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**By: Appropriations Committee (Departmental - Budget and Management)**

Introduced and read first time: February 21, 1997

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 1997

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## CHAPTER \_\_\_\_

1 AN ACT concerning

**2 State Personnel Management System Reform Act of 1996 - Correction of References to  
3 "Classified Service" and "Unclassified Service"**

4 FOR the purpose of correcting references in the Annotated Code of Maryland to  
5 classified and unclassified employees to reflect changes made by the State  
6 Personnel Management System Reform Act of 1996; designating certain positions as  
7 being in the skilled service, professional service, management service, executive  
8 service, or special appointments; and generally relating to the clarification of  
9 positions in accordance with the State Personnel Management System Reform Act  
10 of 1996.

11 BY repealing and reenacting, with amendments,  
12 Article 16A - Maryland Emergency Management Agency  
13 Section 4(a)(2)(ii) and (b)(1) and 7(c)(2)  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume)

16 BY repealing and reenacting, with amendments,  
17 Article 27 - Crimes and Punishments  
18 Section 679(b)(2), 681J(b) and (c), 684(b)(1), and 818(1)  
19 Annotated Code of Maryland  
20 (1996 Replacement Volume)

21 BY repealing and reenacting, with amendments,  
22 Article 29 - Washington Suburban Sanitary District  
23 Section 11-116(b)  
24 Annotated Code of Maryland

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1 (1993 Replacement Volume and 1996 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article 31B - Patuxent Institution

4 Section 5(c)

5 Annotated Code of Maryland

6 (1993 Replacement Volume and 1996 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article 33 - Election Code

9 Section 2-6(c)(2)

10 Annotated Code of Maryland

11 (1993 Replacement Volume and 1996 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article 38A - Fires and Investigations

14 Section 7(a)(2)(ii)

15 Annotated Code of Maryland

16 (1993 Replacement Volume and 1996 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article 41 - Governor - Executive and Administrative Departments

19 Section 4-103(b)(2) and (3), 4-301(e)(7)(i), 4-401(d)(9), 4-503(a), 4-1412(f),

20 6-103(b)(2) and (3), 6-203(c)(2) and (3), and 6-405(c)(2) and (3)

21 Annotated Code of Maryland

22 (1993 Replacement Volume and 1996 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article 49B - Human Relations Commission

25 Section 2(c)(2)

26 Annotated Code of Maryland

27 (1994 Replacement Volume and 1996 Supplement)

28 BY repealing and reenacting, with amendments,

29 Article 70B - Office on Aging

30 Section 4(c)

31 Annotated Code of Maryland

32 (1995 Replacement Volume and 1996 Supplement)

33 BY repealing and reenacting, with amendments,

34 Article 78 - Public Service Commission Law

35 Section 17

36 Annotated Code of Maryland

37 (1995 Replacement Volume and 1996 Supplement)

3

1 BY repealing and reenacting, with amendments,

2 Article 83A - Department of Business and Economic Development  
3 Section 2-102(b)(4), 2-105(i), 4-606(c), 5-908(d)(2), and 6-403(b)(1)  
4 Annotated Code of Maryland  
5 (1995 Replacement Volume and 1996 Supplement)

6 BY repealing and reenacting, with amendments,

7 Article 83B - Department of Housing and Community Development  
8 Section 1-202(b)(4), 2-202(a), 5-208(c)(4), 5-306(b), 5-405(b), and 5-609(e)  
9 Annotated Code of Maryland  
10 (1995 Replacement Volume and 1996 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article 83C - Juvenile Justice  
13 Section 2-103(c)(2), (4), and (6)  
14 Annotated Code of Maryland  
15 (1995 Replacement Volume and 1996 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article 88A - Department of Human Resources  
18 Section 2(d)(2) and 13(b-1) and (c)(3)  
19 Annotated Code of Maryland  
20 (1995 Replacement Volume and 1996 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article 88B - Department of State Police  
23 Section 15(b)(5), 17(a), 19(b) and (e), 21, and 24  
24 Annotated Code of Maryland  
25 (1995 Replacement Volume and 1996 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article - Agriculture  
28 Section 2-102(d)(1)(ii) and (2), 4-106, and 8-203(e)(3) and (4)(i)  
29 Annotated Code of Maryland  
30 (1985 Replacement Volume and 1996 Supplement)

31 BY repealing and reenacting, with amendments,

32 Article - Business Occupations and Professions  
33 Section 16-205(e) and 17-205(e)  
34 Annotated Code of Maryland  
35 (1995 Replacement Volume and 1996 Supplement)

36 BY repealing and reenacting, with amendments,

37 Article - Business Regulation

4

1 Section 2-103(b)(2) and (3), 8-206(a)(2), 11-205(a)(2), 11-206(a) and (b)(4), and  
2 11-207(a)  
3 Annotated Code of Maryland  
4 (1992 Volume and 1996 Supplement)

5 BY repealing and reenacting, with amendments,

6 Article - Courts and Judicial Proceedings  
7 Section 1-703(b), 2-309(d)(1)(viii) and (2), 2-505(b), 2-601(b), 2-604(b), and  
8 2-607(b)(4)  
9 Annotated Code of Maryland  
10 (1995 Replacement Volume and 1996 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article - Education  
13 Section 2-104(b)(1), 2-105, 12-111(b), 14-104(g)(1), 14-205(b)(2)(i), 16-505(c)(2),  
14 16-510, 18-1005(a)(2)(i), and 24-204(b)(2) and (3)  
15 Annotated Code of Maryland  
16 (1997 Replacement Volume)

17 BY repealing and reenacting, with amendments,

18 Article - Environment  
19 Section 1-403(b)(3), 5-201(b)(2), and 9-1603(a)  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume and 1996 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article - Family Law  
24 Section 10-117(c) and 10-119.2(f)  
25 Annotated Code of Maryland  
26 (1991 Replacement Volume and 1996 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article - Financial Institutions  
29 Section 8-305(b) and (c) and 10-104(b)  
30 Annotated Code of Maryland  
31 (1992 Replacement Volume and 1996 Supplement)

32 BY repealing and reenacting, with amendments,

33 Article - Health - General  
34 Section 2-103(b)(3) and (5)(i), 3-304(b), 4-202(a), 10-408(d)(2), and 10-423(c)(1)  
35 and (2)  
36 Annotated Code of Maryland  
37 (1994 Replacement Volume and 1996 Supplement)

38 BY repealing and reenacting, with amendments,

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1 Article - Health - General  
2 Section 19-1505(c)(1)  
3 Annotated Code of Maryland  
4 (1996 Replacement Volume and 1996 Supplement)

5 BY repealing and reenacting, with amendments,

6 Article - Health Occupations  
7 Section 14-204(d)(2)  
8 Annotated Code of Maryland  
9 (1994 Replacement Volume and 1996 Supplement)

10 BY repealing and reenacting, with amendments,

11 Article - Insurance  
12 Section 2-103(d), 2-104(a)(2), 2-105(b), and 2-106  
13 Annotated Code of Maryland  
14 (1995 Volume and 1996 Supplement)  
15 (As enacted by Chapter 36 of the Acts of the General Assembly of 1995)

16 BY repealing and reenacting, with amendments,

17 Article - Insurance  
18 Section 2-105(c)  
19 Annotated Code of Maryland  
20 (1995 Volume and 1996 Supplement)  
21 (As enacted by Chapter 36 of the Acts of the General Assembly of 1995, as  
22 amended by Chapter 60 of the Acts of the General Assembly of 1996)

23 BY repealing and reenacting, with amendments,

24 Article - Insurance  
25 Section 20-204(a)(1) and (2) and (b)  
26 Annotated Code of Maryland  
27 (1996 Volume)  
28 (As enacted by Chapter 11 of the Acts of the General Assembly of 1996)

29 BY repealing and reenacting, with amendments,

30 Article - Labor and Employment  
31 Section 2-104(a)(2), (b)(2), (c)(2)(ii), (d)(2)(ii), (e)(1), (f)(2)(ii), and (g)(2),  
32 8-303(d)(1)(i), 8-305(b)(1), 9-305(a)(2), and 10-113(b), (c)(1), and (d)(2)  
33 Annotated Code of Maryland  
34 (1991 Volume and 1996 Supplement)

35 BY repealing and reenacting, with amendments,

36 Article - Natural Resources  
37 Section 1-101(d)(2) and (3), 1-203(a) and (f), 3-205, 5-206(b) and (f), and  
38 5-218(h)(3)

