

## Chapter 633

(House Bill 1025)

AN ACT concerning

### State Personnel – Contractual Employees – ~~Preferences~~ Filling of Vacant Positions

FOR the purpose of requiring that certain selection plans for certain employment in the State Personnel Management System include information that selection for a certain position may be limited to consideration of certain contractual employees; authorizing certain appointing authorities to select certain candidates from a list of certain contractual employees; requiring an appointing authority to take certain actions if certain contractual employees may be eligible for a certain position; ~~requiring an appointing authority to apply a certain credit on certain selection tests for certain contractual employees;~~ requiring certain independent personnel systems in State government to ~~provide certain hiring preferences for~~ include consideration of hiring certain contractual employees; and generally relating to hiring contractual employees for positions in State government.

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section 12–111, 14–104(h)(1), 14–408(a), and 16–510(a)  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section 7–202, 7–203, and 7–204(c), ~~and 7–207(b)~~  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 2–103.4(a)  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2013 Supplement)

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

#### Article – Education

12-111.

(a) Except as otherwise provided by law, appointments of the University System of Maryland are not subject to or controlled by the provisions of the State Personnel and Pensions Article that govern the State Personnel Management System.

(b) In accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Regents shall establish general policies and guidelines governing the appointment, compensation, advancement, tenure, and termination of all classified personnel.

**(C) THE POLICIES ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE ~~A PREFERENCE FOR~~ CONSIDERATION OF HIRING A CONTRACTUAL EMPLOYEE TO FILL A VACANT POSITION IN THE SAME OR SIMILAR CLASSIFICATION IN WHICH THE CONTRACTUAL EMPLOYEE IS EMPLOYED.**

14-104.

(h) (1) (i) On the recommendation of the President, and in accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Regents shall establish general standards and guidelines governing the appointment, compensation, advancement, tenure, and termination of all faculty, executive staff, and professional administrative personnel in the University.

(ii) Subject to such standards and guidelines, and in accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the President may:

1. Adopt additional personnel policies, **INCLUDING ~~A PREFERENCE FOR~~ CONSIDERATION OF HIRING A CONTRACTUAL EMPLOYEE TO FILL A VACANT POSITION IN THE SAME OR SIMILAR CLASSIFICATION IN WHICH THE CONTRACTUAL EMPLOYEE IS EMPLOYED;** and

2. Approve individual personnel actions affecting the terms and conditions of academic and administrative appointments.

14-408.

(a) (1) **(I)** On the recommendation of the President, and in accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Trustees of St. Mary's College of Maryland shall establish a personnel system.

**(II) THE PERSONNEL SYSTEM ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE PROVISIONS FOR ~~A PREFERENCE FOR~~ CONSIDERATION OF HIRING A CONTRACTUAL EMPLOYEE TO FILL A VACANT POSITION IN THE SAME OR SIMILAR CLASSIFICATION IN WHICH THE CONTRACTUAL EMPLOYEE IS EMPLOYED.**

(2) To carry out the requirements of this section, the Board:

(i) May establish and abolish positions;

(ii) May determine employee qualifications;

(iii) May establish terms of employment, including compensation, benefits, holiday schedules, and leave policies;

(iv) May determine any other matters concerning employees;  
and

(v) Shall designate one or more representatives to participate as a party in collective bargaining on behalf of the College in accordance with Title 3 of the State Personnel and Pensions Article.

16-510.

(a) **(1)** All employees of the College are in an independent personnel system.

**(2) THE PERSONNEL SYSTEM ESTABLISHED UNDER THIS SUBSECTION SHALL INCLUDE PROVISIONS FOR ~~A PREFERENCE FOR~~ CONSIDERATION OF HIRING A CONTRACTUAL EMPLOYEE TO FILL A VACANT POSITION IN THE SAME OR SIMILAR CLASSIFICATION IN WHICH THE CONTRACTUAL EMPLOYEE IS EMPLOYED.**

**Article – State Personnel and Pensions**

7-202.

