

HOUSE BILL 1213

P4

3lr2176
CF SB 724

By: **Delegates Frick, Gutierrez, Guzzone, Jones, B. Robinson, and Zucker**

Introduced and read first time: February 8, 2013

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Program to Improve Employee to Supervisor Ratio and**
3 **Employee Span of Control Review Board**

4 FOR the purpose of requiring the Secretary of Budget and Management, in
5 collaboration with the heads of units in the Executive Branch of State
6 Government, to establish a program to improve the ratio of certain State
7 employees to supervisors beginning on certain dates; requiring the Secretary to
8 waive certain requirements under certain circumstances; providing that certain
9 program requirements do not apply under certain circumstances; establishing
10 the Employee Span of Control Review Board; providing for the membership of
11 the Board; requiring the Department of Budget and Management to provide
12 staff for the Board; requiring the Board to establish certain guidelines for a
13 certain program and to consider requests for certain waivers or delayed
14 implementation dates for certain units of State government; authorizing certain
15 agency heads or presidents of public institutions of higher education to request
16 certain waivers or delays beginning on a certain date; prohibiting certain Board
17 members from participating in certain decisions under certain circumstances;
18 requiring the Board to provide certain notice to certain units of State
19 government; requiring certain agency heads or presidents of public institutions
20 of higher education to provide certain documentation describing certain efforts;
21 requiring the Board to make a certain determination before approving a waiver
22 or delay; requiring the Secretary to report to the Governor and the General
23 Assembly on or before a certain date each year; providing for the contents of the
24 report; providing for the application of this Act; defining a certain term; and
25 generally relating to a program to improve the ratio of Executive Branch
26 employees to supervisors and the Employee Span of Control Review Board.

27 BY repealing and reenacting, with amendments,
28 Article – State Personnel and Pensions
29 Section 4–107
30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2009 Replacement Volume and 2012 Supplement)

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

Article – State Personnel and Pensions

4–107.

(A) For efficiency and economy in State government, the Secretary shall:

(1) conduct reviews of positions in the State Personnel Management System; and

(2) recommend to the appointing authority a plan of reorganization, reassignment, or elimination of the positions reviewed.

(B) (1) IN THIS SUBSECTION, “SPAN OF CONTROL” MEANS THE AGGREGATE RATIO OF STATE EMPLOYEES PER SUPERVISOR FOR ALL UNITS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(2) THIS SUBSECTION APPLIES TO ALL EMPLOYEES OF ALL UNITS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, INCLUDING A UNIT WITH AN INDEPENDENT PERSONNEL SYSTEM.

(3) THE SECRETARY, IN COLLABORATION WITH THE HEADS OF EXECUTIVE BRANCH UNITS, SHALL ESTABLISH A PROGRAM TO IMPROVE THE SPAN OF CONTROL IN EFFECT AS OF JULY 1, 2013, TO THE FOLLOWING:

(I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, A SPAN OF CONTROL OF 14 STATE EMPLOYEES PER SUPERVISOR; AND

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, A SPAN OF CONTROL OF 15 STATE EMPLOYEES PER SUPERVISOR.

(4) (I) THE SECRETARY SHALL WAIVE THE REQUIREMENTS OF THIS SUBSECTION ON A REQUEST FROM A UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT WITH 28 OR FEWER POSITIONS.

(II) THE REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY TO A PROGRAM OR FUNCTION OF A UNIT IF AN EMPLOYEE PER SUPERVISOR RATIO IS MANDATED BY FEDERAL LAW.

(5) (I) THERE IS AN EMPLOYEE SPAN OF CONTROL REVIEW BOARD.