6

1 Annotated Code of Maryland  
2 (1989 Replacement Volume and 1996 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Natural Resources  
5 Section 8-723(c)  
6 Annotated Code of Maryland  
7 (1990 Replacement Volume and 1996 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article - State Finance and Procurement  
10 Section 3-203(a)(2)(i) and (c)(2) and (3), 3-301(b)(1)(i) and (2), 4-203(a)(2)(i)  
11 and (b)(2) and (3), 4-602(a), 4-605(a)(1), 5-203(b) and (c), 6-103(c), and  
12 7-213(b)(3)  
13 Annotated Code of Maryland  
14 (1995 Replacement Volume and 1996 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - State Government  
17 Section 8-202(b)(2) and (3), 9-108(e)(2) and (3), 9-1605(a)(1), 10-703, and  
18 12-401(1)  
19 Annotated Code of Maryland  
20 (1995 Replacement Volume and 1996 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - State Personnel and Pensions  
23 Section 2-706(c)(3) and (d), 2-707(c), 21-118(c)(2) and (3), 22-404(c)(3)(ii),  
24 23-404(c)(3)(ii), 30-301(4), and 35-204(c)(3)  
25 Annotated Code of Maryland  
26 (1994 Volume and 1996 Supplement)

27 BY repealing and reenacting, with amendments,  
28 Article - Tax - Property  
29 Section 2-104(c) and 2-105(b)(2)(ii)  
30 Annotated Code of Maryland  
31 (1994 Replacement Volume and 1996 Supplement)

32 ~~BY repealing and reenacting, with amendments,  
33 Article - Transportation  
34 Section 2-102(d)(3)(i), 4-208(e)(2)(i), and 6-408(b)  
35 Annotated Code of Maryland  
36 (1993 Replacement Volume and 1996 Supplement)~~

37 ~~BY repealing and reenacting, with amendments,  
38 Article - Transportation~~

7

1 ~~Section 12-104(d)(2)(i)~~  
2 ~~Annotated Code of Maryland~~  
3 ~~(1992 Replacement Volume and 1996 Supplement)~~

4 Preamble

5 WHEREAS, The General Assembly directed the Governor in Section 14 of the  
6 State Personnel Management System Reform Act of 1996, Chapter 347 of the 1996 Laws  
7 of Maryland, to review references to "classified service" and "unclassified service"  
8 employees throughout the Annotated Code and to submit legislation in the 1997  
9 Legislative Session to correct any references to those employees in accordance with the  
10 provisions of that Act; and

11 WHEREAS, The title of the State Personnel Management System Reform Act  
12 states that the classified service and the unclassified service are abolished and that the  
13 skilled service, professional service, management service, and executive service are  
14 established in their places; and

15 WHEREAS, Section 6-405 of the State Personnel and Pensions Article, as  
16 enacted by Chapter 347 of the Acts of 1996 states that certain individuals in the skilled  
17 service, professional service, management service, or executive service are considered  
18 special appointments; and

19 WHEREAS, The purpose of this Act is to comply with the directive of the  
20 General Assembly to replace obsolete designations to the classified and unclassified  
21 services with the new designations found in the State Personnel Management System  
22 Reform Act of 1996 and accordingly to clarify the Annotated Code; now, therefore,

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article 16A - Maryland Emergency Management Agency**

26 4.

27 (a) (2) (ii) The Director is in the [unclassified] EXECUTIVE service [of] IN  
28 the State Personnel Management System and shall hold office at the pleasure of the  
29 Adjutant General.

30 (b) (1) Subject to the authority of the Adjutant General, the Director may  
31 employ professional, technical, clerical, stenographic, and other personnel within the  
32 appropriations and (except as to the position of Director) subject to the conditions and  
33 limitations of the State Personnel and Pensions Article [that govern the classified  
34 service].

35 7.

36 (c) (2) Except as otherwise provided by law, during the effective period of any  
37 such regulation, the said employees and officers shall be subject to the rights, duties,  
38 privileges, and responsibilities of the provisions of Division I of the State Personnel and  
39 Pensions Article [that govern classified service employees], with the particular board of

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1 county commissioners or county council, or the Mayor of Baltimore City, as the  
2 appointing officer thereunder.

3 **Article 27 - Crimes and Punishments**

4 679.

5 (b) (2) The deputy is in the [unclassified] EXECUTIVE service of the State  
6 Personnel Management System and serves at the pleasure of the Commissioner.

7 681J.

8 (b) Except as otherwise provided by law, all positions in State Use Industries are  
9 [in the unclassified service of] SPECIAL APPOINTMENTS IN the State Personnel  
10 Management System.

11 (c) All office secretary and office clerk positions in State Use Industries are in the  
12 [classified] SKILLED service [of], WITH THE EXCEPTION OF SPECIAL APPOINTMENTS,  
13 IN the State Personnel Management System.

14 684.

15 (b) (1) (i) [Except for the positions listed in subparagraph (ii) of this  
16 paragraph or as otherwise provided by law, all] ALL officers and employees of the  
17 Department shall be appointed and removed by the Department in accordance with the  
18 provisions of the State Personnel and Pensions Article [that govern the classified  
19 service].

20 (ii) The following positions are in the [unclassified service of]  
21 EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS OF  
22 THE SKILLED SERVICE OR THE PROFESSIONAL SERVICE IN the State Personnel  
23 Management System:

- 24 1. Commissioner;
- 25 2. Deputy commissioner;
- 26 3. Assistant commissioner;
- 27 4. Industries general manager;
- 28 5. Chaplain;
- 29 6. Warden;
- 30 7. Superintendent;
- 31 8. Assistant warden; and
- 32 9. Assistant superintendent.

33 818.

34 The Board, subject to the authority of the Secretary as set forth in Article 41 of the  
35 Code, shall have the following powers and duties:

9

1 (1) To establish and maintain an office and to appoint and prescribe the  
 2 duties of a claims examiner, a secretary, clerks, and any other employees and agents as  
 3 may be necessary. Except as otherwise provided by law, these employees are subject to  
 4 the provisions of the State Personnel and Pensions Article [that govern classified service  
 5 employees];

6 **Article 29 - Washington Suburban Sanitary District**

7 11-116.

8 (b) Except as otherwise provided by law, the provisions of the State Personnel and  
 9 Pensions Article that govern [classified] SKILLED SERVICE AND PROFESSIONAL  
 10 service employees do not apply to the WSSC.

11 **Article 31B - Patuxent Institution**

12 5.

13 (c) (1) Except as provided in paragraph (2) of this subsection or otherwise by  
 14 law, all staff of the Institution are in the [classified] SKILLED SERVICE OR  
 15 PROFESSIONAL service [of], WITH THE EXCEPTION OF SPECIAL APPOINTMENTS, IN  
 16 the State Personnel Management System.

17 (2) The director, the associate directors, all social workers, sociologists,  
 18 physicians, psychologists, and other persons in positions that are determined by the  
 19 Secretary to be professional shall be appointed by the director, with the approval of the  
 20 Secretary, and are in the [unclassified service of] EXECUTIVE SERVICE, MANAGEMENT  
 21 SERVICE, OR ARE SPECIAL APPOINTMENTS IN the State Personnel Management  
 22 System.

23 **Article 33 - Election Code**

24 2-6.

25 (c) (2) If the employees of a board are not covered by a county merit system:

26 (i) The employees shall be in the [classified] SKILLED SERVICE OR  
 27 PROFESSIONAL service [of], WITH THE EXCEPTION OF SPECIAL APPOINTMENTS, IN  
 28 the State Personnel Management System; and

29 (ii) The board may appoint and remove the employees in accordance  
 30 with the provisions of the State Personnel and Pensions Article [that govern classified  
 31 service employees].

32 **Article 38A - Fires and Investigations**

33 7.

34 (a) (2) (ii) The Fire Marshal is in the [unclassified] EXECUTIVE service of  
 35 the State Personnel Management System and can be removed by the Secretary of Public  
 36 Safety and Correctional Services, at any time, for neglect of duty or other conduct  
 37 unbecoming the office. The Commission may recommend to the Secretary the removal of  
 38 the Fire Marshal for cause. Prior to removal, the Fire Marshal shall be given timely notice

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1 by the Secretary with a statement of the charges and an opportunity in person or by  
2 counsel for a public hearing thereon.

3 **Article 41 - Governor - Executive and Administrative Departments**

4 4-103.

5 (b) (2) All staff assistants in the Secretary's office in charge of particular areas  
6 of responsibility and all professional consultants shall be in the [unclassified service of]  
7 EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR SPECIAL APPOINTMENTS IN the  
8 State Personnel Management System and shall serve at the pleasure of the Secretary.

9 (3) Except as otherwise provided by law, all other employees of the  
10 Secretary's office shall be appointed and removed by the Secretary in accordance with the  
11 provisions of the State Personnel and Pensions Article [that govern classified service  
12 employees].

13 4-301.

14 (e) Subject to the authority of the Secretary of Public Safety and Correctional  
15 Services, the Commission is vested with the following powers, authority, responsibilities,  
16 and duties:

17 (7) To appoint, with the approval of the Secretary of Public Safety and  
18 Correctional Services:

19 (i) An Executive Director who shall be [in the unclassified service of]  
20 A SPECIAL APPOINTMENT IN the State Personnel Management System and shall serve at  
21 the pleasure of the Commission, perform general administrative functions, and receive  
22 the compensation set by the Commission; and

23 4-401.

