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Patrick Moran - President

**Testimony**  
**HB 1138 – State Personnel –**  
**Employee Compensation – Overtime Pay**  
**Support**

AFSCME Council 3 supports HB 1138. This legislation would begin compensating state employees who work an excess of 100 hours in a standard two-week, 80-hour, pay period at twice their regular rate of pay (or double-time). The state already has a precedent to provide this type of compensation to essential employees when there is a state closure and are required to remain at work due to a declared state of emergency. HB 1138 extends this state of emergency pay to state employees earning cash overtime who are required to work more than 20 hours of overtime in a pay period.

**The State’s Staffing Crisis is a State of Emergency**

According to DLS, since 2014 vacancy rates across the executive branch have increased by 46% (7.6% to 11.1%). On average there is a 13% vacancy in the agencies involving Public Safety, Health and Human and Juvenile Services. With thousands of unfilled positions, state government has had to increasingly rely on staff overtime to cover critical shifts and maintain services. For state employees working in our 24/7 institutions this often means being required to work 16-hour double shifts, multiple times in a week, and often on short notice. In addition to the disruption that these extended hours have on the employee’s personal life, safety and the quality of services the state is charged with providing is also compromised. To employees working these long hours, it makes little difference if the cause is due to a weather emergency or a staffing emergency.

**Overtime Spending Exceeds Amount to Recruit and Retain Additional Staff**

The DLS reported in the Fall of 2019 that,

*“In these agencies, the State is expected to spend at least \$239.1 million in overtime costs in fiscal 2020, with more than half of that amount attributable to the Department of Public Safety and Correctional Services (DPSCS) (\$122 million). Given that actual overtime spending in fiscal 2018 totaled over \$255 million and vacancy rates for DPSCS and several other key agencies have continued to increase, it is likely that the fiscal 2020 allowance for overtime spending is underfunded.”*

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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Assuming an average salary of \$42,000 annually, \$255M could provide a \$10,000 salary increase to all of our frontline state employees, and those hit hardest by the staffing crisis, and have money left over to fill over 2,000 PINS.

**Excessive Overtime Should be the Exception, Not the Norm**

HB 1138 recognizes that there will always be some amount of overtime. The first 20 hours of overtime a state employee works will still be compensated at the regular overtime rate of time-and-a-half. When an employee works an excessive amount of overtime however, HB 1138 would provide for additional compensation in those circumstances and would help to ensure that this reliance on excessive overtime is the exception and does not become the norm.

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