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Patrick Moran - President

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**HB 646 - State Procurement - Minority Business Enterprises and Small Business Enterprises -  
Procurement Forecast, Employee Performance, and Outreach  
(Small Business Protection Act of Maryland)**

**POSITION: FAVORABLE WITH AMENDMENT**

AFSCME Council 3 represents nearly 30,000 hard-working state and higher education employees across Maryland. We support HB 646 with amendment. Our membership is majority women and people of color. We support efforts to make our procurement process in Maryland more transparent and fairer for under-represented communities. We support the requirements in HB 646 for an annual procurement forecast by each agency that includes the estimate of anticipated Minority Business Enterprise (MBE) Participation goals.

We do oppose the changes in 14-302.1. Here are our concerns with the bill as written:

1. HB 646 is so broadly worded that an employee who was not actually at fault for the Unit's failure to meet the MBE goal could suffer adverse consequences as a result of the actions of others.
2. It is unclear who is an "employee responsible for procuring goods and services on behalf of the unit." Which employee classifications would that cover? What does it mean to be an "employee responsible for procuring good and services on behalf of the unit."
3. Why not hold cabinet secretaries or higher levels of management responsible as well?
4. A Unit could potentially fail to meet the goal through no fault of the state employees.

**AFSCME Proposed Amendment**

*Strike section 14-302.1 in its entirety (pg.2, lines 15-34).*

Ultimately, we oppose creating a parallel evaluation and disciplinary process when one for state employees already exists in the state personnel and pensions article.

For these reasons, we urge the committee to provide a favorable with amendment report on HB 646.

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An employee has the right to a union representative if requested by the employee.  
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