24 (d) The Commission:

25 (9) Shall appoint, with approval of the Secretary of Public Safety and  
26 Correctional Services, an Executive Director who shall be [in the unclassified service of]  
27 A SPECIAL APPOINTMENT IN the State Personnel Management System, and shall serve  
28 at the pleasure of the Commission, perform such administrative functions as the  
29 Commission shall direct, and receive a salary as provided in the budget.

30 4-503.

31 (a) The Commission shall appoint the staff necessary to perform its duties.  
32 However, the activities of the staff may not duplicate or conflict with the functions and  
33 services of the Division of Parole and Probation. Except as otherwise provided by law, the  
34 staff shall be subject to the provisions OF TITLE 6, SUBTITLE 4 of the State Personnel and  
35 Pensions Article [that govern classified service employees].

36 4-1412.

37 (f) Beginning January 1, 1992, the creation and filling of all [classified service]  
38 positions shall be in accordance with the provisions OF TITLE 6, SUBTITLE 4 of the State  
39 Personnel and Pensions Article [that govern classified service employees].  
y of Public Safety and  
26 Correctional Services, an Executive Director who shall b

11

1 6-103.

2 (b) (2) All staff assistants in the Secretary's office in charge of particular areas  
3 of responsibility and all professional consultants shall be in the [unclassified service of]  
4 EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR SPECIAL APPOINTMENTS IN the  
5 State Personnel Management System and shall serve at the pleasure of the Secretary.

6 (3) Except as otherwise provided by law, all other employees of the  
7 Secretary's office shall be appointed and removed by the Secretary in accordance with the  
8 provisions OF TITLE 6, SUBTITLE 4 of the State Personnel and Pensions Article [that  
9 govern classified service employees].

10 6-203.

11 (c) (2) (i) Except as provided in subparagraph (ii) of this paragraph or  
12 otherwise by law, the employees of the Administration shall be subject to the provisions  
13 OF TITLE 6, SUBTITLE 4 of the State Personnel and Pensions Article [that govern  
14 classified service employees].

15 (ii) The Director and the deputy director are in the [unclassified]  
16 EXECUTIVE SERVICE OR MANAGEMENT service of the State Personnel Management  
17 System.

18 (3) Any employee of the Administration who is eligible for transfer to the  
19 [classified service] STATE PERSONNEL MANAGEMENT SYSTEM and who has held this  
20 position for at least six (6) months, shall be so transferred without further probation,  
21 examination, or qualification. An employee transferred to the [classified service] STATE  
22 PERSONNEL MANAGEMENT SYSTEM pursuant to this subsection shall be transferred in  
23 the respective job classification under which the employee is employed at the time of  
24 transfer and shall not receive any diminution in compensation and/or respective amounts  
25 of accumulated leave or sick leave, solely as a result of this transfer.

26 6-405.

27 (c) (2) Except as otherwise provided by law, the employees of the program shall  
28 be subject to the provisions of the State Personnel and Pensions Article [that govern  
29 classified service employees].

30 (3) Any employee of the Office who is eligible for transfer to the [classified  
31 service] STATE PERSONNEL MANAGEMENT SYSTEM and who has held this position for  
32 at least 6 months shall be so transferred without further probation, examination, or  
33 qualification. An employee transferred to the [classified service] STATE PERSONNEL  
34 MANAGEMENT SYSTEM pursuant to this subsection shall be transferred in the respective  
35 job classification under which the employee is employed at the time of transfer and shall  
36 not receive any diminution in compensation or respective amounts of accumulated leave  
37 or sick leave, solely as a result of this transfer.

12

1 **Article 49B - Human Relations Commission**

2 2.

3 (c) (2) The general counsel and any assistant general counsel are [in the  
4 unclassified service of] SPECIAL APPOINTMENTS IN the State Personnel Management  
5 System.

6 **Article 70B - Office on Aging**

7 4.

8 (c) (1) Any individual 70 years old or older is eligible for appointment to any  
9 [permanent classified service] NONTEMPORARY position in the State Personnel  
10 Management System for which the individual qualifies, and the appointment is subject to  
11 the provisions of the State Personnel and Pensions Article [that govern classified service  
12 employees].

13 (2) Any individual who is first appointed to a [permanent classified service  
14 position or unclassified service position] NONTEMPORARY POSITION GOVERNED BY  
15 THE STATE PERSONNEL MANAGEMENT SYSTEM at the age of 70 or older shall not be  
16 eligible for membership in the pension systems of the State.

17 **Article 78 - Public Service Commission Law**

18 17.

19 (a) Except as provided in subsection (b) of this section or otherwise by law, all  
20 personnel of the Commission shall be subject to the provisions of the State Personnel and  
21 Pensions Article [that govern classified service employees].

22 (b) The following are in the [unclassified service of] EXECUTIVE SERVICE,  
23 MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS IN the State Personnel  
24 Management System:

25 (1) Commissioners;

26 (2) Executive Director;

27 (3) General Counsel and assistant general counsels;

28 (4) People's Counsel;

29 (5) Personal staff for the commissioners;

30 (6) Taxicab license hearing officer; and

31 (7) Shorthand reporter of the Commission.

32 **Article 83A - Department of Business and Economic Development**

33 2-102.

34 (b) (4) Except as otherwise provided by law, all other employees of the  
35 Secretary's office shall be appointed and removed by the Secretary in accordance with the  
36 provisions of the State Personnel and Pensions Article that govern [classified service

13

1 employees] SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEES WITH THE  
2 EXCEPTION OF SPECIAL APPOINTMENTS.

3 2-105.

4 (i) (1) Department employees hired after June 30, 1995, shall be in the  
5 [unclassified service of] EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR SPECIAL  
6 APPOINTMENTS IN the State Personnel Management System.

7 (2) If a position is held by a classified service employee on June 30, 1995, the  
8 position remains a classified service position OR ITS EQUIVALENT IN THE STATE  
9 PERSONNEL MANAGEMENT SYSTEM until the position becomes vacant.

10 (3) In accordance with the State budget, the Secretary shall set the  
11 compensation of [classified and unclassified] Department employees.

12 4-606.

13 (c) The executive director shall serve at the pleasure of the Council, subject to the  
14 concurrence of the Secretary, and shall be [in the unclassified service of] A SPECIAL  
15 APPOINTMENT IN the State Personnel Management System.

16 5-908.

17 (d) (2) (i) Except as provided in subparagraph (ii) of this paragraph or  
18 otherwise by law, the Authority shall appoint and remove all personnel in accordance  
19 with the provisions of the State Personnel and Pensions Article [that govern classified  
20 service employees].

21 (ii) The executive director is [in the unclassified service of] A  
22 SPECIAL APPOINTMENT IN the State Personnel Management System.

23 6-403.

24 (b) (1) The Secretary, with the approval of the Governor, shall appoint the  
25 Director of the Administration who shall serve at the pleasure of the Secretary and shall  
26 be [in the unclassified service of] A SPECIAL APPOINTMENT IN the State Personnel  
27 Management System.

28 **Article 83B - Department of Housing and Community Development**

29 1-202.

30 (b) (4) Except as otherwise provided by law, all other employees of the  
31 Secretary's office shall be appointed and removed by the Secretary in accordance with the  
32 provisions of the State Personnel and Pensions Article [that govern classified service  
33 employees].

34 2-202.

35 (a) The Secretary, with the approval of the Governor, shall appoint the Director  
36 of the Administration who shall serve at the pleasure of the Secretary. The position of  
37 Director is in the [unclassified] EXECUTIVE SERVICE OR MANAGEMENT service [of]  
38 IN the State Personnel Management System. The Director shall operate and exercise the  
39 powers of the Administration under the direction of the Secretary in accordance with the

14

1 provisions of this subtitle. The Director shall receive such salary and have such deputies,  
2 assistants, employees and professional consultants as provided in the State budget.

3 5-208.

4 (c) (4) Employees of the Commission are [unclassified] SPECIAL  
5 APPOINTMENTS.

6 5-306.

7 (b) The director shall serve at the pleasure of the Commissioners, subject to the  
8 concurrence of the Secretary, and shall be [in the unclassified service of] A SPECIAL  
9 APPOINTMENT IN the State Personnel Management System.

10 5-405.

11 (b) The administrator shall serve at the pleasure of the Commissioners, subject to  
12 the concurrence of the Secretary, and shall be [in the unclassified service of] A SPECIAL  
13 APPOINTMENT IN the State Personnel Management System.

14 5-609.

15 (e) Positions with the Trust are SPECIAL APPOINTMENTS in [the unclassified  
16 service of] the State Personnel Management System.

17 **Article 83C - Juvenile Justice**

18 2-103.

19 (c) (2) Except as provided in paragraph (4) of this subsection or otherwise by  
20 law, the Secretary shall appoint and remove all staff in accordance with the provisions of  
21 the State Personnel and Pensions Article [that govern classified service employees].

