

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**

Senate Bill 63

(Chair, Judicial Proceedings Committee)(By Request -  
Departmental - Public Safety and Correctional Services)

Finance

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**Police and Correctional Training Commissions - Staff - Appointing and  
Supervisory Authority**

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This departmental bill alters the appointing and supervisory authority of the executive director, the deputy director, and specified other employees of the Police and Correctional Training Commissions in the Department of Public Safety and Correctional Services (DPSCS).

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**Fiscal Summary**

**State Effect:** None. Altering the appointment processes and staff classification for the commissions does not affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** DPSCS has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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**Analysis**

**Bill Summary:** The bill specifies that:

- the executive director of each commission must be appointed by the Secretary of Public Safety and Correctional Services, rather than by the respective commission with the Secretary's approval;
- the executive director serves at the pleasure of the Secretary, rather than the pleasure of the respective commission;

- the deputy director and other necessary employees of each commission must be appointed by the executive director, rather than by the respective commission with the Secretary's approval;
- the deputy director and other appointed employees of each commission serve at the pleasure of the executive director, rather than the pleasure of the respective commission; and
- the executive director, deputy director, and other appointed employees of each commission must be classified as special appointees within the State Personnel Management System.

The bill eliminates a provision whereby the affected employees are entitled to receive compensation as established by their respective commission in accordance with the State budget.

The bill specifies that its provisions must not be construed to supplement any existing contractual rights or currently existing obligations to skilled service employees of the commissions.

**Current Law:** The Maryland Police and Correctional Training Commissions are the primary providers of correctional entrance level training, and mandated police and correctional administrator, supervisor and instructor training in Maryland. Both commissions operate within DPSCS.

The executive director, deputy director, and all other necessary appointed employees of each commission must be appointed by the respective commission with the Secretary's approval. All of these affected positions serve at the pleasure of the respective commission. The executive director, deputy director, and other appointed employees of each commission are entitled to receive compensation as established by their respective commission in accordance with the State budget.

Certain individuals in the skilled service, professional service, management service, or executive service are considered special appointments, including individuals who are directly appointed by the Board of Public Works; employed to perform a significant policy function; responsible for providing direct support to a member of the executive service, as determined by the Secretary of Budget and Management; or appointed by the Governor to a position not provided for in the Maryland Constitution.

Special appointment positions may be filled with regard to political affiliation if the position relates to political interests and requires input into the policy-making process. Positions that provide access to confidential information, or require the provision of direct advice or services to an appointing authority, may also be filled with regard to political affiliation.

**Background:** According to DPSCS, each commission now has the authority to appoint and terminate the executive director and deputy director of the commissions. These actions must be the unanimous decision of the commission members. Each covered staff person is under the direction of the Secretary.

The Department of Budget and Management advises that the appointed employees affected under the bill are already classified as special appointees within the State Personnel Management System.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Budget and Management, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - January 28, 2011  
mc/hlb

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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Police and Correctional Training Commissions – Staff – Appointing and Supervisory Authority

BILL NUMBER: SB 63

PREPARED BY: Department of Public Safety and Correctional Services

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

☒ WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

☐ WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.