

Maryland Classified Employees Association, Inc.

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Allen C. Evans, President

Robert Stephens, Interim Executive Director

April 23, 2007

T. Eloise Foster
Secretary
Department of Budget and Management
45 Calvert Street
Annapolis, MD 21401

The Honorable Peter Franchot
Comptroller of Maryland
80 Calvert Street
P.O. Box 466
Annapolis, MD 21404-0466

The Honorable Douglas F. Gansler
Maryland Attorney General
200 St. Paul Place
Baltimore, MD 21202

Dear Ms. Foster, Mr. Franchot and Mr. Gansler:

The Office of Personnel Services and Benefits (OPSB) recently notified approximately 25,000 state employees that AFSCME has requested their home addresses and home phone numbers. The OPSB's letter also gives those employees, who have been assigned to AFSCME's six bargaining unit, the opportunity to "opt out" of the release of their personal information. MCEA believes the process by which OPSB carried out this procedure violates the collective bargaining statute.

Although the bill (attached) authorizing this practice took effect July 1, 2006, there was no prior alert or information given to employees covered by collective bargaining. DBM's letter was the first communication to employees advising them of a bargaining representative's right to request their home addresses and phone numbers, and of an employee's right to decline the state's dissemination of their personal information.

As a union with almost 6,500 dues-paying state-employee members, we are urgently requesting that no employee's personal contact information be released to the bargaining agent until the process is fully investigated and the "opt out" form properly re-issued to employees, in accordance with the State Personnel and Pensions Article, Section 3.

Cynthia Kollner, acting Executive Director of the OPSB, Department of Budget and Management (DBM), mailed an undated and unsigned letter to employees by bulk mail, which according to the U.S. Postal Service, may take up to 15 days for the addressee to receive it. The USPS advised that it does not track bulk mail, and there is no way to verify whether the addressee receives it.

Headquarters Office Fax 410-298-8058 or 410-298-6182
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Meeting Challenges With Effective Actions for Public Employees

Still, DBM's letter required employees to return the form by mail to the OPSB Baltimore office by a universal deadline of April 17. This is a violation of the statute, which states that "the employee may, within 15 days of the employer's notice under paragraph (1) of this subsection, notify the employer that the employee does not want the employee's name, addresses, telephone numbers, or work information to be provided to an exclusive representative."

In a hand-delivered letter dated April 13 (attached), and by phone conversation on April 17, I shared with Ms. Kollner our serious concerns. We suggested that the form be re-issued, included as an insert with employees' paychecks.

On Wednesday, April 18, at 5:01 p.m., Ms. Kollner transmitted an e-mail (attached) to, what appears to be the personnel directors of state agencies, advising them that the deadline for employees to "opt out" of the release of information was extended to April 23. Unfortunately, employees are receiving notification today (April 23). Because the notice was untimely and included no instructions as to how employees should handle the situation, MCEA finds this method extremely deficient and unacceptable.

As you know, the theft and abuse of personal information is one of the nation's fast-growing crimes. According to The Report on the Attorney General's Identity Theft Forum, released last year, Maryland ranked 11th among the 50 states in the number of identity theft victims as a percentage of its population. In addition, Governor O'Malley has signed into law legislation extending the effective date of the Task Force to Study Identity Theft.

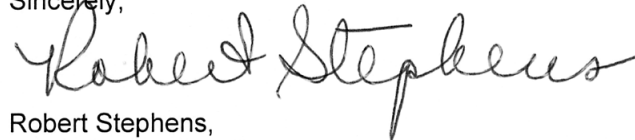
The statute requires that the exclusive representative use the personal information only to carry out its statutory obligation. However, the statute provides no consequences if the exclusive representative gives the thousands of home address and phone numbers to a third party, which may in turn abuse the confidentiality.

Certainly, you, the members of the General Assembly and the citizens of Maryland, expect that the state would do all it can to protect citizens from the destructive and devastating impact of identity theft and data breaches. It is best for all parties, especially for our state employees, to err on the side of caution and ensure that they are properly and sufficiently notified of their rights to opt out of the release of this personal information. Clearly, employees' individual rights must take precedence over union rights.

On a related matter, employees have expressed concern about how the bargaining agent might use this personal information. According to www.afscmecouncil92.org (attached), the union is part of an AFSCME International initiative to, among other things, increase membership. The site goes on to state that the union will dispatch "12 organizers who are reaching out to members and non-members at work-sites and at their homes. If an AFSCME organizer comes to your door, please welcome them...."

Please provide some guidance as to whether the union's home visits to non-members would constitute a violation of the statute, which prohibits using the personal information to increase membership.

Sincerely,



Robert Stephens,
Interim Executive Director

cc: The Honorable Martin O'Malley
Sen. Thomas V. "Mike" Miller, Senate President
Del. Michael Busch, Speaker of the House
Sen. Thomas Middleton, Finance Committee Chair
Del. Norman Conway, Appropriations Committee Chair
Cynthia Kollner, Executive Director, OPSB
Erica Snipes, Executive Director, State Labor Relations Board,
State Higher Education Labor Relations Board