22 (4) All personnel in the Department specified in this paragraph shall be in  
23 the [unclassified] EXECUTIVE SERVICE OR MANAGEMENT service of the State  
24 Personnel Management System and shall be appointed by and serve at the pleasure of the  
25 Secretary:

26 (i) Any assistant secretary;

27 (ii) Any director of an institution; and

28 (iii) The Superintendent of the Youth Centers.

29 (6) All teachers, principals, directors of education, and supervisors of  
30 vocational education who are employed by institutions managed by the Department are in  
31 the [unclassified service of] MANAGEMENT SERVICE OR ARE SPECIAL  
32 APPOINTMENTS IN the State Personnel Management System.

33 **Article 88A - Department of Human Resources**

34 2.

35 (d) (2) Except as otherwise provided by law, appointment and removal of all  
36 paid personnel under this article shall be subject to the provisions of the State Personnel  
37 and Pensions Article [that govern classified service employees].

15

1 13.

2 (b-1) (1) The local director in each county, including Baltimore City, who is  
 3 appointed on or after October 1, 1992, shall be in the [unclassified] EXECUTIVE  
 4 SERVICE OR MANAGEMENT service of the State Personnel Management System.

5 (2) All deputy directors and assistant directors of the Department of Social  
 6 Services of Baltimore City who are appointed after May 1, 1989, shall be in the  
 7 [unclassified] MANAGEMENT service of the State Personnel Management System.

8 (c) Except in Montgomery County, the local director in each county, including  
 9 Baltimore City, shall administer the social service and public assistance activities in the  
 10 respective county, except child support enforcement, in accordance with § 3 of this article.  
 11 Each local director has a general administrative responsibility to the State  
 12 Administration. Specifically, by way of example and not in limitation, each local director  
 13 has the following basic responsibilities:

14 (3) Except as provided in subsection (b-1)(2) of this section or otherwise by  
 15 law, appointment of all personnel of the respective local department in accordance with  
 16 the provisions OF TITLE 6, SUBTITLE 4 of the State Personnel and Pensions Article [that  
 17 govern the classified service];

#### 18 **Article 88B - Department of State Police**

19 15.

20 (b) In supervising and directing the affairs of the Department and in exercising  
 21 the powers referred to in the preceding subsection, the authority of the Secretary shall  
 22 include, but shall not be limited to, the powers:

23 (5) To determine and establish such ranks and grades and, in accordance  
 24 with the provisions OF TITLE 6, SUBTITLE 4 of the State Personnel and Pensions Article  
 25 [that govern classified service employees], such civilian classifications as the Secretary  
 26 may deem necessary and appropriate;

27 17.

28 (a) The Secretary shall, within the limits of any appropriation made for such  
 29 purpose, appoint such employees as are deemed necessary by the Secretary for the  
 30 efficient administration of the Department. All appointments shall be made from a list of  
 31 eligible persons [prepared by the Secretary of Budget and Management] in accordance  
 32 with the provisions of the State Personnel and Pensions Article [that govern classified  
 33 service employees].

34 19.

35 (b) Except as provided in subsection (c) of this section, no police employee shall  
 36 be appointed or promoted to any rank except one which requires technical knowledge,  
 37 unless the employee is bypassing an obsolete rank and currently fills the rank immediately  
 38 below the rank that has been declared obsolete, or has filled the rank immediately below  
 39 that to which the employee is promoted; but as to any noncommissioned rank which  
 40 contains less than twenty-five police employees, the Secretary may by rule direct that it is  
 41 unnecessary to fill such rank for purposes of promotion. Promotion to any

16

1 noncommissioned rank shall be made in the manner prescribed by rule. Promotion to any  
2 commissioned rank, except deputy secretary, shall be made from among those persons  
3 appearing in any position on a list of eligible persons prepared [by the Secretary of  
4 Budget and Management] in accordance with the provisions of the State Personnel and  
5 Pensions Article [that govern classified service employees].

6 (e) Promotions of civilian employees shall be made in accordance with the  
7 provisions of the State Personnel and Pensions Article [that govern classified service  
8 employees].

9 21.

10 Employment of any employee shall terminate upon his death, retirement,  
11 resignation or discharge. Retirement shall occur in accordance with the applicable  
12 provisions of §§ 31 through 37 of this article or the State Personnel and Pensions Article  
13 and, except as to the Secretary, shall be mandatory as provided in § 31(a) of this article or  
14 § 24-401(c) of the State Personnel and Pensions Article. Resignation of an employee  
15 shall not be valid until accepted by the Secretary, but acceptance shall not be withheld  
16 unless proceedings for discharge are contemplated or pending. An employee, other than  
17 a probationary employee, may be discharged only in accordance with the provisions of the  
18 State Personnel and Pensions Article [that govern classified service employees].

19 24.

20 (a) In cases of inconsistency between this article and the provisions of the State  
21 Personnel and Pensions Article [that govern classified service employees], the provisions  
22 of this article shall control as to all matters relating to the Department.

23 (b) Except as expressly provided herein, the provisions of the State Personnel and  
24 Pensions Article [that govern classified service employees] shall not apply to or affect  
25 the compensation, rank, grade or status of any police employee.

26 (c) The compensation, civilian classification, and status of civilian employees shall  
27 be determined in accordance with the provisions of the State Personnel and Pensions  
28 Article [that govern classified service employees], except to the extent that specific  
29 provision is made in this article.

30 **Article - Agriculture**

31 2-102.

32 (d) (1) (ii) Assistants in charge of areas of responsibility and professional  
33 consultants shall be in the [unclassified service of] EXECUTIVE SERVICE,  
34 MANAGEMENT SERVICE, OR SPECIAL APPOINTMENTS IN the State Personnel  
35 Management System and shall serve at the pleasure of the Secretary.

36 (2) Except as otherwise provided by law, the Secretary shall appoint and  
37 remove all other personnel in accordance with the provisions of the State Personnel and  
38 Pensions Article [that govern classified service employees].

39 4-106.

40 The Secretary may enforce the provisions of this subtitle through meat inspectors,  
41 agents, and other employees designated or appointed consistently with the provisions of

17

1 this subtitle. Except as provided in § 4-104 of this subtitle or otherwise by law, all  
2 inspectors shall be employed in ACCORDANCE WITH [the classified service of] THE  
3 PROVISION OF the State Personnel Management System.

4 8-203.

5 (e) (3) (i) Personnel who are employed on or after July 1, 1978, or who have  
6 been employed for fewer than 6 months on the date of application by the district will be  
7 appointed to the [classified] SKILLED SERVICE OR PROFESSIONAL service, WITH THE  
8 EXCEPTION OF SPECIAL APPOINTMENTS, on completion of 6 months of satisfactory  
9 employment with the district, and in conformity with the provisions of this subsection.

10 (ii) Clerical and administrative personnel appointed after the date of  
11 application by the district shall be appointed in conformity with the provisions of the  
12 State Personnel and Pensions Article that govern the [classified] SKILLED SERVICE OR  
13 PROFESSIONAL service, WITH THE EXCEPTION OF SPECIAL APPOINTMENTS.

14 (4) (i) An employee who has been included in the [classified] SKILLED  
15 SERVICE OR PROFESSIONAL service under this subsection shall become a member of the  
16 Employees' Retirement System of the State of Maryland with service credit beginning on  
17 the date the employee is covered in the [classified] SKILLED SERVICE OR  
18 PROFESSIONAL service.

19 **Article - Business Occupations and Professions**

20 16-205.

21 (e) The executive director is [in the unclassified service of] A SPECIAL  
22 APPOINTMENT IN the State Personnel Management System.

23 17-205.

24 (e) The executive director is [in the unclassified service of] A SPECIAL  
25 APPOINTMENT IN the State Personnel Management System.

26 **Article - Business Regulation**

27 2-103.

28 (b) (2) Each staff assistant in the Office of the Secretary in charge of a  
29 particular area of responsibility and each professional consultant is in the [unclassified  
30 service of] EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR IS A SPECIAL  
31 APPOINTMENT IN the State Personnel Management System and is appointed by and  
32 serves at the pleasure of the Secretary.

33 (3) Unless otherwise provided by law, the Secretary shall appoint and  
34 remove all other staff in the Office of the Secretary in accordance with the provisions of  
35 the State Personnel and Pensions Article [that govern classified service employees].

36 8-206.

37 (a) (2) Except as otherwise provided by law, the staff is in the [classified service  
38 of] SKILLED SERVICE OR PROFESSIONAL SERVICE, WITH THE EXCEPTION OF  
39 SPECIAL APPOINTMENTS, IN the State Personnel Management System.

18

1 11-205.

2 (a) (2) The executive director is in the [unclassified] EXECUTIVE service [of]  
3 IN the State Personnel Management System and serves at the pleasure of the Secretary.

4 11-206.

5 (a) With the approval of the Commission and, except as otherwise provided by  
6 law, subject to the provisions of the State Personnel and Pensions Article [that govern  
7 classified service employees], the executive director shall appoint a staff of the  
8 Commission.

