
By: **Delegate C. Davis**
Introduced and read first time: February 11, 2003
Assigned to: Rules and Executive Nominations
Re-referred to: Appropriations, February 21, 2003

Committee Report: Favorable
House action: Adopted
Read second time: March 21, 2003

CHAPTER 340

1 AN ACT concerning

2 **State Personnel Management System - Department of Juvenile Justice -**
3 **Teachers**

4 FOR the purpose of removing certain teachers from a provision of law that establishes
5 that certain individuals who are employed by institutions managed by the
6 Department of Juvenile Justice are in the management service or are special
7 appointments in the State Personnel Management System; clarifying that
8 certain teachers are in the management service or are special appointments in
9 the State Personnel Management System; and generally relating to teachers
10 employed by institutions managed by the Department of Juvenile Justice and
11 employment categories in the State Personnel Management System.

12 BY repealing and reenacting, without amendments,
13 Article 83C - Juvenile Justice
14 Section 1-101(a) and (b)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2002 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article 83C - Juvenile Justice
19 Section 2-103
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 2002 Supplement)

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

1 **Article 83C - Juvenile Justice**

2 1-101.

3 (a) In this article the following words have the meanings indicated.

4 (b) "Department" means the Department of Juvenile Justice.

5 2-103.

6 (a) With the approval of the Governor, the Secretary may appoint two Deputy
7 Secretaries as necessary.

8 (b) (1) The Deputy Secretaries serve at the pleasure of the Secretary.

9 (2) The Deputy Secretaries are entitled to the salary provided in the
10 State budget.11 (3) The Deputy Secretaries have the duties provided by law or delegated
12 by the Secretary.13 (c) The Secretary shall designate a Deputy Secretary to be the acting
14 secretary when the Secretary is absent from the State or otherwise unavailable.15 (d) (1) The Secretary may employ a staff and retain consultants in
16 accordance with the State budget.17 (2) Except as provided in paragraph (4) of this subsection or otherwise by
18 law, the Secretary shall appoint and remove all staff in accordance with the provisions
19 of the State Personnel and Pensions Article.20 (3) The appointment or removal of staff of any unit in the Department is
21 subject to the approval of the Secretary. As to any unit in the Department, the
22 Secretary may delegate this authority to the head of that unit.23 (4) All personnel in the Department specified in this paragraph shall be
24 in the executive service or management service of the State Personnel Management
25 System and shall be appointed by and serve at the pleasure of the Secretary:

26 (i) Any assistant secretary;

27 (ii) Any director of an institution;

28 (iii) The superintendent of the youth centers; and

29 (iv) The managing director, deputy director, and director of
30 detention at the Baltimore City Juvenile Justice Center.31 (5) All personnel in the Department who are subject to the provisions of
32 paragraph (4) of this subsection shall be prohibited from other employment while
33 employed by the Department, unless express permission is granted by the Secretary.

1 Express permission from the Secretary may not be unreasonably withheld. If the
2 Secretary grants permission to engage in other employment, the employee shall
3 disclose to the Secretary the source and amount of all income earned from that other
4 employment.

5 (6) All teachers WHO DO NOT HOLD A CERTIFICATE UNDER TITLE 6,
6 SUBTITLE 1 OF THE EDUCATION ARTICLE, principals, directors of education, and
7 supervisors of vocational education who are employed by institutions managed by the
8 Department are in the management service or are special appointments in the State
9 Personnel Management System.

10 (7) The Department shall:

11 (i) Adopt a code of conduct for personnel of the Department; and

12 (ii) Require private agencies under contract with the Department
13 to adopt a code of conduct for private agency staff that is in substantial compliance
14 with the code of conduct for personnel of the Department.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2003.