

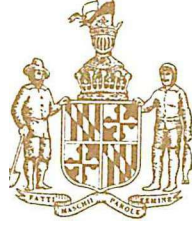
**JOINT COMMITTEE ON FAIR PRACTICES AND STATE PERSONNEL
OVERSIGHT**

2024 Interim

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

JOINT COMMITTEE ON FAIR PRACTICES AND STATE PERSONNEL OVERSIGHT

January 10, 2025



THE MARYLAND GENERAL
ASSEMBLY

ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON FAIR PRACTICES AND STATE PERSONNEL OVERSIGHT

January 10, 2025

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 twice during the 2024 interim on October 29 and December 11 and is pleased to present its interim report. All of the meetings and meeting materials from the 2024 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).

October 29

Maryland State Police Employee Relations and Hiring Practices

Following up on issues addressed by the committee last year, the meeting began with a look at changes to Department of State Police employee relations. 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 and limit practices that were found to be discriminatory against certain job applicants. MSP's new Performance Perspectives Program; the Superintendent's Diversity Roundtable; and the Office of Diversity, Equity, and Inclusion were highlighted during the presentation as key efforts to improve workplace culture. The committee raised multiple questions about the MSP Internal Affairs (IA) unit, which was almost entirely rebuilt to address widespread, substantial issues. Superintendent Butler reported that the unit needed wholesale reform, and that a series of small measures would not have been sufficient to overcome IA's deficiencies. One priority for the reformed unit is to consistently communicate with complainants to build trust in its investigations.

Superintendent Butler also addressed changes to MSP's hiring and promotion processes that were implemented pursuant to findings by the Civil Rights Division of the U.S. Department

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of Justice (DOJ). A consent decree identified two flaws in MSP's hiring process, which were the fitness test deadline and a written test that was discriminatory against certain groups of job applicants. While MSP is continuing to use the discriminatory test, the agency is delaying deadlines for fitness tests to be more accommodating. These tests will eventually be replaced by new tests developed in coordination with DOJ. MSP is also soliciting a vendor to review various MSP jobs and better tailor hiring requirements to the specific day-to-day responsibilities of those jobs, rather than broadly apply the same standards to most MSP positions. DOJ acknowledged that MSP's discrimination was unintentional, and that MSP has been cooperative through the review process.

State Medical Director

Helene T. Grady, the Secretary of the Department of Budget and Management (DBM), provided the committee with an overview of the Office of the State Medical Director (SMD). SMD is a contracted unit that performs medical assessments to determine whether an individual is healthy enough to start or resume certain positions or tasks. Generally, SMD medical evaluations cannot be reviewed or appealed; however, adverse employment actions stemming from a medical evaluation can be reviewed and appealed.

Workplace Bullying

In the 2016 interim, the committee directed DBM to work with exclusive representatives of bargaining units to address bullying in State workplaces. DBM recently modified its practices to address bullying to overcome weaknesses that the agency identified in its policies. Changes include extending the time frame to investigate a protected status complaint, enhancing training for investigators, and utilizing human resources software to better track bullying complaints.

December 11

Staffing to Meet Long-term Care Facility Surveying Goals

This meeting began with a presentation from the Maryland Department of Health (MDH) on staffing and capacity issues that are delaying required nursing home inspections. Deputy Secretary Nilesh Kalyanaraman and Executive Director Tia Witherspoon-Udocox addressed the actions taken to fill vacancies at the Office of Health Care Quality (OHCQ) to resolve a backlog of surveys to evaluate long-term care facilities. OHCQ assesses many health care facilities and providers for compliance with State licensing requirements and federal certification requirements. Annual surveys of long-term care facilities in Maryland have lagged since before the COVID-19 pandemic, which exacerbated delays. OHCQ reported that while the agency expects to have a backlog for another two or three years, it is making progress thanks to new hires funded in recent budget bills. Since fiscal 2022, surveyors have completed more annually required surveys each year while continuing to complete around 4,000 complaint surveys each year. Survey rates should continue to increase as newly hired surveyors complete a lengthy training program and begin

performing surveys independently. Deputy Secretary Kalyanaraman asked that committee members who are aware of egregious conditions at long-term care facilities reach out to help OHCQ identify areas of need.

