

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

EXPEDITED HUMAN RIGHTS AND CIVIL LIBERTIES – BUILDING BILL 48-20: MAINTENANCE WORKER-MINIMUM WORK WEEK – EFFECTIVE DATE

SUMMARY

The Office of Legislative Oversight (OLO) expects Expedited Bill 48-20 to have a negligible impact on racial equity and social justice in the County.

BACKGROUND

The County Council introduced Expedited Bill 48-20 on December 1, 2020. The expedited bill will delay the effective date of Chapter 25, Laws of Montgomery County 2019 (Bill 12-19) by one calendar year.¹

On November 28, 2020, the Apartment and Office Building Association of Metropolitan Washington (AOBA) and the Service Employees International Union (SEIU 32BJ) sent correspondence to the Council requesting an act to delay the effective date of Bill 12-19 to help stabilize employment for current maintenance and service workers in the County.²

Of note, Bill 12-19 requires employers of buildings with at least 350,000 square feet and 50% occupancy to provide a 30 hour per person minimum work week for most employees working as janitors, building cleaners, security officers, concierges, doorpersons, handypersons, or building superintendents.³

But due to the rapid global and local spread of the COVID-19 virus, in March 2020, the County went under a public health lockdown. As a result, most employers allowed their employees to telework virtually, which dramatically reduced the need for office building use in the County.⁴ Consequently, this work environment shift decreased the demand for service and maintenance workers locally and destabilized their job market; their primary professional duties require physical on sight interaction and cannot be performed remotely.⁵ These duties also disproportionately expose workers who actively serve and maintain buildings to the virus.⁶

Both the AOBA and SEIU have noted the devastating economic and health effects of the current pandemic as primary reasons why the bill's effective date of January 1, 2021, should be postponed for one year.

DEMOGRAPHIC DATA

According to data from the Maryland Department of Labor, Licensing, and Regulation's Occupational Employment Statistics Program 2018 report, approximately 39,000 employees work in the building maintenance/service profession in the County; unfortunately, the data is currently not disaggregated by race/ethnicity.⁷ An analysis of data (Table 1) comparing the demographics of County residents to maintenance/service workers employed by Montgomery County Government suggests that people of color are over-represented among the employees impacted by Bill 12-19 and Expedited Bill 48-20. More specifically, the data shows that:

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- Black and Latinx employees combined accounted for 84% of the County Government's maintenance/service workforce in 2019;
- Black employees were over-represented by a factor of three among County maintenance/service workers compared to their share of the County's population (21% v. 68%); and
- White and Asian employees were under-represented among maintenance/service workers compared to their County population.

Table 1: Montgomery County Residents and Government Maintenance/Service Workers by Race and Ethnicity

Race and Ethnicity	County Residents	MCG Maintenance/Service Workers	Difference in Population and Maintenance/Service Employment
White	55%	12%	-43%
Black	21%	68%	+47%
Latinx	20%	16%	-4%
Asian	17%	3%	-14%
Other/Non-Reported	11%	1%	-10%
Total Number	1,050,688	767	N/A

Sources: Montgomery County Racial Equity Profile 2019; Montgomery County Personnel Management Review, 2020

ANTICIPATED RESJ IMPACTS

Bill 12-19 and Expedited Bill 48-20 offer tradeoffs between two competing groups of predominantly Black and Latinx workers: part-time building services staff and full-time building services staff. The requirement for minimum work hours that would become effective on January 1, 2021 under Bill 12-19 comes at the expense of some part-time workers who would lose their current hours and positions to the part-time workers who become full-time workers.

People of color account for the “winners” and “losers” under Bill 12-19; they also account for the “winners” and “losers” under Expedited Bill 48-20. With the “winners” and “losers” cancelling each other out in terms of generating impacts for persons and communities of color, OLO finds that Expedited Bill 48-20 will not impact RESJ in Montgomery County.

METHODOLOGIES, ASSUMPTIONS, AND UNCERTAINTIES

This RESJ impact statement and OLO's analysis relies on several sources of information, including the Montgomery County Racial Equity Profile;⁸ Montgomery County Management Personnel Management Review;⁹ Expedited Bill 48-20; and Bill 12-19.

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RECOMMENDED AMENDMENTS

The County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequalities are warranted in developing RESJ impact statements.¹⁰ This RESJ impact statement, however, does not offer recommended amendments for Expedited Bill 48-20.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

¹ Montgomery County Council, Bill 12-19, Human Rights and Civil Liberties-Building Maintenance Worker-Minimum Work Week, Enacted November 5, 2019, Montgomery County, Maryland.

² Expedited bill 48-20

³ Ibid.

⁴ Victoria H. Hall, COVID-19 Recovery Outlook: Disparities in Telework by Race and Ethnicity, July 2020, Office of Legislative Oversight, Montgomery County, Maryland.

⁵ Ibid

⁶ Ibid

⁷ Bill 12-19

⁸ Montgomery County Racial Equity Profile

⁹ Montgomery County Personnel Management Review, April 2020

¹⁰ Montgomery County Council, Bill No. 27-19 Racial Equity and Social Justice, Effective on March 2, 2020, Montgomery County, Maryland.