

**EXECUTIVE DEPARTMENT – BOARDS, COMMISSIONS & OFFICES
WRITTEN TESTIMONY
FISCAL YEAR 2020 OPERATING BUDGET HEARINGS**

**HEALTH AND HUMAN SERVICES SUB-COMMITTEE
SENATE BUDGET & TAXATION COMMITTEE
Senator Melony Griffith Chair
February 14, 2020**

**PUBLIC SAFETY AND ADMINISTRATION SUB-COMMITTEE
HOUSE APPROPRIATIONS COMMITTEE
Keith E Haynes, Chair
February 24, 2020**

Good afternoon Chair and members of the subcommittee my name is Jimmy Rhee; I am the Special Secretary for the Governor's Office of Small, Minority & Women Business Affairs.

Thank you for the opportunity to appear before you as you review the proposed budget for the Boards, Commissions and Offices. I am joined by those who make up the Boards, Commissions and Offices. Those members are:

Steve McAdams, Executive Director Governor's Office of Community Initiatives

Patrick J. Lally, Senior Executive Director, Governor's Coordinating Offices

Michael W. Lord, Executive Director, Maryland State Ethics Commission

Harry L. Chase, Executive Director, Health Care Alternative Dispute Resolution Office.

David Soule', Maryland State Commission on Criminal Sentencing Policy

Jennifer Colton, Director, Governor's Grants Office

Erica Snipes, Executive Director, MD State Labor Relations Boards

Bethamy Beam, Chairwoman, MD State Board of Contract Appeal

I would like to thank our assigned analyst, Ms. Grace Pedersen for her hard work, and acknowledgements of our efforts throughout the analysis. She is a pleasure for our offices to work with.

The Boards, Commissions and Offices have put forth another responsible spending plan for fiscal year 2021 by instituting various cost savings measures. The Governor believes that it is important that the Boards, Commissions and Offices spending plan to reflect the same fiscal restraint that he is asking all other agencies to implement.

We have provided written testimony and have official comments on the analyst observations and recommendations as noted in the analysis document.

Key Observations, Duplicative Education Accountability Oversight page 6.

1. The Governor's Coordinating Offices Shared Services Unit should comment on the status of the 2019 report.

The annual report for 2019 report from the Office of Education Accountability is complete and was submitted on Monday February 10, 2020.

2. DLS recommends deleting the positions and funding associated with the Office of Education Accountability budgeted in the Governor's Offices Shared Services Unit.

The agency would like to respectfully disagree with the recommendation to delete the two existing positions and funding under the Office of Education Accountability. Instead, the agency would like the Subcommittee to consider – in lieu of deleting these positions and eliminating funding – moving them under the new Maryland Office of the Inspector General for Education. These positions, in fact, represent an important investment in education accountability and are critical to the future success of the Maryland Office of the Inspector General for Education.

- These two positions function as the front line in receiving and tracking highly sensitive allegations from whistleblowers of violations in public school systems. They ensure that those who report violations are protected, and they help manage an effective response to those complaints.
- They work together in referring concerns to the appropriate public school official, agency, department, or resource; and refer possible violations of criminal law to the jurisdictional State's Attorney for prosecution.
- They serve as a clearinghouse for concerns regarding public school safety, grading, graduation requirements, assessments, educational facilities, and procurement.
- And given all their front line work, they are in a unique position to assist with recommendations, solutions, and strategies for improving Maryland's public school system.

They are a valuable assets to the Maryland Office of the Inspector General for Education and, again, the agency would recommend retaining these positions and moving them to the new unit.

Operating Budget Recommended Actions on page 7

1. Delete 1 position (PIN 064987) in the Governor's Office of Small, Minority and Women Business Affairs that has been vacant since May 1, 2018.

We respectfully disagree with the recommended action to delete this PIN. As the analyst has pointed out on page 9 the office struggles with staff shortages and increased legislative mandated activities requiring specialized positions. We recently sought a qualified candidate, but unfortunately, we were unable to meet the individual salary requirements. It is important to note that, the vacant Director, Compliance and Legislative Affairs is a unique recruitment. There are legislative processes, knowledge of statutes and COMAR that make it unique. The position requires a qualified experienced professional to implement and manage the data collection for the 70 assigned state agencies reporting on the Small Business Reserve (SBR), Minority Business Enterprise (MBE) and the Veteran-Owned Small Business program procurement participation. This position provides program policy support and advice to agency personnel, the Special Secretary and MBE/SBR/VSBE compliance and procurement staff at state agencies. The position's responsibilities include facilitating MBE/SBR/VSBE training and compliance-related meetings, recommending strategies to improve agency MBE/SBR/VSBE participation. To the analysts' point on page 9, GOSBA's staffing shortages have had an adverse effect on program participation with just 51% of procurements meeting the 29% MBE participation goal in 2018. With GOSBA's current staffing level of 10 positions, we are balancing increased legislative responsibility:

- the addition of the VSBE program in 2018 (SB1165) giving GOSBA program oversight,
- increasing SBR agency participation (from 23 to 66),
- the SBR set-aside increased from 10 – 15 percent (note that there is current legislation proposing an increase this to 25% - SB772).

We are actively recruiting for the position and have two strong candidates. The expectation is that the position will be filled within the next 30 days.

2. Delete 1 position (PIN 076169) in the Governor's Office of Community Initiatives that has been vacant since September 20, 2016.

The agency would like to respectfully disagree with the recommendation to delete the existing position and funding in the Governor's Office of Community Initiatives. The PIN (076169) is currently in a restricted skilled labor classification in the State's personnel system as a Chief of Maintenance –non-licensed, which has caused significant delays when trying to fill. To manage the priorities of the agency, when a vacancy became available in another unit, we repurposed that PIN to address the immediate needs for facilities maintenance personnel at the Banneker Douglass Museum. These steps were necessary because maintenance oversight is essential to the operations of the Banneker Douglass Museum. As a result, the agency has been in the process of reclassifying that PIN for internal fiscal support and oversight of the agency given our size and steady increase in funding and fund sources. An update was provided in the 2019 JCR response.

- 3. Delete funding and associated positions for the Office of Education Accountability (PIN 024198 and 024348). With the Maryland State Department of Education's Office of Education Accountability and the creation of the Office of the Inspector General another Office of Education Accountability, budgeted in the Governor's Coordinating Offices, is duplicative.**

The agency respectfully disagrees with this recommendation. These two positions represent an important investment in education accountability and are critical to the future success of the Maryland Office of the Inspector General for Education. They serve as the front line in receiving and tracking highly sensitive allegations from whistleblowers. They ensure that those who report violations are protected, and they help manage an effective response to those complaints. In addition, they serve as a clearinghouse for concerns regarding public school safety, grading, graduation requirements, assessments, educational facilities, and procurement.

To that end, we are happy to respond to any questions that you or your colleagues may have in response to the analysis document.