Clifton T. Perkins Hospital

Clifton T. Perkins Hospital (Perkins) is a State facility for the treatment of individuals who have been found incompetent to stand trial or adjudicated as not criminally responsible (NCR) for a violent felony. Laura Herrera Scott, the Secretary of MDH, presented on the recent history of Perkins and how MDH has responded to make the facility safer for patients and staff. MDH replaced the leadership and leadership structure at Perkins with acting leadership while new leaders are recruited and hired. Secretary Herrera Scott reported that she was not aware of the conditions and controversies at Perkins due to a concerted effort by facility leadership to cover up the issues. Questions from the committee focused on the command structure and cover-up culture at Perkins that kept the Secretary unaware of serious issues, including an MSP investigation into a patient's death and the destruction of evidence in violation of a court order. While the leadership that instigated the cover ups has been removed, not every employee involved in hiding controversies has been removed.

To improve oversight moving forward, MDH established an improvement plan and set up a new chain of command that reports to the Secretary's office from State facilities. MDH implemented a new incident report form, including a new triage system for incidents in order to better address needs at facilities. In September, MDH contracted with an expert third party to audit Perkins, which involved onsite visits and communications with facility staff and exclusive bargaining representatives. A preliminary report was published in November, and the final audit findings are due January 1, 2025. In addition to health care providers, MDH is working to hire security attendants to meet staffing ratios set by statute in 2020. The conversation also addressed individuals who remain in conventional correctional facilities despite being incompetent to stand trial or adjudicated as NCR. Secretary Herrera Scott contended that the problem cannot be resolved by hiring more health care providers, and that it will require cooperation between all branches of government.

Executive Branch Job Vacancies

The next item on the agenda was a broad examination of vacancies in State positions. DBM Secretary Grady reported that while the vacancy rate continues to decline, it still stands around 10%. The State has added a net of 1,800 new employees since January 2023. This net positive is the result of a combination of hiring new staff and retaining more staff than prior years. DBM initiatives are streamlining the hiring process with new practices, such as referring quality candidates to other units who are hiring for a position well suited for a candidate. The agency organized two on-the-spot hiring fairs in calendar 2024, which enabled agencies to meet with over 1,000 job candidates at each event. Other changes to the hiring process have decreased the average length of time between posting to onboarding from 120 days to 100 days.

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Medicare Enrollment

Due to an upcoming change in the State's prescription drug benefit for retirees, retired State employees need to enroll under Medicare Part D by December 31 or find an alternative plan to meet their prescription coverage needs. Despite an outreach campaign to inform retirees of the need to enroll and how to enroll, as of December 8, 15,259 eligible retirees or their dependents have not enrolled. Some eligible retirees will likely receive a prescription benefit through another job's retirement benefits or a spouse's plan, but DBM cannot reliably estimate how many State retirees fit those categories. Secretary Grady asked that members of the General Assembly help with outreach to eligible retirees to ensure that they are aware of the approaching deadline and how to enroll.

Equal Employment Opportunity Report

The committee also heard a presentation on the Annual Statewide Equal Employment Opportunity (EEO) Report. This report examined how well the State has met its goals to provide fair opportunities for everyone to be considered for employment and promotions in State government, and whether all employees and applicants are treated with respect. The committee asked whether employees are aware of how they can file complaints if they feel there was a violation of EEO policies. The training process for EEO officers emphasizes following up with individuals to affirm that they understand the EEO complaint process and can address questions.

American Federation of State, County, and Municipal Employees

The meeting concluded with a representative of the American Federation of State, County, and Municipal Employees commenting on the various items on the day's agenda.

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


Dalya Attar
House Chair

CKL:DA/TB/ds

cc: Sally Robb
Matthew Jackson

Victoria L. Gruber
Ryan Bishop