

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 95

(Chair, Budget and Taxation Committee)(By Request -
Departmental - Comptroller)

Budget and Taxation

Ways and Means

Comptroller - Monitoring and Recording of Telephone Calls - Training, Quality Assurance, and Employee Safety

This departmental bill authorizes the Comptroller to monitor and record incoming telephone calls to employees of the Comptroller's call centers, to telephones within the offices of the Comptroller, for training, quality control, and employee safety purposes. Monitored telephone calls must contain a notice to the telephone caller that "your call may be recorded or monitored for training and quality control purposes." The Comptroller may only record or monitor incoming calls to the automated call distribution system and is prohibited from recording or monitoring calls to or from direct individual lines in the Office of the Comptroller.

The bill prohibits information derived from an incoming telephone call to employees of the Comptroller's call centers from being used in any criminal or civil proceeding against any Maryland taxpayer unless the caller has made a personal and imminent threat against an employee or property of the State. Recorded telephone calls may not be retained by the Comptroller's Office for longer than 60 days, except (1) if the call is to be used solely as a positive example to follow in the training of employees using the Comptroller's call centers or (2) if the caller has made a personal and imminent threat against an employee or property of the State.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: None. The Comptroller's Office can handle the bill's requirements with existing budgeted resources.

Local Effect: None.

Small Business Effect: The Comptroller's Office has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. The attached assessment does not reflect amendments to the bill.

Analysis

Current Law: Under § 9-602 of the Criminal Law Article, absent prior approval by the Attorney General, a State official or employee may not directly or indirectly monitor or record telephone conversations to or from any unit of State government. A person who violates this prohibition is guilty of a misdemeanor and on conviction is subject to a fine of up to \$1,000 and immediate dismissal from State employment.

With prior approval from the Attorney General, a State official or employee may monitor or record telephone conversations on telephone lines reserved for incoming police, fire, and rescue calls, or only with recorder-connector equipment that produces a distinctive tone approximately every 15 seconds.

Background: The bill addresses concerns over the quality of service provided by the Comptroller's call centers. The volume of taxpayer calls has increased in recent years putting added strain on the call centers. In fiscal 2013, call center operators in the Taxpayer Service Section of the Revenue Administration Division answered more than 500,000 calls; there were approximately 514,000 calls answered in fiscal 2012, which was an increase of over 60,000 from fiscal 2011. The monitoring and recording of telephone calls to the call centers will allow the Comptroller's Office to maintain and improve the quality of services that it provides to Maryland taxpayers. Call center supervisors are authorized to monitor calls to operators who are undergoing training. Under the bill, supervisors will be able to monitor calls to all call center operators. The Comptroller's Office reports that there can be as many as 50 employees working at a call center at any given time.

The bill is also intended to address concerns of the Senate Budget and Taxation Committee during the 2012 session and includes a prohibition against using calls to call centers in civil and criminal proceeding, except under certain circumstances.

Chapter 214 of 2009 authorized the Board of Trustees of the State Retirement and Pension System to adopt regulations allowing managers to monitor and record incoming telephone conversations to employees of the Member Services Division of the State Retirement Agency for training and quality control purposes.

Additional Information

Prior Introductions: SB 68 of 2013 received a hearing in the Senate Budget and Taxation Committee but no further action was taken. Similar bills were introduced as SB 191 and HB 424 in the 2012 session. SB 191 received an unfavorable report from the Senate Budget and Taxation Committee; the House Health and Government Operations Committee took no action on HB 424.

Cross File: None.

Information Source(s): Comptroller's Office, Department of Legislative Services

Fiscal Note History: First Reader - January 17, 2014
mm/hlb Revised - Senate Third Reader - March 14, 2014

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Comptroller-Monitoring and Recording of Telephone Calls-Training and Quality Assurance

BILL NUMBER: SB 95

PREPARED BY: Comptroller of Maryland

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no economic impact on small business in Maryland.