1 **(II) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:**

2 1. **THE SECRETARY OF BUDGET AND MANAGEMENT,**
3 **OR THE SECRETARY'S DESIGNEE;**

4 2. **THE SECRETARY OF TRANSPORTATION, OR THE**
5 **SECRETARY'S DESIGNEE;**

6 3. **THE CHANCELLOR OF THE UNIVERSITY SYSTEM**
7 **OF MARYLAND, OR THE CHANCELLOR'S DESIGNEE;**

8 4. **THREE EXECUTIVE BRANCH AGENCY OR UNIT**
9 **HEADS APPOINTED BY THE GOVERNOR; AND**

10 5. **ONE MEMBER OF THE PUBLIC APPOINTED BY THE**
11 **GOVERNOR FROM A LIST PROVIDED BY THE EXCLUSIVE REPRESENTATIVES OF**
12 **EXECUTIVE BRANCH EMPLOYEES.**

13 **(III) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE**
14 **BOARD.**

15 **(IV) THE BOARD SHALL:**

16 1. **ESTABLISH GUIDELINES FOR THE**
17 **IMPLEMENTATION OF THE PROGRAM REQUIRED UNDER PARAGRAPH (3) OF**
18 **THIS SUBSECTION; AND**

19 2. **CONSIDER REQUESTS FOR WAIVERS AND**
20 **DELAYED IMPLEMENTATION DATES FOR THE AFFECTED UNITS IN THE**
21 **EXECUTIVE BRANCH OF STATE GOVERNMENT.**

22 **(V) 1. BEGINNING JULY 1, 2014, AN AGENCY HEAD OR A**
23 **PRESIDENT OF A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY APPLY TO**
24 **THE BOARD FOR A WAIVER OR DELAY FROM MEETING THE PROGRAM**
25 **REQUIREMENTS UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

26 2. **IF AN AGENCY HEAD OR A PRESIDENT OF A**
27 **PUBLIC INSTITUTION OF HIGHER EDUCATION IS A BOARD MEMBER AND**
28 **REQUESTS A WAIVER OR DELAY UNDER SUBSUBPARAGRAPH 1 OF THIS**
29 **SUBPARAGRAPH, THE BOARD MEMBER MAY NOT PARTICIPATE IN THE DECISION**
30 **TO APPROVE THE REQUEST.**

1 **(VI) 1. THE BOARD SHALL NOTIFY ALL UNITS IN THE**
2 **EXECUTIVE BRANCH OF STATE GOVERNMENT REGARDING THE INFORMATION**
3 **REQUIRED, INCLUDING ADEQUATE JUSTIFICATION, FOR THE BOARD TO**
4 **CONSIDER A REQUEST FOR A WAIVER OR DELAY UNDER SUBPARAGRAPH (V) OF**
5 **THIS PARAGRAPH.**

6 **2. AN AGENCY HEAD OR A PRESIDENT OF A PUBLIC**
7 **INSTITUTION OF HIGHER EDUCATION THAT APPLIES FOR A WAIVER OR DELAY**
8 **SHALL PROVIDE DETAILED DOCUMENTATION TO THE BOARD DESCRIBING THE**
9 **EFFORTS MADE TO MEET THE APPLICABLE PROGRAM TARGETS UNDER**
10 **PARAGRAPH (3) OF THIS SUBSECTION.**

11 **3. BEFORE APPROVING A WAIVER OR DELAY, THE**
12 **BOARD SHALL DETERMINE WHETHER THE AFFECTED UNIT HAS PROVIDED**
13 **SUFFICIENT INFORMATION AND JUSTIFICATION, INCLUDING THE UNIT'S**
14 **ATTEMPTS TO ELIMINATE VACANT POSITIONS, REORGANIZE THE UNIT, OR**
15 **REASSIGN PERSONNEL FOR APPROVAL OF THE WAIVER OR DELAY.**

16 **(6) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE**
17 **SECRETARY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §**
18 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY,**
19 **REGARDING:**

20 **(I) THE EFFECT OF THE PROGRAM ON:**

- 21 **1. THE COMPOSITION OF THE STATE WORKFORCE;**
- 22 **2. COST SAVINGS FOR STATE GOVERNMENT; AND**
- 23 **3. GOVERNMENT EFFICIENCY; AND**

24 **(II) ANY OTHER OUTCOMES THE SECRETARY CONSIDERS TO**
25 **BE SIGNIFICANT.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2013.