
March 5, 2021

The Honorable Dereck E. Davis
Chair, House Economic Matters Committee
231 House Office Building
Annapolis MD 21401

Re: Letter of Information – House Bill 1012 – Labor and Employment – Reinstatement of Employment – Employees at Baltimore–Washington International Thurgood Marshall Airport

Dear Chair Davis and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 1012 but offers the following information for the Committee’s consideration.

House Bill 1012 requires certain Airport Hospitality Operations at the Baltimore/Washington International Thurgood Marshall (BWI Marshall) Airport to provide the Maryland Aviation Administration (MAA) with personal information including names, positions and classifications, dates of layoff, mailing addresses, phone numbers, and email addresses of laid-off employees. In turn, MAA is required to maintain this personal information and contact the laid-off employees advising them of their reinstatement rights and other employment services. This bill also permits MAA to share the personal information of laid-off employees with third parties involved in employment navigation and social services. In doing so, House Bill 1012 would place a significant administrative burden on the MAA.

MAA does not perform hospitality tenant personnel oversight, as required in House Bill 1012. MAA has a lease and concession contract with a concession management firm, currently Fraport Maryland, which is responsible for managing the subcontracts with food and retail concession tenants at BWI Marshall. MAA does not engage in the direct tenant-employee matters at BWI Marshall; therefore, the requirements in House Bill 1012 do not align with traditional communications and oversight between MAA and its contractors and subcontractors. Further, certain tenant employers at BWI Marshall have union agreements in place. If such a bill were adopted and then applied to a unionized employer, it may have indirect consequences through specifying lay-off and recall procedures and remedies, which are typically covered in collective bargaining.

Additionally, the mandate to collect and maintain personal information of laid-off employees creates privacy and liability concerns for MAA as it relates to providing the information to interested third parties.

The Honorable Dereck E. Davis
Page Two

Lastly, MAA believes this bill will have significant operational and fiscal impact on the current concession management firm and the BWI Marshall subtenant community, including small business owners. The required 10 day waiting period for a laid-off employee response will impact a concession's ability to ramp up on hiring, training, and onboarding. Turnover in the certain sections of the concessions program requires a short turnaround and this bill would restrict the subtenants from quickly filling positions. Furthermore, House Bill 1012 does not address situations in which laid-off employees decline offers or fail to respond. Jobs could be reoffered to employees that have already found other employment at the expense of others who may want the job. Inhibiting the timely recovery of the BWI Marshall concessions program could further detrimentally impact revenues.

The Maryland Department of Transportation respectfully asks the Committee to consider this information when deliberating House Bill 1012.

Respectfully Submitted,

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