



Stephen J. Schaefer

MCEA NEWS



2011 WINTER NEWSLETTER Volume 41 • No. 1

PRESIDENT'S CORNER:

- Contact your legislators! Voice your concerns regarding your health benefits and retirement plans.
- MCEA's 75th Anniversary Gala is June 11, 2011 at Martin's Valley Mansion in Hunt Valley.
- MCEA's 2011 Statewide Advisory Council Meeting is April 30, 2011.

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2011 Maryland General Assembly In Session; MCEA Remains Active

The Maryland General Assembly's Legislative Session convened on January 12, 2011 and will adjourn on April 11, 2011. MCEA's legislative team is actively lobbying legislators to negotiate on your behalf and to protect the welfare of public employees and retirees. MCEA will continue to monitor any bills that affect state workers and will fight to support state employees. We are also strongly involved in supporting our retiree members and testifying in opposi-

tion to certain health care and pension bills. MCEA is striving for minimal changes to existing health benefit plans. Call and



e-mail your legislators and voice your concerns regarding your health care benefits, re-

tirement, and pension. Take an active stance this year and help us testify in Annapolis. We need everyone's help to fight for justice. For more information, please visit our website at www.mcea.org. To keep abreast of legislative action, access the Maryland General Assembly's website at www.mlis.state.md.us. For legislation indexed for State employees, please visit www.mlis.state.md.us/2011rs/subjects/statee.htm.

Public Employees' & Retirees' Health Benefit Sustainability Commission

The Public Employees' and Retirees' Health Benefit Sustainability Commission has been established in 2010 to discuss and implement new possible solutions regarding the retirees' and public employees' health benefits and retirement/pension plans. The commission's recommendations addressed four main areas that were examined at the seven meetings it held during the 2010 interim, which are:

1. Health benefits for State employees and retirees;

2. Projected State liabilities for retiree health benefits;
3. Pension benefits for State employees and teachers; and
4. The distribution of the employer contribution toward pension benefits for employees of the school boards, community colleges, and library boards who are members of the combined teachers' pension and retirement system.

The Commission is meeting during the 2011 Legislative Session to introduce their report, and a final report is

being extended until October 2011. Casper R. Taylor is the Chairman of this Commission, and the Commission members are comprised of Senators Edward J. Kase-meyer, Verna L. Jones-Rodwell, and Nathaniel J. McFadden, and Delegates Norman H. Conway and Melony G. Griffith, along with Mr. Karl S. Aro and Mr. Warren G. Deschenaux. MCEA is continuing to monitor this area of concern for all retirees and state employees.

Prayer Column

Karen Coulbourne's husband, Lee Coulbourne, passed away on January 8, 2011. Please keep Karen and her family in your thoughts and prayers. Karen is our Area V Field Services Secretary. Condolences can be sent to: Ms. Karen Coulbourne, 10523 Keyser Point Road, Ocean City, MD 21842

MCEA Area I Vice Governor Pauline Gray lost her brother Michael Williams on January 12, 2011. Please keep her and her family in your thoughts and prayers as well.

Retirements

Congratulations to three MCEA members who retired from their state jobs and are members of Chapter 97 Prince George's County - Department of Social Services. They are Linda Smith-Johnson, Mary Hill, and David Stewart. Enjoy your retirement ladies and gentleman!

Greetings from MCEA President Stephen Schaefer

These are without a doubt, some of the most exciting times in the history of MCEA. They are also, of course, among the most challenging of times. As a recent affiliate of AFT, we have acquired new and valuable benefits for our members and access to new opportunities for expanding our ability to advocate for public employees in Maryland. With all the intense activity going on at our Headquarters on Rutherford Road, and across the State, I believe we have come up short in one vital area: communication. You, our members, can not know and be assured of the work we are doing on your behalf unless we tell you in a thorough and timely manner. So, that is one of my priorities for 2011, improving the quantity and quality of communication with you, the members of MCEA. There have been several developments that directly affect each and every one of us since I last wrote to you. On January 11, 2011, I was contacted by Steve Porter, Executive Director of AFT. He advised me that Units E and G have reached a collective bargaining agreement with the Governor. There were a lot of excellent points that would benefit the employees in those units. MCEA has more than 500 members who are employees in these

