

**HB579-AFSCME-FAV-MSDE .pdf**

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Patrick Moran - President

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**HB579- Maryland State Department of Education -Employee Status and Designation  
Appropriations Committee  
March 9, 2023  
Favorable**

AFSCME Council 3 supports HB 579. This legislation converts employees who work at the Maryland State Department of Education (MSDE) and who are currently misclassified as “at-will” special appointees, into merit positions within the state personnel management system (SPMS) and places them within their appropriate bargaining units. This will mean that they finally have due process rights and access to the grievance procedure, as well as union rights and an ability to collectively bargain.

These employees are clerical employees, licensing specialists, caseworkers, etc. who would have these merit rights if they worked in any other state agency, but they were hired at the MSDE at a time when all employees were hired in as special appointees. They receive state health and pension benefits, they just don’t receive due process rights.

State Personnel and Pensions Article 6-405 places the following criteria for special appointments;

- (1) a position to which an individual is directly appointed by the Governor by an appointment that is not provided for by the Maryland Constitution;
- (2) a position to which an individual is directly appointed by the Board of Public Works;
- (3) as determined by the Secretary, a position which performs a significant policy role or provides direct support to a member of the executive service;
- (4) a position that is assigned to the Government House;
- (5) a position that is assigned to the Governor’s Office; and
- (6) any other position that is specified by law to be a special appointment.

For special appointees who aren’t directly appointed by the Governor or Board of Public Works, or who don’t work in Government House or in the Governor’s Office, or don’t play a significant policy role or a direct support role to a member of the executive service — the decision to keep them at-will special appointees is just a policy decision.

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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The merit system provides more than just “for cause” terminations. It also guarantees merit employees:

- Reinstatement rights should there be a layoff.
- A fair process for promotions and training employees
- A Transparent hiring processes.
- The right to seek damages if there’s a paycheck error that goes unresolved.
- The right to a grievance procedure to resolve disputes and so on.

Prior to 2019, the legislator recognized a substantial number of state employees were considered “at-will” at MSDE. In 2019, the legislature changed this practice when they required all new hires at MSDE to be merit through the passage of [HB 390/CH645 \(2019\)](#) . This legislation only impacted new hires since July 1, 2019. As a result, employees hired as special appointees prior to July 1, 2019, are now working alongside peers who do the same work, have less seniority, but have more rights now. We believe this quite unfair and this needs to be rectified.

Ultimately, HB 579 is about fairness for those “at-will” employees a MSDE who stand to benefit from this legislation and have been denied merit stands for too long with other protection and benefits their co-worker have. HB 579 can helps ensure they get that protection at the workplace. We urge the committee to provide a favorable recommendation on HB 579

# **HB579 Witness Testimony\_3.7.23.pdf**

Uploaded by: Delegate Henson

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SHANEKA HENSON  
Legislative District 30A  
Anne Arundel County

Ways and Means Committee

Joint Committee on  
Children, Youth, and Families



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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

March 7, 2023

Chair Ben Barnes  
Vice Chair Mark S. Chang  
House Office Building  
Annapolis, Maryland 21401

Members of the Appropriations Committee:

Thank you for the opportunity to present HB579: Maryland State Department of Education – Employee Status and Designation.

This bill converts around 150 employees who work at the Maryland State Department of Education (MSDE) and who are currently misclassified as “at-will” special appointees, into merit positions within the state personnel management system (SPMS) and places them within their appropriate bargaining units. This means that they will finally have due process rights and access to the grievance procedure, as well as union rights and an ability to collectively bargain.

Prior to 2019, the legislature recognized a substantial number of state employees were considered “at-will” at MSDE. In 2019, the legislature changed this practice when they required all new hires at MSDE to be merit through the passage of [HB 390/CH645 \(2019\)](#). This legislation only impacted new hires since July 1, 2019. As a result, employees hired as special appointees prior to July 1, 2019, are now working alongside peers who do the same work, have less seniority, but have more rights.

The individuals addressed in this bill are clerical employees, licensing specialists, and caseworkers who would have merit rights if they worked in any other state agency. State Personnel and Pensions Article 6-405 places the following criteria for special appointments:

1. A position to which an individual is directly appointed by the Governor by an appointment that is not provided for by the Maryland Constitution;
2. A position to which an individual is directly appointed by the Board of Public Works;
3. As determined by the Secretary, a position which performs a significant policy role or provides direct support to a member of the executive service;
4. A position that is assigned to the Government House;
5. A position that is assigned to the Governor’s Office; and
6. Any other position that is specified by law to be a special appointment.

For special appointees who aren't appointed through the criteria above, the decision to keep them designated as at-will special appointees is just a policy decision. Moving these workers to the merit system would provide more than just "for cause" terminations. It also guarantees merit employees:

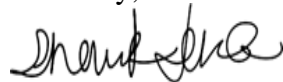
- Reinstatement rights should there be a layoff
- A fair process for promotions and training employees
- A transparent hiring processes
- The right to seek damages if there is a paycheck error that goes unresolved
- The right to a grievance procedure to resolve disputes

Specifically, this bill says that on or before January 1, 2024:

- The Secretary of Budget and Management shall assign each employee in the State Department of Education to the executive service, management service, professional service, or skilled in the State Personnel Management System.
- An employee assigned shall suffer no reduction of pay or benefits resulting from the assignment.
- During the assignment, the employee may be placed on a new salary schedule only at a grade and step that results in a greater annual rate and pay.

HB579 is about fairness and giving these employees the rights and status that they deserve. Thank you for your consideration and I urge a favorable report.

Sincerely,



Delegate Shaneka Henson