

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Economic Matters Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 923
Labor and Employment – Worker Safety and Health – Injury and
Illness Prevention Program
DATE: February 10, 2021
(3/5)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 923. HB 923 adds Subtitle 13 to Title 5 of the Labor and Employment Article. It establishes a requirement that an employer with 10 or more employees must establish a Health and Safety Committee comprised of an equal number of managerial and non-managerial employees. There is no mention as to the number of employees required to staff a committee. Committee members shall be paid the employee's regular rate of pay for the time spent on committee activities.

This bill raises separation of power concerns as it impedes the Judiciary's independence. Article IV, §18(b)(1) identifies the Chief Judge of the Court of Appeals as the administrative head of the Maryland Judiciary. The power to administer the Judiciary is not an implied or inherent power but is an express constitutional power of the Chief Judge. This constitutional authority includes managing the Judiciary's personnel.

The Judiciary has its own comprehensive personnel system with policies that address recruitment, supervision, grievances, and termination. The Judiciary is exempt from those aspects of the State Personnel Management System. Indeed, in 1996, as part of the comprehensive personnel reform bill, the General Assembly enacted State Personnel and Pensions Article §2-201, which says "Except as otherwise provided by law, an employee in the Judicial, Legislative, or Executive Branch of State Government is governed by the laws and personnel policies and procedures applicable in that branch." The Judiciary, therefore, submits that the same principle should be applied here: that this legislation should not be applied to the Judiciary.

Finally, not only will this bill have a significant operational impact on the Judiciary but it could have a significant fiscal impact on the Judiciary. This cost has not been budgeted by the Judiciary.

cc. Hon. Joseline Pena-Melnyk
Judicial Council
Legislative Committee
Kelley O'Connor