differing working standards and conditions between a public school employee and an employee of a subcontractor performing the same or similar work or create more workload and burden on public school employees when contracted out workers are used to provide services.

Senate Bill 1043 establishes guardrails when public school employers attempt to subcontract out work or services performed by public school employees. With this bill, our goal is not to eliminate a school system's ability to subcontract for services, but rather create processes and procedures that promote the public interest with transparency, accountability, and respect for our public school employees.

This legislation will ensure public school employees, families, and communities have the opportunity to share their concerns and review important information before an employer subcontracts out essential school services performed by public school employees. Additionally, this legislation will make certain that strong labor standards are preserved when employers subcontract out work. Our state needs to recruit and retain more people into the education workforce, and subcontracting should not be used to diminish existing labor standards.

For these reasons, I respectfully request a favorable report on SB1043.



# **SB 1043.School Use of Contract Employees.pdf**

Uploaded by: John Woolums

Position: UNF

**BILL:** Senate Bill 1043  
**TITLE:** Education – Public School Employers and Employees – Subcontracting for Services  
**DATE:** March 6, 2024  
**POSITION:** OPPOSE  
**COMMITTEE:** Education, Energy, and the Environment  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) strongly opposes Senate Bill 1043 to establish strict limitations on school systems benefiting from the services of persons working as subcontractors rather than as school system employees.

To be clear, the Blueprint for Maryland’s Future is established throughout as a public private partnership between local school systems and private sector entities and employers. From the mixed delivery model of expanding access to full-day Prekindergarten in public schools and private settings, to transforming high schools into opportunities for more students to experience college and the workplace on a daily basis, the Blueprint is premised on non-school system employees playing pivotal roles. In this light, MABE appreciates that the bill would not impact either Prekindergarten services by private providers or community-based mental health services. However, MABE believes that the recognition that these enormous initiatives should be excluded from the proposed law helps make the case that the new limitations proposed in Senate Bill 1043 should not be placed on all other aspects of school operations.

Senate Bill 1043 would limit school system options to secure the services of non-employees provided through contracts with other entities. Examples of such agreements include services such as student transportation (school bus drivers and mechanics), school nurses, information technology and cyber security, and special educators. Senate Bill 1043 would unduly limit the ability of school systems to not only replace but also supplement the services already being provided by school employees. In this way, the bill would impede the ability of school systems to consider and decide on options that would utilize the services of non-school employees.

All local boards of education value the essential role of the educators and staff persons who work for the public school system as the keys to educating and meeting the needs of our students. Therefore, MABE has consistently supported efforts by the General Assembly to assist local school systems in addressing the critical shortages of highly qualified teachers, principals, and other staff in every school and the classrooms of all students across the State. At this time, Maryland is experiencing critical shortages across all of the educational and related services professional fields; a critical shortage of the staff needed to deliver and support student learning and to administer schools as educational leaders.

In the 2023 legislative session, MABE supported several bills, including the Governor’s Educator Shortage Reduction Act (HB 1219, Ch. 627), which became law and includes major initiatives to expand the alternative teacher certification program to include educators in prekindergarten programs, create a new Maryland Educator Recruitment, Retention, and Diversity Dashboard, and reform the Teachers Fellows for Maryland scholarship program.

MABE is generally supportive of the state taking bold, innovative steps to build Maryland’s teacher pipeline and workforce. Unfortunately, Senate Bill 1043 would frustrate the efforts of local school systems to integrate the services of our employees and the employees of contractors to provide the array of educational and operations programs and services.

For these reasons, MABE urges an unfavorable report on Senate Bill 1043.

# **SB 1043 - Education – Public School Employers and**

Uploaded by: Mary Pat Fannon

Position: UNF



**PSSAM**  
Public School Superintendents' Association  
OF MARYLAND

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**BILL:** SB 1043

**TITLE:** Education – Public School Employers and Employees –  
Subcontracting for Services

**DATE:** March 6, 2024

**POSITION:** Unfavorable

**COMMITTEE:** Senate Education, Energy, and the Environment Committee

**CONTACT:** Mary Pat Fannon, Executive Director, PSSAM

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The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four public school superintendents, **opposes** Senate Bill 1043.

This bill prohibits a public school employer from entering into a subcontracting agreement that replaces or supplements any work performed by bargaining unit employees or following the expiration of an existing collective bargaining agreement, except under specified circumstances. The bill establishes a process that must be followed for a local school system to hire subcontractors. Public school employee or exclusive representative affected by a violation of a local school system following the process may file an unfair labor practice with the Public Employee Relations Board (PERB) and may be entitled to a remedy that may include reinstatement, back pay and benefits, tenure and seniority credit, attorney's fees, expert witness fees and related costs, and any other relief PERB deems appropriate. The bill does not apply to publicly funded full-day prekindergarten programs or the delivery of coordinated community supports, as specified.