units. While the new MOU's do contain a provision that employees are to pay a service fee to AFT effective July 1, 2011, MCEA members who belong to MCEA as of the date of our affiliation with AFT will be exempt from service fees when they become effective. The gains for all employees in these units are many, and include a \$750.00 bonus and 5 administrative days for fiscal year starting in July 2011. In addition, in 2012 they are to receive a 2% raise. In 2013, they are to receive a raise of 3%. In 2014, our COLA'S are to be reinstated. The other statewide collective bargaining units: A,B,C,D,F, and H, also reached similar agreements with the State, agreements that also will require employees to pay a service fee. These MOU'S were all ratified by an overwhelming majority of the employees voting. As President of MCEA, I encouraged our members to vote in favor of these agreements, agreements that do, again, provide all of the benefits described above, and which also contain a provision for service fees which will go into effect on July 1, 2011. We continue to work, on behalf of our members, to reach agreements which will allow our members to continue to be able to freely choose representation

by MCEA. It is the goal of my administration to continue to fulfill our obligation to our members by providing the best possible grievance appeal and legal representation. I remain open and willing to talk with any of our members who have questions about their rights and options under these newly ratified MOU's, and questions can also be directed to MCEA headquarters. For the last 16 months, we have faced severe challenges to this association from both within and outside. We are facing the attacks on our pensions and health care costs this year. The most glaring attack will be on the active members health care cost. Most of the bills introduced this year so far have been in the retirees pension cost. We will keep a close eye on these problems and be in contact with our members to fight these increases. We will need both active members and retirees in Annapolis to meet with their Senators and Delegates. We also will need you to testify. These are tough times. Do not let your future rest in the hands of someone else. Take action and fight. These will not be temporary measures. They will be permanent.

MCEA's Stance on 2011 Legislative Bills

During the 2011 Legislative Session, MCEA remains active in testifying in court regarding key state bills that affect state employees and retirees. Some significant bills that MCEA is monitoring are:

HB 171 - Collective Bargaining - Independent Home Care Providers, cross filed with SB 181

HB 176 - State Retirement and Pension System - Reemployment of Retirees - Exemptions

HB 249 - State Retirement and Pension System - Direct Mailings by Retiree Organizations - Repeal of Sunset Provision, cross filed with SB 199

HB 303 - State Retirement and

Pension System - Employee Contribution Rate

HB 333 - State Retirement and Pension System - Administration - Simplification, cross filed with SB 357

SB 107 - Health Benefit Exchanges - Establishment & Operations

SB 153 - Reorganization of State Government - Consolidating the Department of the Environment into the Department of Natural Resources

SB 182 - MD Health Benefit Exchange Act of 2011

SB 218 - Public Safety - Law Enforcement Officers' Bill of Rights - Internal Investigation Unit

SB 356 - State Retirement and Pension System - Military Service Credit - Eligibility, cross filed with HB 335

SB 359 - State Retirement and Pension System - Unclaimed Money - Former Members, Retirees, and Beneficiaries, cross filed with HB 338

SB 360 - State Retirement and Pension System - Completing and Submitting an Application for Service Retirement, cross filed with HB 334

Please visit www.mlis.state.md.us to view additional bills, legislators, hearing dates and times. You can also visit www.mcea.org and www.aft.org for more information.

