

**Written Testimony from Maryland Professional Employee's Council
AFT Local 6197
Submitted by William Wharton, Staff Representative
SB-497-Juvenile Education Board and Program-Establishment, Powers, and Duties
Before the Senate Judicial Proceedings Committee
February 17, 2021**

SUPPORT WITH AMENDMENTS

Good afternoon Chairman Smith and members of the Senate Judicial Proceedings Committee. My name is William Wharton, and I am a staff representative for the Maryland Professional Employees Council (MPEC), AFT Local 1697, the union for state employees in Unit G. MPEC is the certified bargaining agent for thousands of professional state employees, including the number of teachers currently employed in the education of juveniles within the residential facilities for the State Department of Education. On behalf of those teachers, we ask for a favorable-with-amendments report for SB 497.

I believe the committee has the amendments we are proposing, so let me explain in more details how they address the teachers concerns.

Teachers are concerned that with the transfer out of the Maryland State Department of Education and into the Department of Juvenile Services, that educator voices will not be heard in the design and implementation of education programs. We are proposing an amendment that changes the composition of then proposed new school board, to include two educators from the new program, elected by their peers within the bargaining unit. This is modeled after state law that has given educators two seats on the state school board, passed just a few years ago and currently in place.

A second amendment clarifies that the switch to a new board will not change then current policy for the academic calendar. The program currently adheres to a 12-month academic calendar, and the fear that a potential switch to a 10-month calendar could negatively impact the effectiveness of the program. Under a 10-month academic calendar, we fear that students in the program could potentially go months without needed instruction.

A third amendment we are proposing clarifies that with the creation of this new board, the employees transferring over will remain in the same bargaining unit that has been certified as their representative for the purposes of collective bargaining. Teachers currently teaching juveniles within DJES/MSDE facilities are members of the duly certified exclusive representative, and not unfairly have their union decertified as the representative, thus potentially losing due process rights, seniority provisions or payments into the state employee and teacher retirement system into which they have been paying.

The amendments also clarify that education employees working for the new board are not special appointments but instead professional employees and thus covered under the collective bargaining contract. The fear is that this new board will attempt misclassifying educators.

With the inclusion of these three amendments, the teachers employed in the current program located within MSDE ask for a favorable report for SB 497. Thank you.