



MARYLAND PROFESSIONAL EMPLOYEES COUNCIL

AFT, AFL-CIO Local 6197

A union of professionals
in service to the people
of Maryland.

**Written Testimony Before the House Judiciary Committee
SB 497 – Juvenile Services Education Board and Program –
Establishment, Powers, and Duties
Submitted by Jerry Smith, President,
Maryland Professional Employees Council, AFT Local 6197**

April 1, 2021

FAVORABLE WITH AMENDMENTS

Good afternoon Chairman Clippinger and members of the House Judiciary Committee. My name is Jerry Smith, and I am president of the Maryland Professional Employees Council (MPEC), AFT Local 6197, the union for state employees in Unit G. MPEC represents the teachers currently employed in the Juvenile Education Services Program housed in the State Department of Education. On behalf of those teachers, we ask for a favorable-with-amendments report for SB 497.

The amendments passed by this chamber to the House crossfile bill, HB 71, are preferable to our members. They include:

- Provisions for the educators within the program to elect one of their own to serve on the newly created board.
- Clarification that the new board, while housed within the Department of Juvenile Services, maintains a level of independence while running this new education program.
- A mechanism for oversight by allowing the expert Kirwan Review teams to measure the success of the program and to offer recommendations by which the program can be improved.

MPEC asks for these amendments that are part of HB 71 be applied to SB 497, with a slight change that would allow educators to elect two representatives to the state school board.

Additionally, the educators have concerns with this version of SB 497 as well as the version passed by the House, HB 71, regarding the protection of employees with this transfer.

Specifically, educators are concerned the language in both bills will:

- allow the new program within DJS to pick and choose whomever it would like to transfer over into the program, effectively eliminating due process rights for the dozens of educators and potentially laying off scores of quality teachers, and
- remove educators from the protections of the MOU negotiated by their union that has been certified to represent them in collective bargaining once the current MOU protections expire.



To address these concerns, MPEC calls for amended language that would assure all employees are transferred over with the same protections and benefits attained through their current union contracts, and that the state will not move them from their existing bargaining units once the contracts expire. That language is appended below.

Again, we call for a Favorable-With-Amendments report for SB 497. Thank you.

Proposed additional language for SB 497

On page 14, line 19 through line 21, strike language beginning with *“That all employees”* through *“retirement status”* in its entirety, and replace with

THAT ANY STATE PERSONNEL OR CONTRACTUAL EMPLOYEE EMPLOYED ON JUNE 30, 2021 IN THE JUVENILE EDUCATION SERVICE PROGRAM WITHIN THE MARYLAND STATE DEPARTMENT OF EDUCATION SHALL TRANSFER ON JULY 1, 2021 INTO THE JUVENILE EDUCATION SERVICES PROGRAM WITHIN THE DEPARTMENT OF JUVENILE SERVICES. ALL EMPLOYEES WHO ARE INVOLVED IN A TRANSFER TO THE DEPARTMENT OF JUVENILE SERVICES UNDER THIS ACT SHALL

- (1) IF APPLICABLE, REMAIN IN THE STATE PERSONNEL MANAGEMENT SYSTEM**
- (2) REMAIN IN A POSITION THAT IS COMPARABLE TO OR MOST CLOSELY COMPARES TO THEIR FORMER POSITION, WITHOUT FURTHER EXAMINATION OR QUALIFICATION,**
- (3) RECEIVE NO DIMINUTION IN COMPENSATION OR ACCUMULATED LEAVE SOLELY AS RESULT OF THE TRANSFER,**
- (4) IF APPLICABLE, CONTINUE IN THE SAME SALARY GRADE OR HIGHER IN THE DEPARTMENT OF JUVENILE SERVICES, AND**
- (5) REMAIN IN THE ESTABLISHED CLASSIFICATION TITLE AND BARGAINING UNIT FOR PURPOSES OF COLLECTIVE BARGAINING.**