

SENATE BILL 724

P4

3lr2228
CF 3lr2176

By: **Senator Madaleno**

Introduced and read first time: February 1, 2013

Assigned to: Finance

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.



1 (2009 Replacement Volume and 2012 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 4–107.

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

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

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

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

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

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

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

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

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

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

30 **(5) (I) THERE IS AN EMPLOYEE SPAN OF CONTROL REVIEW**
31 **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.