

# HOUSE BILL 1250

P4

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By: **Delegates Boteler, Aumann, Bartlett, Bates, Beitzel, Benson, Donoghue, Elliott, Elmore, Frank, Holmes, Impallaria, Jennings, Kach, McKee, Myers, O'Donnell, Shewell, Smigiel, Sossi, Stein, Stocksdale, Stull, and Weir**

Introduced and read first time: February 21, 2007

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Appointments in Skilled and Professional Services –**  
3 **Veterans**

4 FOR the purpose of requiring the Department of Budget and Management to adopt a  
5 uniform numerical point rating system for determining if a candidate meets  
6 certain qualifications; requiring an appointing authority to use a certain  
7 selection process that ensures compliance with State and federal laws and  
8 consistency in recruitment and hiring; requiring an appointing authority to  
9 apply a credit of a certain number of points to the examination score or rating  
10 score of certain eligible veterans, spouses of certain eligible veterans, former  
11 prisoners of war, or eligible veterans who are recipients of a Purple Heart  
12 applying for certain positions in the State Personnel Management System;  
13 requiring an appointing authority to consider service in the armed forces of the  
14 United States under certain circumstances in the evaluation of relevant work  
15 experience; requiring certain eligible veterans that are laid off to be considered  
16 to displace certain other employees under certain circumstances; making a  
17 certain conforming change; defining a certain term; and generally relating to  
18 appointments in the State Personnel Management System and veterans.

19 BY repealing and reenacting, with amendments,  
20 Article – State Personnel and Pensions  
21 Section 7–201(c), 7–206(a), 7–207(a) and (c), and 11–207  
22 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2004 Replacement Volume and 2006 Supplement)

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

4 **Article – State Personnel and Pensions**

5 7–201.

6 (c) To ensure compliance with State and federal employment laws and to  
7 ensure consistency in recruitment and hiring practices in the State Personnel  
8 Management System, the Department shall:

9 (1) assist units in developing application forms, position selection  
10 plans, selection tests, and announcement forms; [and]

11 **(2) ADOPT A UNIFORM NUMERICAL POINT RATING SYSTEM FOR**  
12 **DETERMINING IF A CANDIDATE MEETS THE MINIMUM QUALIFICATIONS FOR THE**  
13 **CLASS OF THE POSITION AND ANY SELECTIVE QUALIFICATIONS; AND**

14 **[(2)] (3)** review and audit recruitment and hiring practices of all  
15 appointing authorities at least once every 3 years.

16 7–206.

17 (a) (1) An appointing authority [may] **SHALL** use [any appropriate] A  
18 selection process **DEVELOPED IN ACCORDANCE WITH § 7–201(C) OF THIS**  
19 **SUBTITLE** to rate qualified applicants.

20 (2) A unit must be able to establish the job relatedness, reliability, and  
21 validity of the selection tests that it uses.

22 7–207.

23 (a) **[A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**  
24 credit under this section shall be applied to an applicant's score on any selection test  
25 administered to establish placement on a list of eligible candidates for which the  
26 applicant otherwise is qualified and has at least the minimum passing score on a  
27 selection test.

28 (c) (1) In this subsection, “eligible veteran” means a veteran of any  
29 branch of the armed forces of the United States who has received an honorable

1 discharge or a certificate of satisfactory completion of military service, including the  
2 National Guard and the military reserves.

3 (2) (i) An appointing authority shall apply a credit of ten points  
4 [on any selection test] **TO THE EXAMINATION SCORE OR RATING SCORE** for:

- 5 1. an eligible veteran;
- 6 2. the spouse of an eligible veteran who has a service  
7 connected disability; or
- 8 3. the surviving spouse of a deceased eligible veteran.

9 (ii) An appointing authority shall apply a credit of two  
10 additional points [on any selection test for] **TO THE EXAMINATION SCORE OR**  
11 **RATING SCORE FOR:**

- 12 1. an eligible veteran who has a service connected  
13 disability; [or]
- 14 2. a former prisoner of war; **OR**
- 15 3. **AN ELIGIBLE VETERAN WHO IS A PURPLE HEART**  
16 **RECIPIENT.**

17 (3) The following applicants are ineligible for a credit under this  
18 subsection:

- 19 (i) a current State employee; and
- 20 (ii) an eligible veteran who is convicted of a crime after being  
21 discharged from or completing military service.

22 (4) **IN EVALUATING RELEVANT WORK EXPERIENCE FOR AN**  
23 **APPLICANT, THE APPOINTING AUTHORITY SHALL CONSIDER AN ELIGIBLE**  
24 **VETERAN'S SERVICE IN THE ARMED FORCES OF THE UNITED STATES AS:**

25 (I) **AN EXTENSION OF THE WORK PERFORMED**  
26 **IMMEDIATELY PRIOR TO THE SERVICE;**

1                   **(II) EXPERIENCE BASED ON THE ACTUAL DUTIES**  
2 **PERFORMED IN THE SERVICE; OR**

3                   **(III) A COMBINATION OF BOTH.**

4 11-207.

5           (a) An employee being laid off may displace another employee who has the  
6 least seniority points:

7                   (1) in the same class or job series as the employee being laid off; or

8                   (2) in any other class in which the laid-off employee previously held  
9 satisfactory nonprobationary status within the 36 months immediately prior to the  
10 effective date of the layoff.

11           (b) Subsection (a) of this section shall apply:

12                   (1) first to the employee's current appointing authority regardless of  
13 geographical area;

14                   (2) if the provisions in paragraph (1) of this subsection are not  
15 available, to the employee's current principal unit; or

16                   (3) a secretary or head of a State principal unit may limit the  
17 displacement within the principal unit to one or more of the established geographical  
18 areas as prescribed by the Secretary.

19           **(C) (1) IN THIS SUBSECTION, "ELIGIBLE VETERAN" HAS THE**  
20 **MEANING STATED IN § 7-207(C) OF THIS ARTICLE.**

21                   **(2) AN ELIGIBLE VETERAN WITH A 10% OR HIGHER DISABILITY**  
22 **RATING BEING LAID OFF SHALL BE CONSIDERED TO DISPLACE ANOTHER**  
23 **EMPLOYEE BEFORE OTHER EMPLOYEES IN THE SAME CLASS AND WITH THE**  
24 **SAME AMOUNT OF SENIORITY POINTS.**

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2007.