9 (b) (4) The stewards and harness judges are [in the unclassified service of]  
10 SPECIAL APPOINTMENTS OF THE SKILLED SERVICE OR THE PROFESSIONAL SERVICE  
11 IN the State Personnel Management System.

12 11-207.

13 (a) On the recommendation of the executive director, the Commission may  
14 employ AS SPECIAL APPOINTMENTS OF THE SKILLED SERVICE OR THE  
15 PROFESSIONAL SERVICE additional employees or agents, including auditors, experts,  
16 guards, inspectors, a breathalyzer operator at each harness racing track, scientists,  
17 Commission secretaries, specimen collectors, veterinarians, and others whom the  
18 Commission considers to be essential at or in connection with a race meeting in the best  
19 interests of racing.

20 **Article - Courts and Judicial Proceedings**

21 1-703.

22 (b) Whenever a general salary increase is awarded to State employees, each judge  
23 shall receive the same percentage increase in salary as awarded to the lowest step of the  
24 highest salary grade for [classified service] employees in the Standard Pay Plan.

25 2-309.

26 (d) (1) (viii) Employees of the Sheriff's office, except the Sheriff, shall be  
27 selected according to the provisions of the State Personnel and Pensions Article [that  
28 govern classified service employees].

29 (2) The Mayor and City Council shall pay monthly to the Sheriff of  
30 Baltimore City one twelfth of the amount provided in the ordinance of estimates for the  
31 expenses of the Sheriff's office. Within 30 days after June 30th in each and every year the  
32 Sheriff of Baltimore City shall pay to the Mayor and City Council of Baltimore any of the  
33 unexpended expense funds advanced during the preceding year and render a detailed  
34 account to the Mayor and City Council of Baltimore of all expense funds received and  
35 expended by him. The Mayor and City Council of Baltimore shall reimburse the State of  
36 Maryland for the administrative costs incurred because the employees of the Sheriff's  
37 office of Baltimore City are in [the classified service of] the State Personnel  
38 Management System.

19

1 2-505.

2 (b) The procedure for appointment and removal of personnel in the clerk's office  
3 shall be as provided by rules adopted by the Court of Appeals. Those rules may provide  
4 whether the positions shall be in [the classified service or unclassified service of] the  
5 State Personnel Management System or in the personnel system of the Judicial Branch.

6 2-601.

7 (b) Except as provided in § 2-602 of this subtitle or otherwise by law, the clerical,  
8 administrative, and constabular employees of the District Court shall be appointed by the  
9 Chief Judge of the District Court on the recommendation of the administrative judge for  
10 the district and shall be in the [classified] SKILLED service [of], WITH THE EXCEPTION  
11 OF SPECIAL APPOINTMENTS, IN the State Personnel Management System.

12 2-604.

13 (b) Constables may serve either full time or part time. Full-time constables are in  
14 the [classified] SKILLED service [of], WITH THE EXCEPTION OF SPECIAL  
15 APPOINTMENTS, IN the State Personnel Management System and shall be paid on the  
16 same salary scale as that set by the Secretary of Budget and Management pursuant to §  
17 2-309(d) of this article for full-time deputy sheriffs in Baltimore City. Part-time  
18 constables are not in the State Personnel Management System, and are paid the  
19 compensation prescribed by the General Assembly, and serve at the pleasure of the Chief  
20 Judge of the District Court.

21 2-607.

22 (b) (4) Except without additional compensation, unless otherwise fixed by law,  
23 [a classified service] AN employee of the District Court, who is an adult, may be granted,  
24 in the same manner, commissioner powers and duties in the county where he is employed.

## 25 **Article - Education**

26 2-104.

27 (b) (1) From the nominees proposed by the State Superintendent, the State  
28 Board shall appoint all professional assistants to the Department, who shall be in the  
29 [unclassified service of] EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR SPECIAL  
30 APPOINTMENTS IN the State Personnel Management System.

31 2-105.

32 (a) Unless otherwise provided by law, the State Superintendent shall appoint and  
33 remove all clerical assistants and other nonprofessional personnel of the Department in  
34 accordance with the provisions of the State Personnel and Pensions Article that govern  
35 the [classified] SKILLED service, WITH THE EXCEPTION OF SPECIAL APPOINTMENTS.

36 (b) The credential secretary and statistician of the Department are [in the  
37 unclassified service of] SPECIAL APPOINTMENTS IN the State Personnel Management  
38 System.

20

1 12-111.

2 (b) After appointment, employees in positions designated by the University shall  
3 be regarded and treated in the same manner as [classified service employees of this  
4 State] SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEES, WITH THE  
5 EXCEPTION OF SPECIAL APPOINTMENTS, IN THE STATE PERSONNEL MANAGEMENT  
6 SYSTEM and:

7 (1) Have all rights and privileges of [classified service employees] SKILLED  
8 SERVICE OR PROFESSIONAL SERVICE EMPLOYEES, WITH THE EXCEPTION OF  
9 SPECIAL APPOINTMENTS, IN THE STATE PERSONNEL MANAGEMENT SYSTEM;

10 (2) Have the right of appeal as provided by law in any case of alleged  
11 injustice;

12 (3) Shall be paid salaries not less than those paid in similar classifications in  
13 other State agencies; and

14 (4) Shall retain their vacation privileges, retirement status, and benefits  
15 under the State retirement systems.

16 14-104.

17 (g) (1) After appointment, employees in positions designated by the University  
18 shall be regarded and treated in the same manner as [classified service employees of this  
19 State] SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEES, WITH THE  
20 EXCEPTION OF SPECIAL APPOINTMENTS, IN THE STATE PERSONNEL MANAGEMENT  
21 SYSTEM and:

22 (i) Have all rights and privileges of [classified service employees]  
23 SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEES, WITH THE EXCEPTION  
24 OF SPECIAL APPOINTMENTS, IN THE STATE PERSONNEL MANAGEMENT SYSTEM;

25 (ii) Have the right of appeal as provided by law in any case of alleged  
26 injustice;

27 (iii) Shall be paid salaries not less than those paid in similar  
28 classifications in other State agencies; and

29 (iv) Shall retain their vacation privileges, accrued sick leave, retirement  
30 status, and benefits under the State retirement systems.

31 14-205.

32 (b) (2) (i) The causes for removal shall conform to the causes for removal of  
33 [classified service employees] SKILLED SERVICE OR PROFESSIONAL SERVICE  
34 EMPLOYEES, WITH THE EXCEPTION OF SPECIAL APPOINTMENTS, that the Secretary of  
35 Budget and Management adopts by regulation.

36 16-505.

37 (c) (2) Except with respect to [classified] SKILLED SERVICE employee  
38 grievance appeals, Title 10, Subtitles 1 and 2 of the State Government Article  
39 ("Administrative Procedure Act") does not apply to the Board of Trustees.

21

1 16-510.

2 (a) Except as provided in subsection (b) of this section or otherwise by law, all  
3 employees of the College are in the [classified] SKILLED service of the State Personnel  
4 Management System.

5 (b) All officers, faculty, and administrative employees of the College are in [the  
6 unclassified service of the State Personnel Management System] AN INDEPENDENT  
7 PERSONNEL SYSTEM.

8 (c) If a [classified] SKILLED service employee was employed by the State in  
9 accordance with subsection (a) of this section, beginning January 1, 1996, the employee's  
10 years of service as an employee of Baltimore City shall be added to the employee's years  
11 of service with the State for the purpose of determining:

12 (1) The annual leave accrual rate provided in § 9-302 of the State Personnel  
13 and Pensions Article;

14 (2) Seniority under Title 11, Subtitle 2 of the State Personnel and Pensions  
15 Article, relating to layoffs; and

16 (3) Seniority under § 4-205(c) of the State Personnel and Pensions Article,  
17 relating to promotions.

18 18-1005.

19 (a) Each year:

20 (2) The Board may:

21 (i) Appoint and remove any other officer or employee it considers  
22 advisable without regard to the provisions of the State Personnel and Pensions Article  
23 [that govern classified service employees]; and

24 24-204.

25 (b) (2) The secretarial, stenographic, clerical, and custodial employees of the  
26 Commission are in the [classified] SKILLED service [of], WITH THE EXCEPTION OF  
27 SPECIAL APPOINTMENTS, IN the State Personnel Management System.

28 (3) All other employees of the Commission are in the [unclassified service  
29 of] EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS  
30 IN the State Personnel Management System.

31 **Article - Environment**

32 1-403.

33 (b) (3) Unless otherwise provided by law, the Secretary shall appoint and  
34 remove all other staff in accordance with the provisions of the State Personnel and  
35 Pensions Article [that govern classified service employees].

22

1 5-201.

2 (b) (2) Subject to the Secretary's authority as provided in Title 1 of this article,  
 3 the Administration's staff shall be appointed and removed in accordance with the  
 4 provisions of the State Personnel and Pensions Article [that govern classified service  
 5 employees].

