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Patrick Moran - President

Testimony
HB 673 – State Health Care Facilities – Employees
Alternative Workweeks
Information Only

AFSCME Council 3 represents roughly 2,200 employees in our State Health Care Facilities. Our collective bargaining agreement with the State of Maryland requires that issues concerning work time, alternative schedules, and compensation be negotiated in accordance with our memorandum of understanding. We had significant concerns with HB 673 as written. It would have locked our members into language that subverts this collective bargaining process. It would have also changed how overtime is calculated for them based on an agreement the AFT-Healthcare signed with the State of Maryland.

These are complex issues concerning collective bargaining and we want to thank Delegate Valentino-Smith for working with us to come up with amendments to HB 673 that work for us, AFT-Healthcare, and the Department.

These amendments state on pg. 2, lines 12-18:

(2) BEGINNING MAY 1, 2021, THE SECRETARY MAY AUTHORIZE AN EMPLOYEE OF A STATE FACILITY TO WORK ACCORDING TO AN ALTERNATIVE WORKWEEK IF THE ALTERNATIVE WORKWEEK IS CONSISTENT WITH ANY APPLICABLE COLLECTIVE BARGAINING MEMORANDUM OF UNDERSTANDING OR OTHER WRITTEN AGREEMENT **WHEN ELIGIBLE EMPLOYEES ARE NOT COVERED BY AN APPLICABLE BARGAINING MEMORANDUM OF UNDERSTANDING.**

(3) AN EMPLOYEE OF A STATE FACILITY WHO IS AUTHORIZED TO WORK ACCORDING TO **PARTICIPATES** IN AN ALTERNATIVE WORKWEEK UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE:

On pg. 3, line 12:

THIS SUBSECTION DOES NOT APPLY TO AN EMPLOYEE WHO PARTICIPATES IN AN ALTERNATIVE WORKWEEK DEFINED IN HEALTH – GENERAL 2-104(P)

And strikes the following language from pg 3, lines 12-25

(I) law enforcement and civilian employees of the Department of State Police who participate in the modified workday program established in accordance with § 2–411 of the Public Safety Article; **AND**

~~(II) EMPLOYEES OF A STATE FACILITY WHO ARE AUTHORIZED TO WORK ACCORDING TO AN ALTERNATIVE WORKWEEK UNDER § 2–104(P) OF THE HEALTH – GENERAL ARTICLE.~~

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

~~(2) IN THIS SUBSECTION, "TIME WORKED" FOR EMPLOYEES OF A STATE FACILITY WHO ARE AUTHORIZED TO WORK ACCORDING TO AN ALTERNATIVE WORKWEEK UNDER § 2-104(P) OF THE HEALTH - GENERAL ARTICLE:~~

~~(I) INCLUDES ONLY THE HOURS ACTUALLY WORKED; AND~~

~~(II) DOES NOT INCLUDE PAID LEAVE HOURS TAKEN BY THE EMPLOYEE DURING THE WORKWEEK.~~

With these amendments, HB 673 no longer directly impacts our members, and our concerns are alleviated. Thank you.