MCEA Members Celebrate Victories

Ms. Brandy Ames, Case Manager Specialist I, employed by Baltimore County's Department of Juvenile Services, was issued a Level II Reprimand on October 19, 2010 for alleged negligence in the performance of duties. Ms. Ames contacted Michael Keeney, MCEA Labor Relations Specialist for assistance. A Second Step Hearing was conducted on December 9, 2010. Management presented its case and asserted through testimony that Ms. Ames' caseload was poorly managed, and she had mishandled a particular situation which resulted in placing her unit in a compromising situation. Mr. Keeney proffered that the employee denied any alleged wrongdoing, and she strongly disagreed of having poor performance issues. Mr. Keeney continued to motion for a summary decision in the matter, citing State Personnel and Pension Article 11-106. **Duty of appointing authority prior to imposing sanctions.**

(a) *Procedure* - Before taking any disciplinary action related to employee misconduct, an appointing authority shall: (1) investigate the alleged misconduct; (2) meet with the employee; (3) consider any mitigating circumstances; (4) determine the appropriate disciplinary action, if any, to be imposed; and (5) give the employee a written notice of the disciplinary action to be taken and the employee's appeal rights.

(b) *Time limit* - Except as provided in subsection (c) of this section, an appointing authority may impose any disciplinary action no later than 30 days after the appointing authority acquires knowledge of the misconduct for which the disciplinary action is imposed.

Mr. Keeney argued that through management's own testimony, they admitted to having knowledge of the allegations on August 25, 2010 from an incident that occurred on the same day. It was not until October 19, 2010, some 55 days later, that management imposed the Level II Reprimand. Therefore, management had violated the aforementioned statute. Management argued that the statute is interpreted to mean 30 days after the investigation of the

alleged infraction is concluded. To support his motion, Mr. Keeney cited the legal precedent established through MCEA's representation, that of *WCI v. Geiger*, in which Maryland's highest court affirmed that management must impose discipline within 30 days of when it first acquires knowledge of the alleged misconduct. The Hearing Officer agreed that management had in fact violated SPPA 11-106 and ordered that the Level II Reprimand be rescinded immediately from Ms. Ames personnel file. In summary, Ms. Ames commented, "I felt very comfortable with Mr. Keeney on my side. He was well prepared and very professional in his presentation. He made me feel that he truly cared about my case. Thank you MCEA!"

In yet another victory for an MCEA member after a two year grievance battle, Mr. Ward Clem, a Licensed Mental Health Counselor at the Maryland Correctional Institution in Hagerstown, was awarded a retroactive upgrade to Mental Health Professional Counselor-Advanced. According to Mr. Clem, this upgrade never would have happened without the help of MCEA Labor Relations Specialist Ron Smith and MCEA Attorney Hillary Galloway Davis. Mr. Clem, who has worked for the State of Maryland for over thirty years, initially filed his grievance in October 2008. It was at this time that a new job series was implemented for Correctional Psychology Associates who had professional licenses in mental health. Due to his many years of experience, specialized knowledge and skills, Mr. Clem expected to be upgraded to the Advanced level but was not among the employees who received this classification. Through the initial grievance process, Mr. Smith provided counsel to Mr. Clem, and in February 2009, he represented him before Administrative Law Judge A. J. Novotny, Jr. Although well represented by Mr. Smith, the Administrative Law Judge ruled in favor of the Department of Public Safety, again denying Mr. Clem's upgrade.

With the support of MCEA's Board of Directors and representation by MCEA's Attorney Ms. Davis, a Petition for Judicial Review was submitted in May 2009 to the Circuit Court of Washington County. In March 2010, the Honorable Judge Donald F. Beachley heard legal argument from Ms. Davis and the attorney representing the Department of Public Safety. In his subsequent decision, Judge Beachley ruled that the Administrative Law Judge erred by not obtaining direct testimony from Dr. Paul Kradel, Mr. Clem's supervisor. Since Dr. Kradel was unable to attend the original hearing due to medical reasons, the case was remanded back to Judge Novotny in order to obtain further testimony.

In August 2010, Ms. Davis continued to represent Mr. Clem, and Dr. Kradel provided his testimony before Judge Novotny. Of particular interest in processing the reclassification was the fact that both the Director of Mental Health for the Department of Public Safety as well as the Department of Budget and Management never contacted Mr. Clem's supervisor to obtain detailed information on his expertise and duties. Since a rebuttal witness from the Department of Budget and Management was unavailable to provide testimony, a final hearing was scheduled for September 2010 to obtain the remaining information.

