



MARYLAND MILITARY COALITION

Serving Veterans through Legislative Advocacy

February 21, 2024

The Honorable C.T. Wilson
Chair, Economic Matters Committee
Room 231
House Office Building
Annapolis, MD 21401

Subject: **Request for FAVORABLE Report with Amendments** – HB0604 – Families Serve Act of 2024

Dear Chair Wilson and distinguished members of the Economic Matters Committee:

On behalf of the members of the Maryland Military Coalition (MMC) and as its President, I write to recommend a FAVORABLE report with amendments by the committee on HB0604 – Families Serve Act of 2024 sponsored by the Speaker at the request of the Moore-Miller Administration. This legislation authorizes private-sector employers to grant a preference in hiring and promotion to spouses of eligible service members. It also requires appointing authorities in the Executive Branch of the State government to grant a credit on any selection test to an eligible service member's spouse.

This legislation is a key component of Governor Moore's pledge to make 2024 the Year for Military Families. As the Governor stated on December 13, 2023:

“Our military families sacrifice everything so their loved ones can serve. They are just as much a part of the American story as those in the armed forces, . . . States have a duty to answer the service and sacrifice of our military families with strong support.”¹

According to the latest Department of Defense data, the active-duty uniformed spouse unemployment rate is about 21 percent² compared to the national unemployment rate of 3.7 percent³ and Maryland's unemployment rate of 1.9 percent.⁴ This legislation will reduce spousal unemployment by authorizing a service member spousal hiring preference in the private sector and providing a spousal hiring preference in state employment. The legislation, therefore, aligns the State Personnel Management System with not only the Maryland Joins Forces pillar on employment but also the White House Joining Forces initiative designed to reduce the underemployment of active-duty spouses.

¹ <https://governor.maryland.gov/news/press/pages/governor-moore-announces-first-items-in-2024-legislative-agenda-to-support-and-empower-maryland-military-families.aspx#:~:text=ANNAPOLIS%2C%20MD%20E%80%94%20Governor%20Wes%20Moore,%2C%20military%20spouses%2C%20and%20caregivers.>

² <https://www.defense.gov/News/Feature-Stories/Story/Article/3558394/military-spouses-to-gain-more-job-ops-thanks-to-growing-employment-partnership/#:~:text=More%20partners%20mean%20more%20job,spouses%20is%20at%20about%2021%25.>

³ <https://www.bls.gov/news.release/pdf/empisit.pdf>

⁴ <https://www.bls.gov/news.release/laus.nr0.htm>

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There are currently 14,292 active-duty spouses in Maryland.⁵ There are also over 1,700 active-duty U.S. Public Health Service officers in this state. Active-duty spouses and spouses of PHS officers represent a pool of talented personnel who may be available to fill vacancies in state government. A spousal hiring preference would not only facilitate hiring them but also recognize the sacrifices they make to support active-duty personnel, public health, and national security.

The MMC applauds the Moore-Miller Administration, its Year for the Military Families initiative, and for proposing this legislation. The language in the current version of HB0604, however, confuses the terms “armed forces” and “uniformed services,” and is ambiguous as to whether the private sector spousal hiring preference applies only to the armed forces or to all the uniformed services. Furthermore, the language in the current version indicates that the state employment hiring preference applies only to *military* spouses, not *uniformed services* spouses. We submit that there is no equitable policy reason to apply the state employment hiring preference to only military and not uniformed services spouses.

Per 10 U.S. Code § 101 (a) (4), the term “armed forces” means the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard. Per § 101 (a) (5), the uniformed services consist of the armed forces, the commissioned corps of the National Oceanic and Atmospheric Administration (NOAA), and the commissioned corps of the Public Health Service (PHS).

The respective commissioned corps of NOAA and the PHS play critical roles in Maryland. Both are headquartered in Montgomery County. Commissioned officers of the PHS serve at the Center for Medicare and Medicaid Services, the Food and Drug Administration, the National Institutes of Health, the Substance Abuse and Mental Health Services Administration, and the Walter Reed National Military Medical Center. PHS officers provide all the health care for the Coast Guard, which has no organic medical personnel, and provide much of the care in the Federal Bureau of Prisons and Indian Health. NOAA officers serve aboard NOAA ships or aircraft and serve with the special trust and confidence of the President.

We see the confusion of the terms “armed forces” and “uniformed services” and the resulting ambiguity in the current text of HB0604 as follows:

- Page 2, in Section 3-714 (a) (2), lines 4 - 6: an “eligible service member” is defined as “*a full-time active-duty member of the uniformed services of any branch of the armed forces of the United States.*” Per the U.S. Code, cited above, all armed forces personnel are part of the uniformed services.
- Page 2, in Section 3-714 (a) (3), lines 7 and 8, and lines 12 - 14: an “eligible veteran” is defined as “a veteran of any branch of the armed forces of the United States . . .” and then, below that phrase, includes the commissioned corps of the PHS and NOAA, which are not armed forces. Per the U.S. Code, cited above, members of the commissioned corps of PHS and NOAA are not members of the armed forces.
- Page 2, in Section 7-207 (c) (1) (II), line 27 and page 3, line 1: an “eligible military spouse” is defined as “an individual who is married to an active-duty military service member.” This language excludes PHS and NOAA spouses from the hiring preference as, per the U.S. Code cited above, members of the commissioned corps of the PHS and NOAA are not part of the active-duty military service.
- Page 3, in Section 7-207 (2) (i) 1, lines 6 – 8: appointing authorities are required (“shall”) to credit 10 points to “an eligible military spouse.” This language excludes PHS and NOAA spouses from receiving these points as, per the U.S. Code cited above, members of the commissioned corps of the PHS and NOAA are not part of the military.

