

JANUARY 14TH, 2021

# AFSCME 3 NEWSLETTER

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## **Action Alert: Send a letter to the COVID-19 Workgroup at the Start of Session**

Ahead of the 2021 legislative session, AFSCME Council 3 members are ready to fight for change, fair compensation, and to strengthen health and safety laws protecting Maryland across the state. Our members are on the frontline of the coronavirus and have seen the dangerous consequences of Governor Hogan's understaffing and under-resourcing of state services.

Together, our union has proposed a comprehensive agenda to use Maryland's laws to improve public services. Before this session begins on January 13th, we want to send a clear message to Maryland's Legislators that we are organized and ready to win. Because of the pandemic, this session will be unlike any we've been through before and it is incredibly urgent that we make sure legislators understand how urgent these issues impacting Maryland's public services are.

Send a letter to the COVID-19 Legislative Workgroup overseeing matters related to the pandemic and consisting of members of the Senate and House to keep them up to date! Visit our website to find the link or copy the URL below:

<https://actionnetwork.org/letters/afscme-3-is-ready-to-make-change-in-annapolis-in-2021>

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## **Learn about our 2021 Legislative Agenda & RSVP For a Lobby Night**

This year will be different from any other General Session Maryland has ever had. Much of the work we do in Annapolis will now be done virtually presenting new challenges and opportunities. Read about our legislative priorities in the legislative agenda attached to the newsletter- share on your bulletin board!

To get involved this legislative session we will have our regularly Monday Lobby Nights held virtually. See the schedule below and stay tuned to learn more about how to RSVP and get involved! RSVP here: <https://forms.gle/BecDBootAjcnbjv99>

January 25 - Higher Education / USM Consolidated Bargaining

February 1 - Health & Safety

February 8 - Merit Protections for the Office of Public Defender

February 15 - Telework Policy Reform

February 22 - To Be Determined

Lobby Nights will be held virtually due to the Pandemic. Want more information on how to get involved this Legislative Session? Don't hesitate to reach out to AFSCME Council 3 Legislative and Political Staff Lance Kilpatrick [lkilpatrick@afscmemd.org](mailto:lkilpatrick@afscmemd.org) or Denise Gilmore [dgilmore@afscmemd.org](mailto:dgilmore@afscmemd.org)

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## *Welcome Christal Cooper*

### *Member Resource Coordinator Spring 2021*

AFSCME 3 is excited to welcome our Spring 2021 Member Resource Coordinator, Sister Christal Cooper from AFSCME Local 3655. Christal is a trained shop steward and passionate worker who is happy to be joining the union to assist her fellow brothers and sisters.

Don't hesitate to reach out to our Member Resource Center at [mrc@afscmemd.org](mailto:mrc@afscmemd.org) or 410-547-1515! Stay Safe!



### DBM Announces New Pandemic Carryover Policy

During negotiations for our contract with the State of Maryland, AFSCME raised issues with leave usage as a result of the novel pandemic. In response, management suggested carrying over leave related to the pandemic. Despite not agreeing to language specific to this topic and not agreeing to the State's unacceptable and unguaranteed financial offer, recently AFSCME learned that DBM announced a new pandemic carryover policy. Unfortunately, these actions are all too characteristic of the Hogan administration to act in poor faith and claim credit where it isn't due.

Pandemic Carryover is a new time off category to allow employees to keep/use annual and compensatory leave that would have expired or been forfeited at the end of 2020. You will see this new time off category and the balance along with the other time off balances under the Time Off icon in Workday. DBM announced that retroactive to January 1, 2020, the expiration date for compensatory time for FLSA-exempt employees will be extended from one year from the date the compensatory time is earned to two years. Additionally, beginning in calendar year (CY) 2021, certain compensatory time and annual leave that otherwise would have been lost will be made available to employees.

We are calling this category of leave "Pandemic Carryover." This category will include:

- All compensatory time earned in CY 2019 and lost in CY 2020;
- All compensatory time earned in CY 2020 and not used;
- Any additional compensatory time earned beginning in CY 2021 and not used through the end of the pay period 6 months beyond the end of the emergency period; and
- All annual leave forfeited at the end of CY 2020 and at the end of each calendar year thereafter until the end of the pay period 6 months beyond the end of the emergency period.

Leave in this category will not expire but is not subject to cash out. This leave may be used for any reason and at any time after obtaining approval from the employee's supervisor. Compensatory time earned in lieu of cash overtime will not be eligible to be placed in the Pandemic Carryover category since it does not expire.



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# Session 2021 – AFSCME Maryland Council 3 Legislative Agenda

## *Collective Bargaining Rights*

### **A Fair and Equitable Contract for Council 3 Bargaining Unit Members**

AFSCME Council 3’s contract with the State expired at the end of 2020. Thankfully, in 2018 the General Assembly passed an “evergreen” law which allows the terms and conditions of our *non-economic* issues to continue. However, we will need to continue fighting our right to a contract that treats state employees with fairness, dignity and respect.

### **Constitutional Amendment to Create Binding Arbitration (Sen. Benson / Del. Korman)**

Under present Maryland law, if there are unresolved collective bargaining disputes between the State and the exclusive representative, factfinders can be appointed to review and make *nonbinding* recommendations based on proposals submitted by labor and management. However, there is no requirement for these recommendations to be adopted. There is no process for mediation. There is no process for binding arbitration. And it is illegal for public employees to strike. This effectively puts the exclusive employee representative at the mercy of management to accept their proposed settlement.

