

**SB9\_AFSCME3\_FAV.pdf**

Uploaded by: Denise Gilmore

Position: FAV



190 West Ostend St., #201  
Baltimore, MD 21230  
Phone: 410.547.1515  
Fax: 410.837.5436

Patrick Moran - President

---

**SB 9 - State Personnel – Executive Branch Service Contracts –  
Policy, Certification, and Notification  
POSITION: FAVORABLE**

**The Current Law**

AFSCME Council 3 supports SB 9. Currently, when a state agency wants to outsource state employee work that occurs in a state facility, they must notify the exclusive bargaining representative at least 60 days in advance of the solicitation of a service contract. The purpose of this notice is to inform the exclusive representative of the work that is to be privatized and provide the employees an opportunity to meet and discuss potential alternatives to the outsourcing.

**Why the Current Law Should be Expanded to All State Work**

In 2016, the Department of Health (MDH) proposed to privatize the dietary department at Springfield Hospital Center in Carroll County. The estimated cost-savings from this privatization was \$959,245 and it would have abolished 70 positions. When employees were given an opportunity to meet and discuss alternatives, they were able to come up with savings that equaled over \$900,000 and saved everyone's jobs simply by making a few small operational adjustments. Ultimately, the decision was made that the privatization was not worth the potential disruption to patients' dietary needs, nor was it worth losing 70 good jobs in the Sykesville community so the Department pulled its plans to privatize.

There is no predicting that this will always be the case as every service contract is different, but AFSCME Council 3 does believe that employees should at least be given the opportunity to suggest alternatives to outsourcing since they have the frontline knowledge of how to make the work more efficient. SB 9 ensures that this opportunity is available regardless of work location by expanding the requirement to notify the exclusive bargaining representative to anywhere state work is performed, not just for work that happens inside a state facility. Recently, MDH proposed to outsource the skilled nursing and brain-injury care at Western Maryland Hospital Center where they had no obligation to meet with the exclusive representative about the solicitation because the state work was to occur in a private facility and not in a state facility.

**Strengthening the Current Law**

State agencies rarely actually provide the required notice to the exclusive representative, so SB 9 also requires the BPW to receive certification that agencies have met this requirement prior to approving the contract. A copy of this certification must also be sent to the

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.  
800.492.1996

exclusive representative.

### **Improving State Services**

Maryland spends \$34.2 billion or 40.7%<sup>1</sup> of its budget on contracts. Experience shows that privatization often leads to increased costs for the public and reduced accountability to taxpayers. When we protect state services from being unnecessarily outsourced, we can save money and improve state services for all Marylanders.

---

<sup>1</sup> <https://www.usaspending.gov/state/maryland/latest>

# **SB9 - State Personnel – Executive Branch Service C**

Uploaded by: Donna Edwards

Position: FAV



# MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

7 School Street • Annapolis, Maryland 21401-2096

Balto. (410) 269-1940 • Fax (410) 280-2956

*President*

**Donna S. Edwards**

*Secretary-Treasurer*

**Gerald W. Jackson**

## **SB9 - State Personnel – Executive Branch Service Contracts – Policy, Certification, and Notification**

**Senate Budget and Taxation Committee**

**January 19, 2023**

**SUPPORT**

**Donna S. Edwards**

**President**

**Maryland State and DC AFL-CIO**

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of SB9 - State Personnel – Executive Branch Service Contracts – Policy, Certification, and Notification. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland's 340,000 union members, I offer the following comments.

SB9 proposes common sense measures that provide transparency, notification, and review of service contracts to private contractors to perform state work. Unfilled vacancies and privatization threaten to hollow out the State of Maryland's capacity to carry out necessary and vital functions expected by its residents. The bill also clarifies that Executive Branch agencies must comply with the notification requirements in current law when entering into a service contract that is not exempt from the statutory preference.

Not to be ignored are the projections in the Fiscal Note that suggests that these contracts require further oversight. Currently there are about 13,000 services contracts and the Fiscal Note argues that if SB9 were to pass "these contracts will have to undergo review to determine if they are exempt or nonexempt" and currently the Department of Budget and Management (DBM) "reviews very few contracts annually."

SB9 is asking for transparency and notification to ensure that DBM, the Executive Branch agencies, and all other parties evaluate the decision to contract out state services contracts based on a thorough review. Taxpayers deserve quality public services.

**We ask for a favorable report for SB9.**

**sb0009f-713322-01.pdf**

Uploaded by: Sarah Elfreth

Position: FWA

**SB0009/713322/1**

BY: Senator Elfreth

(To be offered in the Budget and Taxation Committee)

AMENDMENT TO SENATE BILL 9

(First Reading File Bill)

On page 4, in line 26, strike “**THE**” and substitute “**ANY**”.