At the September hearing, under cross-examination by Attorney Ms. Davis, Department of Budget and Management's rebuttal witness Paul Webb acknowledged that in processing the reclassification, he was unaware of Mr. Clem's multiple licenses and certifications, he had limited knowledge of psychology and therapy, and other than the limited information provided by the Director of Mental Health, he was unaware of the details of his duties. Based on the new information provided in the August and September hearings, the Administrative Law Judge ruled in favor of Mr. Clem's upgrade.



Mr. Ward Clem, a Licensed Mental Health Professional Counselor at the Hagerstown Maryland Correctional Institution states, "Far too often the State of Maryland seems to go out of its way to not reward its employees for a job well done. The small amount I pay in union dues has been well worth the price. In light of the broadening attacks on state employees salaries, health care, and pensions, now more than ever is the time to join and become actively involved in this union!"

Photo Corner



Scenes:

MCEA Martin Luther King Jr. Breakfast
January 15, 2011
MCEA Headquarters
9 AM-12 Noon

MCEA Legislative Reception
January 20, 2011
Governor Calvert House
Annapolis, MD
5-8 PM



Dr. Martin Luther King Celebration

MCEA's Martin Luther King Birthday Celebration was held on January 15, 2011 at MCEA Headquarters from 9 a.m.-12 noon. Members and their families attended to honor the legacy of Martin Luther King and mingle amongst each other. The Chancel Ensemble Community Choir of Baltimore, Maryland sang uplifting contemporary gospel music throughout the morning. Guest Speaker Tony Reid (President & Founder of Reid's Fitness Management Company) delivered a motivational speech coaching people to balance their lives and take charge positively by combining fitness training, career, nutritional coaching, and time management. A delicious hot buffet breakfast was served as well. Special thanks to Linda Day, Chair of the Dr. Martin Luther King Jr. Celebration Committee, for hosting and organizing this event.



MCEA's 2011 Legislative Reception

MCEA's 2011 Legislative Reception took place at the Governor Calvert House in Annapolis, MD on January 20, 2011 from 5-8 p.m. It was a great success, as legislators from the Maryland General Assembly attended to support MCEA's efforts to protect state employees and retirees. Legislators mingled with MCEA officers and members, including Baltimore City Council President Bernard C. "Jack" Young, Senators Richard Colburn, George Edwards, Edward Kasemeyer, Katherine Klausmeier, James Mathias, Karen Montgomery, Edward Reilly and James Robey, and Delegates Gail Bates, Wendell Beitzel, Joseph Boteler, Rudolph Cane, John Cluster, Adelaide Eckardt, Guy Guzzone, Adrienne Jones, Benjamin Kramer, James Malone, Wayne Norman, Justin Ready, Nancy Stocksdale, Veronica Turner and Michael Weir. Special thanks to Linda Day, Chair of the Legislative Committee, for coordinating this event and for everyone who participated.



MCEA NEWS

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1st Vice President

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2nd Vice President

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Angela Jacks

Jerri Spry

Barbara Thompson

Debra Truitt

(Terms to expire 2012)

Area Governors:

Area I, **Tamara Byrd**
Area II, **Catherine Bryant**

Area III, **Cheryl Knox**

Area IV, **Jeffrey Geiger**

Area V, **Joseph Colburn**

Area Vice Governors:

Area I, **Pauline Gray**

Area II, **Jerry Jackson**

Area III, **Sylvia White**

Area IV, **Tina Cameron**

Area V, **Vacant**

Chapter 152 Retirees Update

Officer elections for Chapter 152 were held at their December 2010 meeting in Westminster. The new officers are President Bernice Brown, First Vice President Phyllis Lickliter, Second Vice President Rebecca Barbee, Secretary Anne Merchant, and Treasurer Joseph Noll, Sr. Congratulations and welcome aboard!

The retirees meeting dates for 2011 in Westminster are March 2, June 1, September 7, and December 7.

