

**JOINT COMMITTEE ON FAIR PRACTICES AND STATE PERSONNEL
OVERSIGHT**

2023 Interim

State Government Article, Section 2-10A-08(f)(3)

JOINT COMMITTEE ON FAIR PRACTICES AND STATE PERSONNEL OVERSIGHT

December 13, 2023



THE MARYLAND GENERAL
ASSEMBLY

ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON FAIR PRACTICES AND STATE PERSONNEL OVERSIGHT

December 13, 2023

The Honorable Bill Ferguson, Co-Chair
The Honorable Adrienne A. Jones, Co-Chair
Members of the Legislative Policy Committee

Dear President Ferguson, Speaker Jones, and Members:

The Joint Committee on Fair Practices and State Personnel Oversight is charged with overseeing the employment policies and personnel systems of the Executive Branch of State government and the State's equal employment opportunity policies and procedures. The committee met three times during the 2023 interim on September 20, October 18, and November 15, and is pleased to present its interim report. All of the meetings and meeting materials from the 2023 interim are recorded and available for viewing at [Committees - Joint Committee on Fair Practices and State Personnel Oversight \(maryland.gov\)](https://www.maryland.gov/committees/joint-committee-on-fair-practices-and-state-personnel-oversight).

September 20

Since the committee has several new members, including a new House chair, the meeting opened with a brief history of the committee provided by the Department of Legislative Services. The meeting continued with an overview of major State personnel systems, including the State Personnel Management System (SPMS), which includes most State employees; and the University System of Maryland (USM), which includes employees of the system. Helene T. Grady, the Secretary of Budget and Management (DBM), and Cindy Kollner, Executive Director of DBM's Office of Personnel Services and Benefits, provided an overview of SPMS. Dr. Valerie Sheares Ashby, President, University of Maryland, Baltimore County; Carolyn Skolnik, Associate Vice Chancellor for Policy and Human Resources; and Sherri Roxas, Director of Labor Relations, provided the overview of USM's personnel system.

In light of recent media stories regarding workplace culture and employee relations (collective bargaining) at several State agencies, the meeting continued with discussions with representatives from affected State agencies. The representatives provided an update on the changes being made to improve workplace culture. More specifically, Josh Kurtz, Secretary of Natural Resources, discussed changes made to address the problems with the actions of a State

December 13, 2023

Page 2

park director. In addition, Colonel Roland L. Butler, Jr., Superintendent of the Maryland State Police (MSP), discussed changes that MSP has made to address overall problems with workplace culture. With regard to employee relations, Carolyn J. Scruggs, Secretary of Public Safety and Correctional Services (DPSCS); Tara Nelson, Executive Director of Human Resources for DPSCS; and Angela Washington, Executive Director of Equal Employment Opportunity for DPSCS, discussed DPSCS's efforts to improve employee relations as part of collective bargaining. In response to DPSCS's efforts, the committee also heard from a representative of the American Federation of State, County, and Municipal Employees (AFSCME), which is the employee organization that represents most DPSCS employees.

October 18

This meeting began with an overview of the Maryland Department of Transportation's (MDOT) Human Resource System by Paul J. Wiedefeld, Secretary of Transportation, and Dianna Rosborough, Assistant Secretary for Administration.

Chapter 114 of 2023, the Public Employee Relations Act, consolidated different collective bargaining laws that apply to State employees, employees of public institutions of higher education, employees of community colleges, and public school employees, including teachers, into one set of rules and procedures for public employees. The Public Employee Relations Board was established to oversee collective bargaining for all the previously mentioned public employees. Chapter 114 also consolidated different collective bargaining laws into one law, including provisions regarding employee access, unfair labor practices, management and employee rights, prohibited employer and employee actions, designation of bargaining units, elections, and certification of exclusive representatives. The second part of the meeting included an update on the implementation of the Public Employee Relations Act from representatives of the Public Employee Relations Board, DBM, MDOT, and USM.

Committee members were presented with information regarding discrimination protections for the hiring of State employees based on prior criminal records. Section 2-203 of the State Personnel and Pensions Article prohibits an appointing authority in all three branches of State government from inquiring into the criminal record or criminal history of an applicant for employment until the applicant has been provided an opportunity for an interview. Representatives from the three major State personnel systems (DBM, MDOT, and USM) provided overviews of their compliance with the law.

The committee also heard information on the use of State procurement law to contract out work usually performed by State employees. Title 13, Subtitle 4 of the State Personnel and Pensions Article governs the circumstances for when the State may contract out services in lieu of using State employees to perform the function. Atif Chaudhry, Secretary of General Services, and Mike Haifle, Acting Chief Procurement Officer, provided an overview of the State procurement process and their compliance with Title 13, Subtitle 4. In addition, representatives of DBM, USM, and MDOT also provided overviews on their efforts to comply with the law.

December 13, 2023

Page 3

The meeting concluded with a representative of AFSCME commenting on the various items on the day's agenda.

November 15

The first item on the agenda for the November meeting was a discussion of the policies and practices of MDOT, USM, and DBM that address workplace bullying. Section 2-302 of the State Personnel and Pensions Article prohibits employment harassment by State managers, supervisors, and other employees. The following individuals presented on behalf of MDOT: Tony Bridges, Assistant Secretary for Transportation Equity and Engagement; Tracie Watkins Rhodes, Director of the Office of Diversity and Equity; and Adrienne Munroe, Equal Employment Opportunity Program Manager. MDOT's bullying policy mirrors the statewide policy implemented by DBM, but it divides enforcement of the policy between multiple offices. MDOT also provided data on the number of bullying complaints in calendar 2021 and 2022. Next, George Samuel, Director of Human Resources for USM, discussed USM's Policy on Professional Conduct and Workplace Bullying, which is adopted by the Board of Regents. It was noted that the tracking of complaints across all USM institutions is challenging, but within the last 12 months, there have been 46 complaints among approximately 42,000 employees. Finally, Cindy Kollner provided an overview of DBM's bullying policy. DBM indicated that two unions, AFSCME and the Maryland Professional Employees Council, have recently raised concerns regarding bullying; DBM indicated that it has taken and continues to take steps to resolve these issues.

The second item on the agenda was DBM's Statewide Equal Employment Opportunity (EEO) Report, which is shared with the committee annually. Nicole Webb, Statewide EEO Coordinator for DBM, provided an overview of EEO programs and processes within the units of State government, along with a specific discussion of complaints filed in fiscal 2023. The most common basis for a complaint was related to sex/gender and retaliation.

The third and final item on the agenda addressed hiring, wage, and discipline disparity gaps based on race and sex/gender, which is a topic also covered in DBM's EEO report. Nicole Webb detailed State workforce data for fiscal 2022. The data indicates that the State workforce has been hiring minorities and women at higher rates than the civilian workforce. Within the State workforce, women and African Americans have lower average salaries when compared to men and other minority groups – this is partially attributable to the types of positions members of these groups hold, with women and African Americans working in a higher percentage of administrative and service/maintenance roles compared to other groups. DBM also discussed steps being taken to continue meeting the State's EEO goals.

December 13, 2023
Page 4

We wish to thank the committee members for their participation, the representatives of public and private organizations who kept us informed and expressed their views, and the committee staff for their support.

Sincerely,



Clarence K. Lam
Senate Chair



Dayla Attar
House Chair

CKL:DA/DAS/mpd

cc: Sally Robb
Jeremy Baker
Victoria L. Gruber
Ryan Bishop