6 9-1603.

7 (a) The Secretary, with the approval of the Governor, shall appoint the Director  
 8 of the Administration who shall serve at the pleasure of the Secretary. The Director is [in  
 9 the unclassified service of] A SPECIAL APPOINTMENT IN the State Personnel  
 10 Management System. The Director shall operate and exercise the powers of the  
 11 Administration under the direction of the Secretary in accordance with the provisions of  
 12 this subtitle. The Director shall receive such salary and have such deputies, assistants,  
 13 employees, and professional consultants as provided in the State budget.

14 **Article - Family Law**

15 10-117.

16 (c) Any personnel of the local support enforcement office involved in a transfer  
 17 under this section shall [become classified service employees of this State] BE IN THE  
 18 STATE PERSONNEL MANAGEMENT SYSTEM and shall be placed in the position that is  
 19 comparable to or most closely compares to their former position, without further  
 20 examination or qualification. These employees shall be credited with the years of service  
 21 with the jurisdiction for the purpose of determining leave accumulation and shall become  
 22 members of the Employees' Pension System of the State of Maryland. All previous  
 23 pension contributions shall be transferred in accordance with Title 37 of the State  
 24 Personnel and Pensions Article. These employees shall receive no diminution in  
 25 compensation or accumulated leave solely as a result of the transfer. Annual leave in  
 26 excess of that which may be retained annually in the State Personnel Management System  
 27 may be retained at the time of transfer if that accumulation was permitted by the former  
 28 employer.

29 10-119.2.

30 (f) (1) Notwithstanding any other provision of law, all employees hired in the  
 31 demonstration site after October 1, 1995 shall be in the [unclassified service of]  
 32 MANAGEMENT SERVICE OR SPECIAL APPOINTMENTS IN the State Personnel  
 33 Management System.

34 (2) If a position in the demonstration site is held by a classified service  
 35 employee on September 30, 1995, the position remains a classified service position OR ITS  
 36 EQUIVALENT IN THE STATE PERSONNEL MANAGEMENT SYSTEM until the position  
 37 becomes vacant, at which time the position shall become [an unclassified] A  
 38 MANAGEMENT SERVICE OR SPECIAL APPOINTMENT position.

23

1           **Article - Financial Institutions**

2 8-305.

3           (b) Except as provided in subsection (c) of this section or otherwise by law, the  
4 Division Director shall appoint and remove all personnel in accordance with the  
5 provisions of the State Personnel and Pensions Article [that govern classified service  
6 employees].

7           (c) The deputy director is in the [unclassified] MANAGEMENT service of the  
8 State Personnel Management System.

9 10-104.

10           (b) Technical and professional employees are [in the unclassified service of]  
11 SPECIAL APPOINTMENTS IN the State Personnel Management System.

12           **Article - Health - General**

13 2-103.

14           (b) (3) Except as provided in paragraph (5) of this subsection or otherwise by  
15 law, the Secretary shall appoint and remove all other staff in accordance with the  
16 provisions of the State Personnel and Pensions Article [that govern classified service  
17 employees].

18           (5) All personnel in the Department, Grade 18 and above, who administer  
19 or direct a program, shall:

20                       (i) Be in the [unclassified service of] EXECUTIVE SERVICE,  
21 MANAGEMENT SERVICE, OR SPECIAL APPOINTMENTS IN the State Personnel  
22 Management System; and

23 3-304.

24           (b) Except as otherwise provided by law, each health officer is [in the unclassified  
25 service of] A SPECIAL APPOINTMENT IN the State Personnel Management System.

26 4-202.

27           (a) The Secretary shall appoint a State registrar of vital records, who shall be in  
28 the [classified] SKILLED service of the State Personnel Management System.

29 10-408.

30           (d) In addition to any other power or duty that the Director or Secretary  
31 delegates, the administrative head of a State facility shall:

32                       (2) In accordance with the provisions of the State Personnel and Pensions  
33 Article [that govern classified service employees], appoint a staff for the State facility as  
34 needed and as provided in the State budget; and

24

1 10-423.

2 (c) (1) The Superintendent of the Center and each individual in a scientific  
3 position or technical position shall be in the [unclassified service of] MANAGEMENT  
4 SERVICE OR SPECIAL APPOINTMENTS IN the State Personnel Management System.

5 (2) The remaining administrative employees and all clerical employees shall  
6 be in the [classified] SKILLED service [of] IN the State Personnel Management System.

7 19-1505.

8 (c) (1) The executive director, the deputy directors, and the principal section  
9 chiefs shall be [unclassified] EXECUTIVE SERVICE OR MANAGEMENT SERVICE  
10 employees.

11 **Article - Health Occupations**

12 14-204.

13 (d) (2) Staff hired after September 30, 1992, are in the [unclassified service of]  
14 EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS IN  
15 the State Personnel Management System.

16 **Article - Insurance**

17 2-103.

18 (d) The Commissioner is in the [unclassified] EXECUTIVE service of the State  
19 Personnel Management System and is entitled to compensation under the Executive Pay  
20 Plan in accordance with the State budget.

21 2-104.

22 (a) (2) The Deputy Commissioner is in the [unclassified] EXECUTIVE service  
23 of the State Personnel Management System and is entitled to compensation in  
24 accordance with the State budget.

25 2-105.

26 (b) All employees of the Administration that serve in a management, professional,  
27 or technical capacity are in the [unclassified service of] EXECUTIVE SERVICE,  
28 MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS IN the State Personnel  
29 Management System and serve at the pleasure of the Commissioner.

30 (c) The compensation of [unclassified] personnel UNDER SUBSECTION (B) OF  
31 THIS SECTION shall be determined by the Commissioner and, if possible, in accordance  
32 with the State pay plan.

33 2-106.

34 Except as otherwise provided by law, all [classified] SKILLED SERVICE employees  
35 of the Administration shall be appointed and removed by the Commissioner in  
36 accordance with the provisions of Division I of the State Personnel and Pensions Article  
37 that govern [classified] SKILLED service employees.

25

1 20-204.

2 (a) (1) Except as provided in paragraph (2) of this subsection or otherwise by  
3 law, the Executive Director shall appoint and remove staff of the Fund in accordance with  
4 the provisions of the State Personnel and Pensions Article [that govern employees in the  
5 classified service].

6 (2) Positions that the Executive Director designates with the approval of the  
7 Board of Trustees as technical or professional positions are in the [unclassified service  
8 of] EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS  
9 OF THE SKILLED SERVICE OR THE PROFESSIONAL SERVICE IN the State Personnel  
10 Management System.

11 (b) The Executive Director shall determine the compensation of the [unclassified  
12 service] personnel of the Fund DESIGNATED UNDER SUBSECTION (A)(2) OF THIS  
13 SECTION:

14 (1) with the approval of the Board of Trustees; and

15 (2) when possible, in accordance with the State pay plan.

16 **Article - Labor and Employment**

17 2-104.

18 (a) (2) The Deputy Commissioner is in the [unclassified] MANAGEMENT  
19 service [of] IN the State Personnel Management System and serves at the pleasure of the  
20 Commissioner.

21 (b) (2) The Assistant Commissioner is in the [unclassified] MANAGEMENT  
22 service [of] IN the State Personnel Management System and serves at the pleasure of the  
23 Commissioner.

24 (c) (2) The Chief Elevator Inspector:

25 (ii) is subject to the provisions of the State Personnel and Pensions  
26 Article that govern [classified] SKILLED service employees.

27 (d) (2) The Chief Inspector:

28 (ii) is subject to the provisions of the State Personnel and Pensions  
29 Article that govern [classified] SKILLED service employees.

30 (e) (1) Subject to the approval of the Governor, the Commissioner may appoint  
31 a Chief Mediator who shall be [in the unclassified service of] A SPECIAL APPOINTMENT  
32 IN the State Personnel Management System.

33 (f) (2) Each safety inspector:

34 (ii) is subject to the provisions of the State Personnel and Pensions  
35 Article that govern [classified] SKILLED service employees, WITH THE EXCEPTION OF  
36 SPECIAL APPOINTMENTS.

26

1 (g) (2) Except as provided in this section or otherwise by law, all other staff is in  
 2 the [classified] SKILLED SERVICE OR PROFESSIONAL service [of], WITH THE  
 3 EXCEPTION OF SPECIAL APPOINTMENTS, IN the State Personnel Management System.

4 8-303.

5 (d) (1) The head of the Office of Employment Services is the Director who shall  
 6 be appointed by the Secretary in accordance with:

7 (i) the provisions of the State Personnel and Pensions Article [that  
 8 govern classified service employees]; and

9 8-305.

10 (b) (1) In accordance with the provisions of the State Personnel and Pensions  
 11 Article [that govern classified service employees], the Secretary may employ the staff  
 12 necessary to carry out this title.

13 9-305.

14 (a) (2) Except as otherwise provided by law, the staff is in the [classified service  
 15 of the] State Personnel Management System.

16 10-113.