(a) When a skilled service or professional service position is to be filled, the unit shall complete a position selection plan for the position.

(b) A position selection plan shall contain the information about the position that the Secretary requires, including:

(1) a position description described in § 7-102 of this title;

(2) the minimum qualifications for the class of the position and any selective qualifications required for appointment to the position;

(3) any limitations on selection for the position, including those that limit consideration to:

(i) current State or unit employees;

**(II) CURRENT CONTRACTUAL EMPLOYEES;**

~~[(ii)]~~ **(III)** promotional candidates; or

~~[(iii)]~~ **(IV)** candidates indicating a willingness to work in a location; and

(4) if applicants for the position are to be recruited, the:

(i) location for submitting applications;

(ii) manner for posting the position announcement in the unit;

(iii) method and length of time for advertising the position;

(iv) closing date to receive applications for the position;

(v) plan of development of any selection test to be administered to qualified applicants; and

(vi) duration of the list of eligibles that results from the recruitment.

(c) The appointing authority shall:

(1) approve or disapprove each position selection plan;

(2) authorize funding for approved plans; and

(3) send a copy of an approved selection plan to the equal employment opportunity officer of the unit.

7-203.

An appointing authority may select candidates for a position:

(1) from an existing list of eligible candidates;

(2) if the appointing authority decides to recruit for the position, by recruitment; [or]

(3) from a special list of eligible candidates whom the Division of Rehabilitation Services of the Department of Education certifies as being physically capable and adequately trained to qualify for the position; **OR**

**(4) FROM A LIST OF CONTRACTUAL EMPLOYEES PERFORMING THE SAME OR SIMILAR DUTIES OF THE POSITION.**

7-204.

(c) For a vacant position under this subtitle, the appointing authority shall:

(1) send a copy of the selection plan and job announcement to the Secretary at least 1 week before posting the job announcement to assure public access;

(2) if current employees **OR CONTRACTUAL EMPLOYEES** in the unit may be eligible for the position:

(i) post the job announcement for at least 2 weeks before the deadline for submitting applications, in at least one centralized location in that unit that is accessible to all employees; and

(ii) use any other method reasonably calculated to give eligible employees notice of the vacancy; and

(3) advertise the position vacancy at least 2 weeks before the deadline for submitting applications by:

(i) making available a job announcement to all appropriate State agencies, based on selection limitations; and

(ii) using any other method that is reasonably calculated to ensure a sufficient pool of applicants, including printed advertisements in newspapers and journals, paper and electronic bulletin board postings, and special notices.

~~7-207.~~

~~(b) (1) For a current State employee, an appointing authority shall apply a credit on a selection test, of one quarter point for each year of service in State government, up to a maximum of five points for 20 years of State service.~~

~~(2) FOR A CURRENT CONTRACTUAL STATE EMPLOYEE WHO HAS BEEN EMPLOYED IN THE SAME OR SIMILAR POSITION, AN APPOINTING AUTHORITY SHALL APPLY A CREDIT ON A SELECTION TEST OF 10 POINTS.~~

**Article – Transportation**

2-103.4.

(a) Without regard to the laws of this State relating to other State employees, the Secretary of Transportation may establish a human resources management system for employees of the Department and its units. Any human resources management system that the Secretary establishes under this section shall:

(1) Be based on merit;

(2) Include fair and equitable procedures for appointment, hiring, promotion, layoff, removal, termination, redress of grievances, and reinstatement of employees; [and]

**(3) INCLUDE ~~A PREFERENCE FOR~~ CONSIDERATION OF HIRING A CONTRACTUAL EMPLOYEE TO FILL A VACANT POSITION IN THE SAME OR SIMILAR CLASSIFICATION IN WHICH THE CONTRACTUAL EMPLOYEE IS EMPLOYED; AND**

**[(3)] (4)** Permit employees to participate in the pension and retirement systems for employees of the State of Maryland authorized under Division II of the State Personnel and Pensions Article or any other pension and retirement systems authorized by law.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 15, 2014.**