This legislation would create a process for dispute resolution and binding arbitration, creating a more level playing field for employees and employers to bargain in good faith.

### **University System of Maryland Consolidated Bargaining (Sen. Kramer / Dels. Solomon, B. Barnes)**

Require the Chancellor of the University System of Maryland (USM) to act on behalf of USM and its constituent institutions, rather than the institutions’ presidents under current law, for the purposes of collective bargaining. (SB09 of 2021)

### **Place Office of Public Defender Employees in the Merit System (Sen. Carter / Del. Henson)**

Under present law, Maryland Office of Public Defender core support staff and social workers are considered “merit” employees, but frontline attorneys are considered “special appointment” employees, making their employment “at will” and denying them many of the basic rights and opportunities provided to merit-based state employees. This legislation would remove the special appointments status of OPD attorneys and place them within the state’s merit-based system.

### **New Employee Orientation Reform (Sen. Zucker / Del. Bridges)**

While Maryland State Personnel & Pensions Code § 3-307 set out guidelines for exclusive bargaining unit representative engagement with new employees, the novel coronavirus pandemic has exposed holes in the process which puts an unfair burden on the exclusive representative and undermines the spirit and intent of the original legislation. This bill addresses these failings.

### **Maryland Environmental Service Reform (Sen. McCray / Del. Korman)**

The Maryland Environmental Service (MES) is a quasi-public state agency that lacks many of the employee protections and benefits available to regular state employees. Legislation enacted in 2018 sought to address these issues; however, technical deficiencies in the language of the legislation has raised concerns about employer-employee oversight and adjudication. While MES itself may undergo institution-wide reform due to recent agency scandal, at a minimum clarity needs to be implemented for the welfare of MES employees.

Every AFSCME Maryland State and University contract guarantees a right to union representation.

An employee has the right to a union representative if requested by the employee.

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## *Safe Workplaces*

### **The Maryland Essential Workers Protection Act (Sen. Augustine / Del. D. Davis)**

MEWPA will provide much-needed standards and procedures that aim to protect the health and safety of essential workers during pandemics. This coalition-backed legislation applies to both public and private sector employees. Protections found within the legislation include:

- Safe & Hygienic Working Conditions
- Hazard Pay & Healthcare Assistance
- Emergency Action Plans
- Universal Health & Bereavement Leave
- Right to Refuse Dangerous Work
- Free Testing and Reporting of Positive Test Results

### **Mandatory Injury and Illness Prevention Programs (Sen. Feldman / Del. Pena-Melnyk)**

This legislation would require public sector and higher education employers to create Injury and Illness Prevention Programs. IIPPs are a proactive process that require employees, in consultation with their employees and their unions, to find and fix workplace hazards before they can lead to injury and illness.

### **Mold Hazards, Mold & Moisture Problems in Higher Education Facilities (Dels. Solomon / Lehman)**

Requires the Department of the Environment to adopt regulations to require periodic inspections for the presence of mold hazards and mold or moisture problems in each occupied higher education facility in the State; authorizes the Department of the Environment, in consultation with the Maryland Higher Education Commission, to grant a waiver from certain inspection requirements; requires an annual report to the Governor and the General Assembly on the findings of the inspections.

### **Telework Policy Reform (Del. Krimm)**

The onset of the COVID-19 pandemic has exposed the positives, and negatives, of telework. Many AFSCME members have thrived with the ability to telework, while others have been challenged by equipment needs, broadband access, childcare access and work schedule restrictions. AFSCME looks to enshrine the right to telework into state law, and add requirements on management of telework, training, equipment access, and performance measurement.

### **Aerosol Transmissible Disease and Emergency COVID-19 Standard (Del. Valderrama)**

Requires MOSH to adopt standards to protect employees from aerosol transmissible diseases like the COVID-19 virus. This emergency legislation also requires the Department of Labor to establish and post a temporary COVID-19 standard for employers to follow.

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## Coalition Legislation

### State Revenue Enhancements

AFSCME Council 3 belongs to the Fair Funding Coalition, a group of organizations banded together to close corporate loopholes, remove special interest tax breaks, and bring more progressivity to our income tax structure. Enhancing state revenues in a fair equitable manner will enable the state to address sorely needed problems such as public sector staffing shortages, state government program resourcing, and education quality enhancement.

### Presumption of Line-of-Duty Benefits Eligibility with COVID-19 + Diagnosis (Sen. Elfreth / Del. Jackson)

States are taking action to extend retirement and disability “line-of-duty” benefits to include first responders and health care workers impacted by COVID-19. A common approach is to amend state policy so that COVID-19 infections in certain workers are presumed to be work-related and therefore covered. This presumption places the burden on the employer to prove that the infection was not work-related making it easier for those workers to file successful claims.

### Opposing A Federal Constitutional Convention

AFSCME Council 3 opposes calling for an Article V Constitutional Convention of the States. The lack of a defined process, fair and equal representation and ability to limit the agenda considered make this possibility a potential Pandora’s box of nightmares.

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