17 (b) (1) Except as provided in paragraph (2) of this subsection, employees of the  
 18 Fund are [unclassified] SPECIAL APPOINTMENTS.

19 (2) A classified employee of the Fund hired before July 1, 1990 in a  
 20 nonprofessional or nontechnical position shall remain a member of the classified service  
 21 OR ITS EQUIVALENT IN THE STATE PERSONNEL MANAGEMENT SYSTEM as long as the  
 22 employee remains in a nonprofessional or nontechnical position with the Fund.

23 (c) (1) [The] EXCEPT AS OTHERWISE PROVIDED BY LAW, THE Board shall  
 24 set compensation for its employees [who are in the unclassified service].

25 (d) (2) [An unclassified] A SPECIAL APPOINTMENT employee of the Fund  
 26 may not be permanently removed unless:

27 (i) written charges are filed;

28 (ii) the employee has an opportunity for a hearing in accordance with  
 29 Title 10, Subtitle 2 of the State Government Article; and

30 (iii) there is cause for removal.

### 31 **Article - Natural Resources**

32 1-101.

33 (d) (2) The Secretary shall appoint, with the approval of the Governor, a deputy  
 34 secretary who shall have the duties provided by law or delegated by the Secretary. The  
 35 deputy secretary is in the [unclassified] EXECUTIVE service of the State Personnel  
 36 Management System, serves at the pleasure of the Secretary, and shall receive the  
 37 compensation provided in the State budget. All assistant secretaries, staff assistants, and  
 38 professional consultants are in the [unclassified service of] EXECUTIVE SERVICE,

27

1 MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS IN the State Personnel  
 2 Management System and are appointed by and serve at the Secretary's pleasure.  
 3 Wherever it is provided by law that the Secretary makes an appointment to a particular  
 4 office within the Department with the approval of the Governor, the Secretary may not  
 5 remove the appointee without first obtaining the Governor's approval.

6 (3) Except as otherwise provided by law, the Secretary shall appoint and  
 7 remove all other personnel in accordance with the provisions of the State Personnel and  
 8 Pensions Article [that govern classified service employees]. The Secretary may delegate  
 9 his authority to appoint or remove personnel of any unit to the administrator of the unit.

10 1-203.

11 (a) The Secretary shall, within the limits of any appropriation made for this  
 12 purpose, appoint Natural Resources police officers as the Secretary deems necessary for  
 13 the efficient administration of the Natural Resources Police Force. All appointments  
 14 shall be made from a list of eligible persons prepared [by the Secretary of Budget and  
 15 Management,] in accordance with the provisions of the State Personnel AND PENSIONS  
 16 Article [that govern classified service employees, or from a list prepared by the  
 17 Department as permitted by the Secretary of Budget and Management].

18 (f) In cases of inconsistency between this subtitle and the provisions of the State  
 19 Personnel and Pensions Article [that govern classified service employees], the provisions  
 20 of this subtitle shall control as to all matters relating to the Natural Resources Police  
 21 Force.

22 3-205.

23 The trustees may appoint a director of the trust to administer its activities subject to  
 24 the trustees' supervision. They may employ other persons as necessary. The director and  
 25 staff are employees of the State, but the director shall not be a member of the  
 26 [classified] SKILLED SERVICE OR PROFESSIONAL service, WITH THE EXCEPTION OF  
 27 SPECIAL APPOINTMENTS. The trustees may remove the director at their will.

28 5-206.

29 (b) The Secretary shall, within the limits of any appropriation made for this  
 30 purpose, commission forest, park, and wildlife rangers as the Secretary deems necessary  
 31 for the enforcement of laws and regulations as provided in this subsection. All  
 32 appointments shall be made from a list of eligible persons prepared [by the Secretary of  
 33 Budget and Management,] in accordance with the provisions of the State Personnel and  
 34 Pensions Article [that govern classified service employees, or from a list prepared by the  
 35 Department as permitted by the Secretary of Budget and Management]. An employee so  
 36 commissioned and assigned law enforcement duties has and may exercise the powers of a  
 37 Natural Resources police officer or a law enforcement officer of the State. These powers  
 38 may be exercised upon:

39 (1) Properties owned by the State and managed by the Department;

40 (2) Railroad rights-of-way and utility properties which are not owned by the  
 41 State, but which traverse properties owned by the State and managed by the Department;

28

1 (3) All public and private properties which are within the boundaries of  
2 State properties managed by the Department;

3 (4) All waters of the State within one mile of the shoreline of all properties  
4 owned by the Department;

5 (5) All public and private property adjoining property owned by the State  
6 and managed by the Department;

7 (6) All park property in Maryland owned by the federal government;

8 (7) All roadways within the boundaries of or that portion of roadway  
9 adjoining properties owned by the State and managed by the Department; and

10 (8) Any property in Maryland for the purpose of executing a warrant that  
11 has resulted from law enforcement activities on property on which a forest, park, and  
12 wildlife ranger may exercise law enforcement powers.

13 (f) In cases of inconsistency between this subtitle and the provisions of the State  
14 Personnel and Pensions Article [that govern classified service employees], the provisions  
15 of this subtitle shall control as to all matters relating to Natural Resources law  
16 enforcement officers.

17 5-218.

18 (h) (3) A youth recruited for the Corps may not be hired through mechanisms  
19 for the employment of [classified] SKILLED SERVICE OR PROFESSIONAL service  
20 employees in the State Personnel Management System and may not earn any of the  
21 benefits of a [classified] SKILLED SERVICE OR PROFESSIONAL service employee, WITH  
22 THE EXCEPTION OF SPECIAL APPOINTMENTS.

23 8-723.

24 (c) Subject to available income, the Department may employ necessary personnel  
25 subject to the provisions of the State Personnel and Pensions Article [that govern  
26 classified service employees].

27 **Article - State Finance and Procurement**

28 3-203.

29 (a) (2) The Deputy Secretary:

30 (i) is in the [unclassified] EXECUTIVE service of the State Personnel  
31 Management System and serves at the pleasure of the Secretary;

32 (c) (2) Each assistant secretary and professional consultant is in the  
33 [unclassified service of] EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR IS A  
34 SPECIAL APPOINTMENT IN the State Personnel Management System and is appointed by  
35 and serves at the pleasure of the Secretary.

36 (3) Except as provided in this section or otherwise by law, the Secretary  
37 shall appoint and remove all other staff in accordance with the provisions of the State  
38 Personnel and Pensions Article [that govern classified service employees].

29

1 3-301.

2 (b) (1) All employees and personnel of the Central Collection Unit shall:

3 (i) except for assistant Attorneys General assigned to the Central  
4 Collection Unit, be [unclassified service employees] IN THE MANAGEMENT SERVICE  
5 OR SPECIAL APPOINTMENTS in the State Personnel Management System who are  
6 appointed by and serve at the pleasure of the Secretary and are not subject to Title 11,  
7 Subtitle 2 of the State Personnel and Pensions Article; and

8 (2) Except for employees in the Executive Pay Plan and any assistant  
9 Attorneys General assigned to the Central Collection Unit, [an unclassified service] A  
10 MANAGEMENT SERVICE OR SPECIAL APPOINTMENT OF THE SKILLED SERVICE OR  
11 THE PROFESSIONAL SERVICE employee of the Central Collection Unit may not be  
12 permanently removed [from the unclassified service] except for cause and until written  
13 charges have been filed and a hearing has been conducted in accordance with Title 10,  
14 Subtitle 2 of the State Government Article. This paragraph does not apply to the removal  
15 of [an unclassified service] A MANAGEMENT SERVICE OR SPECIAL APPOINTMENT  
16 employee because of a layoff that resulted from:

17 (i) a lack of work; or

18 (ii) the lack of an appropriation.

19 4-203.

20 (a) (2) The Deputy Secretary:

21 (i) is in the [unclassified] EXECUTIVE service of the State Personnel  
22 Management System and serves at the pleasure of the Secretary;

23 (b) (2) Each staff assistant in the Office of the Secretary in charge of a  
24 particular area of responsibility and each professional consultant is in the [unclassified  
25 service of] EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR IS A SPECIAL  
26 APPOINTMENT IN the State Personnel Management System and is appointed by and  
27 serves at the pleasure of the Secretary.

28 (3) Except as provided in this section or otherwise by law, the Secretary  
29 shall appoint and remove all other staff in the Office of the Secretary in accordance with  
30 the provisions of the State Personnel and Pensions Article [that govern classified service  
31 employees].

32 4-602.

33 (a) In accordance with the provisions of the State Personnel and Pensions Article  
34 [that govern classified service employees], the Secretary may appoint and remove  
35 superintendents to supervise designated improvements, grounds, and multiservice centers  
36 under the jurisdiction of the Department, including those in Annapolis and Baltimore  
37 City.

38 4-605.

39 (a) (1) In accordance with the provisions of the State Personnel and Pensions  
40 Article [that govern classified service employees], the Secretary may establish a security

30

1 force to protect people and property on or about improvements, grounds, and  
2 multiservice centers under the jurisdiction of the Department.