⁵ <https://statepolicy.militaryonesource.mil/state/MD>

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Given the above, we urge the Economic Matters Committee to **make technical amendments to the current language of HB0604 as indicated in Attachment 1**. Doing so strengthens this legislation, making it applicable to the uniformed services, not just the armed forces.

The MMC also notes the contrast between the Time to Serve Act of 2024 (HB0580), which increases the number of leave days for state employees who serve in the “uniformed services” with the current ambiguous language in HB0604, which provides a state employment hiring preference to only military spouses and not all uniformed services spouses. We question why state employees who serve in the PHS Reserve should receive the benefit of additional leave to serve but their spouses do not receive a hiring preference in state employment. Accordingly, the MMC urges the Committee to further **amend HB0604** so that it is **in harmony with the Maryland Code, State Personnel and Pensions, § 9-1104 (a)** which states that **“In this section “uniformed services” has the meaning stated in 38 U.S.C. § 4303 and 20 C. F. R. § 1002.5(o).”**

The MMC **strongly supports** the policies and initiatives proposed in HB0604 and asks the Economic Matters Committee to **FAVORABLY report the bill with technical amendments to the language** to make clear that the **Family Serve Act of 2024 applies to all uniformed services spouses**, not just those of the armed forces.

The Maryland Military Coalition is a registered non-profit, non-partisan advocacy organization comprised of prominent Maryland-based veteran and military groups, representing over 150,000 service-connected individuals, including those currently serving, veterans, retirees and their families, caregivers, and survivors.

We want to thank the Governor and Speaker for their leadership on this legislation and their continued strong support of the uniformed services and their spouses.

Respectfully,



Jayson Spiegel
LTC USAR (Ret)
President

Attachment

Member Organizations, Maryland Military Coalition

James P. Monahan
Air Force Sergeants Association

Steve P. May
American Military Society

Elwood R. Raphael Gray
American Minority Veterans Research Project

W. W. W.
Association of the United States Navy

Lynn A. Dask
Commissioned Officers Association of the
US Public Health Service

Wilbur B. Fisher
Disabled American Veterans

Seldon H. Freedy
Distinguished Flying Cross Association

Phyllis J. Collins
Fleet Reserve Association

Seldon H. Freedy
Jewish War Veterans of the USA

Steve L. Brooker
Maryland Air National Guard Retirees'
Association

Emmett R. Robert
Maryland Veterans Chamber of Commerce

Robert F. Winton
Military Officers Association of America

Charles E. Spahr
Military Order of the Purple Heart

E. J.
Montford Point Marines of America

M. L. Messer
National Association for Black Veterans

Michael P. Hays
Naval Enlisted Reserve Association

Christian Andreasen
NOAA Association of Commissioned Officers

John S.
Reserve Organization of America

Catherine L. McGraw
Society of Military Widows

E. J.
National Active and Retired Federal Employees
Veterans Affairs Directorate, NARFE MD

M. Blackwell
Veterans of Foreign Wars

Maryland Military Coalition
Recommended Technical Amendments – HB0604, Families Serve Act of 2024

Article – Labor and Employment

3-714

(a) (1) In this section[, “eligible] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) **“ELIGIBLE SERVICE MEMBER” MEANS A FULL-TIME ACTIVE DUTY MEMBER OF THE UNIFORMED SERVICES [OF ANY BRANCH OF THE ARMED FORCES] OF THE UNITED STATES.**

(3) **“ELIGIBLE veteran”** means a veteran of [any branch of the armed forces] **THE UNIFORMED SERVICES** of the United States who has received an honorable discharge or a certificate of satisfactory completion of military service, including:

[(1)] (1) the National Guard;

[(2)] (2) the military reserves;

[(3)] (3) the Commissioned Corps of the Public Health Service; and

[(4)] (4) the Commissioned Corps of the National Oceanic and Atmospheric Administration.

(b) An employer may grant a preference in hiring and promotion to:

(1) an eligible veteran;

(2) the spouse of an eligible veteran who has a service-connected disability;

[or]

(3) **THE SPOUSE OF AN ELIGIBLE SERVICE MEMBER; OR**

(4) the surviving spouse of a deceased eligible veteran.

(c) Granting a preference under subsection (b) of this section does not violate any State or local equal employment opportunity law.

Article – State Personnel and Pensions

7-207

(c) (1) (I) In this subsection [, “eligible] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(II) **“ELIGIBLE [MILITARY] SPOUSE” MEANS AN INDIVIDUAL WHO IS MARRIED TO AN ACTIVE DUTY [MILITARY SERVICE] MEMBER OF THE UNIFORMED SERVICES.**

(III) **“ELIGIBLE veteran” means a veteran of [any branch of the armed forces] THE UNIFORMED SERVICES of the United States who has received an honorable discharge or a certificate of satisfactory completion of military service, including the National Guard, [and] the military reserves, THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE, AND THE COMMISSIONED CORPS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**

(IV) **“UNIFORMED SERVICES HAS THE MEANING STATED IN § 9-1104 OF THIS ARTICLE.**

(2) (i) An appointing authority shall apply a credit of [ten] **10** points on any selection test for:

1. **AN ELIGIBLE [MILITARY] SPOUSE**

2. an eligible veteran;

[2.] **3.** the spouse of an eligible veteran who has a service-connected disability; or

[3.] **4.** the surviving spouse of a deceased eligible veteran.

(ii) An appointing authority shall apply a credit of two additional points on any selection test for a former prisoner of war.

(3) The following applicants are ineligible for a credit under this subsection:

(i) a current State employee; and

(ii) an eligible veteran who is convicted of a crime after being discharged from or completing military service.