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December 6, 2023

VIA FIRST CLASS MAIL AND E-MAIL

Sen. John F. Mautz,

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Del. Sheree Sample-Hughes,

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Del. Thomas S. Hutchinson,

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Re: Proposed Amendments to Md. Code Ann., Educ. § 3-5A-04 (“Section 3-5A-04”) and Md. Code Ann., Educ. § 6-401 (“Section 6-401”)

Dear Dorchester County General Assembly Members:

This firm represents the Board of Education of Dorchester County (the “Board”). On December 4, 2023, the Board approved the enclosed proposed amendments to the above-referenced statutes. The purpose of this letter is to explain the Board’s reasoning as to the amendments, and to request your support in having the amendments codified.

Section 3-5A-04 governs the annual salaries of Board members. It currently provides that the Dorchester County Council sets Board members’ salaries so long as those salaries are at least

\$3,600 for the Board President and \$3,200 for all other Board members. Notably, Section 5-5A-04 has been in place since at least October 2003, and the minimum salary amounts have not increased since that time. Also notably, the Dorchester County Council has never compensated Board members at a rate higher than the statutorily-required minimum. Thus, Board members have not received a salary increase in at least two decades, while the cost of living has risen significantly during that time. The Board proposes that Section 3-5A-04 be amended such that Board members' salaries are set by the statute itself, not by the County Council,¹ and that the annual salaries be as follows: \$12,000 for the Board President; \$11,000 for the Board Vice President; and \$9,000 for all of the other voting Board members. The Board believes this amendment is necessary in order to attract the highest quality candidates to run for office, and, once elected, to compensate them fairly for the significant time they devote to their duties.

Section 6-401 defines various terms relevant to collective bargaining. The Board proposes that Section 6-401 be amended such that the definition of "public school employee" allows for both certificated and non-certificated supervisory employees to be in the same collective bargaining unit. Presently, and as noted in the enclosed Memorandum of Understanding between the Board and its non-certificated supervisory employees,² such inclusion is impermissible unless local legislation has been enacted expressly permitting it. Other local delegations have introduced local legislation that was ultimately enacted doing just that. *See, e.g.*, Md. Code Ann., Educ. § 6-401(e)(7)(ii) (including "supervisory noncertificated employees" within the definition of "public school employee" in Carroll County, thus permitting supervisory certificated and noncertificated employees to be in the same collective bargaining unit). The Board believes that amending Section 6-401 as proposed would improve the school system's ability to attract and retain high quality employees, provide increased collective bargaining efficiencies, and improve employee morale.

We appreciate your support in the passage of this legislation.

Sincerely,



Andrew G. Scott

Enclosures

cc: Members of the Board of Education of Dorchester County (via email)
W. David Bromwell, Jr., Superintendent of Schools (via email)
Kristy Anderson, Esquire, General Counsel, Maryland State Education Association
Dan Besseck, UniServ Director, Maryland State Education Association

¹ The annual salaries of board of education members are set directly by statute in many other counties. *See* Md. Code Ann., Educ. §§ 3-2A07 (Anne Arundel); 3-2B-06 (Baltimore County); 3-303 (Calvert); 3-3A-05 (Caroline); 3-403 (Carroll); 3-503 (Charles); 3-5B-03 (Frederick); 3-703 (Howard); 3-803 (Kent); 3-1003 (Montgomery); 3-10A-04 (Queen Anne's); and 3-1203 (Somerset).

² As noted in the enclosed Memorandum of Understanding, the relevant union supports the proposed amendment.