3 5-203.

4 (b) Each staff assistant in charge of a particular area of responsibility and each  
5 professional consultant is in the [unclassified service of] EXECUTIVE SERVICE,  
6 MANAGEMENT SERVICE, OR IS A SPECIAL APPOINTMENT IN the State Personnel  
7 Management System and is appointed by and serves at the pleasure of the Director.

8 (c) Except as provided in subsection (b) of this section or otherwise by law, the  
9 Director shall appoint and remove all other staff in accordance with the provisions of the  
10 State Personnel and Pensions Article [that govern classified service employees].

11 6-103.

12 (c) Except as otherwise provided by law, the Comptroller shall appoint the Chief  
13 and other employees of the Bureau in accordance with the provisions of the State  
14 Personnel and Pensions Article [that govern classified service employees].

15 7-213.

16 (b) (3) Except as provided in § 8-109 of the State Personnel and Pensions  
17 Article, the Governor may not reduce an appropriation for the salary of any  
18 NONTEMPORARY employee in the [classified service or unclassified service] STATE  
19 PERSONNEL MANAGEMENT SYSTEM.

20 **Article - State Government**

21 8-202.

22 (b) Notwithstanding the placement of a unit in a principal department:

23 (2) a State officer or State employee who is not in the [classified service of  
24 the] State Personnel Management System and is transferred with the unit remains  
25 exempt from the provisions of the State Personnel and Pensions Article [that govern  
26 classified service employees and the regulations adopted under those provisions] unless  
27 the officer or the employee is placed in the [classified service] STATE PERSONNEL  
28 MANAGEMENT SYSTEM in accordance with those provisions; and

29 (3) the head of a unit who is in the [classified service] STATE PERSONNEL  
30 MANAGEMENT SYSTEM or holds the position other than at the pleasure of the Governor  
31 does not cease to be in the [classified service] STATE PERSONNEL MANAGEMENT  
32 SYSTEM or to hold the position other than at the pleasure of the Governor.

33 9-108.

34 (e) (2) Except as provided in paragraph (3) of this subsection or otherwise by  
35 law, the staff of the Commission is in the [classified service of the] State Personnel  
36 Management System.

37 (3) A deputy director is in the [unclassified] EXECUTIVE service of the  
38 State Personnel Management System. However, a deputy director may be removed only  
39 for cause after being given notice and an opportunity for a hearing.

31

1 9-1605.

2 (a) An administrative law judge:

3 (1) shall be a [member of the unclassified service of] SPECIAL  
4 APPOINTMENT IN the State Personnel Management System;

5 10-703.

6 Employees of an abolished or superseded unit who are in the [classified] SKILLED  
7 SERVICE OR PROFESSIONAL service of the State Personnel Management System, WITH  
8 THE EXCEPTION OF SPECIAL APPOINTMENTS:

9 (1) keep their status as [classified] SKILLED SERVICE OR PROFESSIONAL  
10 service employees; and

11 (2) in accordance with the provisions of the State Personnel and Pensions  
12 Article that govern [classified] SKILLED SERVICE OR PROFESSIONAL service  
13 employees and the regulations adopted under them, are eligible for reemployment by the  
14 successor or by another unit in the respective [classified] SKILLED SERVICE OR  
15 PROFESSIONAL service position in the State Personnel Management System.

16 12-401.

17 In this subtitle, "State personnel" means:

18 (1) a regular [classified or unclassified] employee of the State whose  
19 compensation:

20 (i) is provided by a State appropriation; or

21 (ii) is paid wholly or partly from State funds;

22 **Article - State Personnel and Pensions**

23 2-706.

24 (c) A returning veteran who is reinstated under this subtitle is entitled to:

25 (3) any [classified] service status that the veteran had when the veteran  
26 entered military service, with adjustments to reflect the additional seniority credited  
27 under subsection (b) of this section.

28 (d) A returning veteran who is reinstated to a position under this subtitle may not  
29 be discharged from that position within 1 year after reinstatement without substantial  
30 cause and, if the position is a [classified] SKILLED SERVICE OR PROFESSIONAL service  
31 position, WITH THE EXCEPTION OF SPECIAL APPOINTMENTS, only for the reasons and  
32 in the manner provided for [classified] SKILLED SERVICE OR PROFESSIONAL service  
33 employees.

34 2-707.

35 (c) A member of a reserve component who is reinstated to a position under this  
36 section may not be discharged from that position within 6 months after reinstatement  
37 without substantial cause and, if the position is a [classified] SKILLED SERVICE OR

32

1 PROFESSIONAL service position, WITH THE EXCEPTION OF SPECIAL APPOINTMENTS,  
2 only for the reasons and in the manner provided for [classified] SKILLED SERVICE OR  
3 PROFESSIONAL service employees.

4 21-118.

5 (c) (2) Except for employees described in paragraph (3) of this subsection, the  
6 employees are [classified] SKILLED SERVICE OR PROFESSIONAL service employees  
7 subject to the provisions of this article that govern [classified] SKILLED SERVICE OR  
8 PROFESSIONAL service employees.

9 (3) An employee is in the [unclassified service of] EXECUTIVE SERVICE,  
10 MANAGEMENT SERVICE, OR IS A SPECIAL APPOINTMENT IN the State Personnel  
11 Management System if:

12 (i) the employee holds a position that the Executive Director, with the  
13 approval of the Board of Trustees, designates as a professional or technical position that  
14 involves specialized skill, education, and knowledge; and

15 (ii) the employee's labor is predominantly intellectual rather than  
16 manual or physical.

17 22-404.

18 (c) A member qualifies for a pension under subsection (b) of this section if the  
19 member:

20 (3) (ii) has been in the unclassified service [of] OR ITS EQUIVALENT IN  
21 the State continuously from June 30, 1982, until separating from employment; and

22 23-404.

23 (c) A member qualifies for a normal service retirement allowance under  
24 subsection (b) of this section if the member:

25 (3) (ii) has been in the unclassified service [of] OR ITS EQUIVALENT IN  
26 the State continuously from June 30, 1982, until separating from employment; and

27 30-301.

28 An individual is eligible to participate in the program if the individual is eligible for  
29 membership in a retirement system or a pension system and is:

30 (4) an employee of Morgan State University who is not subject to the  
31 provisions of DIVISION I OF the State Personnel and Pensions Article [that govern the  
32 classified service]; or

33 35-204.

34 (c) (3) (i) Except as provided in subparagraph (ii) of this paragraph or  
35 otherwise by law, employees of the Board are [in the classified service and are] subject  
36 to the provisions of Division I of this article that govern [classified service]  
37 NONTEMPORARY employees.

33

1 (ii) Employees of the Board whose labor is predominately intellectual  
 2 and who hold positions that the Board designates as professional or technical positions  
 3 involving specialized skill, education, and knowledge are in the [unclassified service]  
 4 EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS OF  
 5 THE SKILLED SERVICE OR THE PROFESSIONAL SERVICE IN THE STATE PERSONNEL  
 6 MANAGEMENT SYSTEM.

7 **Article - Tax - Property**

8 2-104.

9 (c) The State Supervisor of Assessments and the assessment area supervisors are  
 10 in the [unclassified] MANAGEMENT service of the State Personnel Management System.  
 11 However, they shall hold their positions during good behavior and may be removed from  
 12 their positions only after a hearing before the Department and a finding of incompetency  
 13 or other cause.

14 2-105.

15 (b) (2) Each supervisor:

16 (ii) shall be in the [unclassified] MANAGEMENT service of the State  
 17 Personnel Management System.

18 ~~**Article —Transportation**~~

19 ~~2-102.~~

20 ~~(d) (3) Except as otherwise provided by law, the Secretary shall appoint and~~  
 21 ~~remove all other personnel in accordance with:~~

22 ~~(i) The provisions of the State Personnel and Pensions Article [that~~  
 23 ~~govern classified service employees]; or~~

24 ~~4-208.~~

25 ~~(e) (2) (i) A member of the Maryland Transportation Authority Police Force~~  
 26 ~~is [in the unclassified service of] A SPECIAL APPOINTMENT IN the State Personnel~~  
 27 ~~Management System.~~

28 ~~6-408.~~

29 ~~(b) Each transferred officer and employee covered by and subject to the~~  
 30 ~~provisions of the City Service Commission of Baltimore City as a classified employee is~~  
 31 ~~entitled, without further examination or restriction, to all the rights and privileges and is~~  
 32 ~~subject to all the provisions of the State Personnel and Pensions Article [that govern~~  
 33 ~~classified service employees].~~

34 ~~12-104.~~

35 ~~(d) (2) Except as otherwise provided by law, and subject to § 2-103.4 of this~~  
 36 ~~article, each deputy, officer, and employee of the Administration:~~

37 ~~(i) Is in the [classified service of the] State Personnel Management~~  
 38 ~~System; and~~

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1997.