The Public Employees' and Retirees' Benefit Sustainability Commission has made recommendations to the 2011 Legislature regarding employees' retirement benefits and pensions. Casper R. Taylor, Jr., Chairman of The Public Employees' and Retirees' Benefit Sustainability Commission, submitted a report to the General Assembly in time for the legislative session that began in January 2011.

The Maryland General Assembly will be reviewing this report to determine any possible changes in the near future, and state legislators are proactive in studying these recommendations in order to seek solutions during this economic crisis for the 2011-2012 year. A final report has been extended until October 1, 2011.



Bernice Brown
Retirees President, Chapter 152

MCEA's Chapter/Member News

MCEA welcomes a new Chapter in Area IV - Chapter 800 - Allegany County Bureau of Police.

In December 2010, MCEA Board Member Debra Truitt published a work titled, "The Effect Of Training And Development On Employee Attitude As It Relates To Training And Work Proficiency," which was approved and submitted to the Library of Congress in DC.

The Abstract is as follows:

One of the fundamental issues facing businesses, organizations and institutions today is conflict management. An important aspect of that management is human resources development, which plays a key role in conflict management and diffusion. It is incumbent upon training and development for professionals to design, implement and evaluate the effectiveness of their programs in reducing disputes in workplace performance.

This study explores the relationships between training experiences and attitudes and attitudes about perceived job proficiency. In a sample of 237 full-time salaried/exempt and hourly/non-exempt employees from one academic institution and three businesses in the states of Maryland, Delaware and Arizona, we find a direct relationship between one's positive training experiences and attitudes and one's proficiency. In this study, 86.8 % of those who had updated training had the most positive attitudes towards training (Gamma = .293, p < .05). Furthermore, 80% of those who had negative training attitudes also had negative views on their proficiency (Gamma = .465, p < .000).



Attention Chapter Presidents:

The Nominating Committee will be sending you a letter with a nomination form regarding the upcoming nominations for Officers and Board of Directors positions. Please share this information with your chapter members.

Agnes Valenzia was elected 2010 Area III Member of the Year. Congratulations Agnes!

MCEA Members are entitled to all of our affiliate company's (AFT/AFT-MD/AFL-CIO) benefits as well. Please visit www.aft.org/members or www.aft.org/benefits for more information.



Calendar of Events

MCEA's Statewide Advisory Council Meeting

Saturday, April 30, 2011
8:00 a.m.-1:00 p.m.
MCEA Headquarters
Contact Ms. Barbara Mitchell at 410-298-8800, Ext. 204

MCEA's 75th Anniversary Gala

Saturday, June 11, 2011
7-11 p.m.
Martin's Valley Mansion
594 Cranbrook Road
Hunt Valley, MD 21030
\$75.00 per ticket (Admits One)
Patrons and Advertising available in
MCEA's 75th Anniversary Program.
For further information, please contact Ms.
Barbara Mitchell or Ms. Geneva Cooper at
MCEA Headquarters at 410-298-8800.

MCEA's 75th Anniversary Gala

"We Have Come This Far By Faith"



June 11, 2011
7-11 p.m.

Martin's Valley Mansion
594 Cranbrook Road
Hunt Valley, MD 21030
\$75.00 per ticket (Admits One)

Formal Affair

Hors d'oeuvres, Cocktails, Dinner, Dancing & Program

*Don't miss this chance to wine & dine & dance the night away!
Purchase Your Tickets Today!
Patrons and Advertising Available*

*Checks/money orders payable to: MCEA 75th Anniversary Gala
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*For more information, please contact Ms. Barbara
Mitchell or Ms. Geneva Cooper at MCEA
Headquarters or visit www.mcea.org.*



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Labor Relations Specialist: Ron Smith

Area V Office (Salisbury - Eastern Shore)

1229 Mt. Hermon Road
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Toll Free: 1-888-610-MCEA
Fax: 410-548-1732
Labor Relations Specialist: Jack Nelson

MCEA, affiliated with AFT/AFT-MD/AFL-CIO, is proud to serve state and county employees, retired state employees, and the citizens of Maryland. Founded in 1935, with 10,000 employee and retiree members, MCEA is member-run and continues to serve our members' best interests.