It is the intention, and public policy of every local school system in Maryland to use public school employees to perform instructional and non instructional functions to the greatest extent possible, rather than contracting with the private sector. However, the reality of workforce shortages in many school operations require private vendors for fully functioning of the system, including bus drivers, food workers, social workers, occupational and physical therapists, speech and language pathologists, psychiatrists, and somatic and behavioral health providers. Unfortunately, some districts have also had significant vacancies in instructional categories,

specifically Special Education, and have tried to use private companies to fulfill the educational needs of those vulnerable students.

While not prominently explained in the Fiscal Note under “Local Effect,” further in the narrative are important details regarding two large systems - Baltimore City and Montgomery County. The examples provided address direct financial implications of increased service costs. Also, the Fiscal Note acknowledges the costs due to violations of unfair labor practices proposed in this bill are very difficult to estimate.

Baltimore City Public Schools (BCPS) are bracing for significant financial consequences. The bill's broad language encompasses a wide array of services BCPS routinely contracts out millions of dollars annually impacting facilities, capital projects, community schools, academic programming, and legal support. Furthermore, under the bill, local school systems must negotiate with relevant unions regarding the impact of proposed contracts on their members and can only endorse contracts that demonstrably yield cost savings, which cannot be achieved through underpaying service providers compared to district employees. However, it remains uncertain how substantial savings could be realized in human services contracts without reducing labor costs. They estimate this legislation would impact every one of their offices and divisions.

While we have not had an opportunity to survey all school systems, it is likely that many current teacher contracts already include provisions limiting subcontracting without financial or operational justification. For instance in Montgomery County, work typically handled by union members cannot be subcontracted to entities or workers not covered by the agreement without valid rationale. Additionally, their contract mandates that the Montgomery County Education Association be informed in advance of any subcontracting plans, providing an opportunity for discussion before implementation.

Lastly, the operational costs of this legislation are overly burdensome and onerous with additional notifications, negotiations, legal review, and public forums. Overall this bill would severely limit our ability to meet the needs of students and staff when we have vacancies in any school building operations or education needs. While the goals of this bill are laudable, they are in no way based in the realities of running a functional school district, and will lead to a substantial increase in expenditures for most school systems.

For these reasons, PSSAM **opposes** Senate Bill 1043 and requests an **unfavorable report**..

**SB1043 Howard Co BOE Testimony 030624 for EEE - Su**

Uploaded by: Staff Howard County

Position: UNF



**Board of Education of Howard County  
Testimony Submitted to the Maryland House Senate,  
Education, Energy, and the Environment Committee  
March 6, 2024**

**Board of Education  
of Howard County**

Jennifer Swickard Mallo, *Chair*

Yun Lu, Ph.D., *Vice Chair*

Linfeng Chen, Ph.D.

Jacky McCoy

Jolene Mosley

Robyn C. Scates, Esq.

Antonia Watts

Lamia Ayaz  
*Student Member*

William J. Barnes  
*Acting Superintendent,  
Secretary/Treasurer*

**SB1043: UNFAVORABLE**

**Education – Public School Employers and Employees – Subcontracting for Services**

The Board of Education of Howard County (the Board) opposes **SB1043 Education – Public School Employers and Employees – Subcontracting for Services** as a contracting mandate on school systems that would inhibit fluid operations.

SB1043 creates various requirements on the use of subcontractors in schools to meet the bills stated intent that the public policy of the state should be that public school employers use public school employees to perform instructional and noninstructional human services functions in public schools rather than subcontracting with the private sector to perform the same functions. If looking to use subcontractors, SB1043 would require school systems to engage in negotiations with bargaining units where the position would otherwise be covered, conduct public hearings on the potential use of subcontractors, and collect feedback from various stakeholders. Additionally, the bill puts extensive requirements on subcontractors and the resulting agreements for employment with a school system, including that a subcontracting agreement may not be approved by a school system on the basis that cost savings will result from the subcontractor providing their employees reduced rates of pay or benefits compared to public school employees.

The decline in available teaching and support staff is a concern in Howard County as well as across the state and nation. While employment of staff as direct employees is always the first choice in hiring for the school system, it is not always feasible. Currently, the Howard County Public School System uses contractors for positions where this is the case, especially for positions that may serve multiple schools/locations or are project/need based, such as related service providers to fulfill Individualized Education Program (IEP) requirements and information technology support professionals. SB1043 would create significant time constraints on a school system's ability to quickly hire and fill gaps in the workforce with subcontractors, which would negate their benefit when staff are required for essential functions of the school system.

The Board opposes legislation which limits local board flexibility in oversight of school system operations and budgets by mandating specific positions or operations. Limiting the ability to determine hiring practices and contract terms when subcontractors are needed will make it more difficult to get staff in front of students.

For these reasons, we urge an UNFAVORABLE report of SB1043 from this Committee.