# **SenElfreth\_SB9\_FWA.pdf**

Uploaded by: Sarah Elfreth

Position: FWA



SENATOR SARAH ELFRETH  
*Legislative District 30*  
Anne Arundel County

Budget and Taxation Committee

*Subcommittees*

Education, Business and Administration

Chair, Pensions

*Senate Chair*

Joint Committee on Administrative,  
Executive, and Legislative Review

Joint Committee on the Chesapeake and  
Atlantic Coastal Bays Critical Area



James Senate Office Building  
11 Bladen Street, Room 103  
Annapolis, Maryland 21401  
410-841-3578 · 301-858-3578  
800-492-7122 Ext. 3578  
Fax 410-841-3156 · 301-858-3156  
Sarah.Elfreth@senate.state.md.us

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

January 19th, 2023

**Testimony in Favor of SB0009**  
**State Personnel – Executive Branch Service Contracts – Policy, Certification, and**  
**Notification**

Chairman Guzzone, Vice-Chair Rosapepe, and fellow members of the Budget and Taxation Committee,

I respectfully request a favorable report of Senate Bill 9, which would provide additional protections to our State Employees who remain a key pillar and the backbone of our State.

Current Maryland law dictates that the “policy of this State is to use State employees to perform all State functions in State operated facilities in preference to contracting with the private sector to perform those functions.” In order to truly provide this preference and prevent improper outsourcing there are protections in law, including that exclusive bargaining representatives receive notice before the solicitation of a service contract.

Despite this policy goal, it has come to my attention that the exclusive representatives rarely actually receive such notice. The preference outlined in law is only for State employees in State operated facilities and not for those outside of State operated facilities. Our State employees deserve to be protected from outsourcing regardless of if they work in a State operated facility or outside of one.

You will also hear from my panel about more specific instances of undue privatization and attempts to privatize services in the State to the detriment of Marylanders and our hard-working State employees.

**To address these challenges, this legislation:**

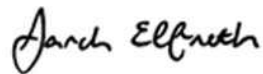
1. Ensures that service contracts both within State-operated facilities and outside of State-operated facilities are treated equally. (Page 4 Lines 1-2 and 9-10)
2. Ensures that the notice to exclusive representatives of the affected employees is actually provided by requiring proof of such notice to the Board of Public Works (BPW) before its approval. (Page 4 Lines 22-23)

3. Requires that certified contracts received by the BPW also be sent to the exclusive representatives of the affected employees. (Page 4 Lines 24-27)

I am also offering one clarifying amendment that ensures that notice is provided to **all** exclusive representatives, as sometimes there are more than one group of bargaining representatives in a service contract.

Once again, I respectfully request a favorable report of Senate Bill 9 to further protect our State employees.

Sincerely,

A handwritten signature in black ink that reads "Sarah Elfreth". The signature is written in a cursive style with a large initial 'S'.

Sarah Elfreth

**2023 SB 9 written testimony (1).pdf**

Uploaded by: Deborah Brocato

Position: UNF

## **Opposition Statement SB 9**

State Personnel – Executive Branch Service Contracts – Policy, Certification and Notification  
Deborah Brocato, Legislative Consultant, Maryland Right to Life  
420 Chinquapin Round Road, Suite 2-I, Annapolis, MD 21401  
410-269-6397

### **We strongly oppose SB 9**

On behalf of our 200,000 followers across the state, we respectfully yet strongly object to SB 9. We object to this change in policy that would allow public funds to be used to hire non-state personnel to run health departments and other departments. The bill specifically names physicians to be included for services provided. Without an amendment or statement excluding abortion services and abortion providers, SB 9 would permit the use of taxpayer funds for abortion training, abortion services and abortion providers.

### **Pregnancy is not a disease**

Abortion is not healthcare. It is violence and brutality that ends the lives of unborn children through suction, dismemberment or chemical poisoning. The fact that 85% of OB-GYNs in a representative national survey do not perform abortions on their patients is glaring evidence that abortion is not an essential part of women's healthcare. Women have better options for comprehensive health care. There are 14 federally qualifying health care centers for every Planned Parenthood in Maryland. Abortion has a disproportionate impact on Black Americans who have long been targeted by the abortion industry for eugenics purpose. As a result, abortion is the leading cause of death of Black Americans, more than gun violence and all other causes combined.

### **No public funding for abortions**

Taxpayers should not be forced to fund elective abortions, which make up the vast majority of abortions committed in Maryland. State funding for abortion on demand with taxpayer funds is in direct conflict with the will of the people. A 2022 Marist poll showed that 54% of Americans, both "pro-life" and "pro-choice" oppose the use of tax dollars to pay for a woman's abortion.

### **Love them both**

This bill stands in conflict with the fact that 81% of Americans polled favor laws that protect both the lives of women and unborn children. Public funds instead should be prioritized to fund health and family planning services which have the objective of saving the lives of both mother and children, including programs for improving maternal health and birth and delivery outcomes, well baby care, parenting classes, foster care reform and affordable adoption programs.

### **Funding restrictions are constitutional**

The Supreme Court of the United States, in *Dobbs v. Jackson Women's Health* (2022), overturned *Roe v. Wade* (1973) and held that there is no right to abortion found in the Constitution of the United States. As early as 1980 the Supreme Court affirmed in *Harris v. McRae*, that *Roe* had created a limitation on government, not a government funding entitlement. The Court ruled that the government may distinguish between abortion and other procedures in funding decisions – noting that "no other procedure involves the purposeful termination of a potential life", and held that there is "no limitation on the authority of a State to make a value judgment favoring childbirth over abortion, and to implement that judgment by the allocation of public funds."