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To: The Honorable Pamela Beidle
Chair, Senate Finance Committee

The Honorable Ben Barnes
Chair, House Appropriations Committee

From: David R. Durfee Jr.

Date: January 31, 2025, revised February 7, 2025

Re: House Bill 502/Senate Bill 433 Office of Disability Employment Advancement and Policy and Maryland as a Model Employer Initiative - Established (SUPPORT)

I am writing in support of House Bill 502 and Senate Bill 433. It is a well-crafted bill that would add Maryland to the growing number of States that have enacted State as Model Employer (SAME) legislation.² Even though a third of a century has passed since

¹My interest in this bill is both personal and professional. I was diagnosed with multiple sclerosis in 1995 and continued to work in State government until 2017, after I reached thirty years of State service. I am the former counsel to the Department of Personnel, and I was one of Office of the Attorney General's experts in disability law, particularly in employment, and was the Office's adviser to the Governor's Office on Individuals with disability law until 2001. I was involved in the 1993 recodification and 1996 restructuring of the Merit System Law. I served on the Judiciary's Ad Hoc Committee to implement the ADA in 1993. I am also Vice Chair on the Board of the Accessible Resources for Independence (ARI) for Howard and Anne Arundel counties, an organization that promotes the independence of individuals with disabilities, including in seeking employment. I am writing solely on my own behalf.

² The Council of State Governments published a monograph, STATE AS A MODEL EMPLOYER, which collected SAME legislation. <https://seed.csg.org/policy-curricula/state-as-a-model-employer/> Since that publication, at least four more States have passed model employer legislation. See GEORGIA CODE ANNOTATED §§ 45-19-60 – 63; SB 384, ACT 558, 2024 session; LOUISIANA REV STAT 46:2597, Act 103 of the 2022 Legislative session; Tennessee T.C.A. § § 4-46-101-103, Acts 2021, ch. 575; NJ REV STAT §§ 11A:7-13.6 – 13.8, Ch. 466, 2021. Section § 11A:7-13.6 in particular says, in words that could apply equally to Maryland:

the ADA was enacted, the unemployment and underemployment of individuals with disabilities remain chronic problems in our state and country. There is a large pool of individuals with untapped abilities whom this legislation would assist in becoming valuable members of the State workforce.

This chronic problem needs the identification and implementation of best practices and effective strategies to address it, which in turn will require a central source in State government with expertise to lead the effort. Section 7-1202(b)(1) says that a purpose of the Office of Disability Employment Advancement and Policy is the “development and implementation of strategies in the state disabilities plan ... relating to the employment, training, and career-readiness of individuals with disabilities.” Section 7-1205(a) makes the Office “responsible for implementation of the Maryland as a Model Employer Initiative” and § 7-1205(b)(3) says that a purpose of the initiative will be “developing and delivering trainings to state agencies and units addressing best practices, resources, and relevant federal and state laws pertaining to the employment of people with disabilities.”

Those goals will require new thinking. Let me close with an analogy on how Earl Weaver, the grand strategist manager of the Orioles, used talent within an organization. Bill James, the dean of baseball analytics, observed:

[M]anagers spend a lot of time talking about what some players *can't* do. Weaver wasn't interested in what a player *couldn't* do. If he can't hit a breaking pitch, you don't play him against Bert Blyleven. If he can't run,

The Legislature finds and declares that persons with disabilities are an underrepresented and untapped segment of the labor pool for consideration in public employment. As New Jersey's largest employer, the State should promote the awareness of persons with disabilities as a valued employee resource and work to attract, engage, and retain people with disabilities in the State workforce. It is appropriate that the State move toward becoming a model employer of persons with disabilities.

you pinch run for him – but you don't let that stop you from developing what a player *can* do. It's the things that a player *can* do that wins games for you.

THE BILL JAMES GUIDE TO BASEBALL MANAGERS (1997), p. 424