

# HOUSE BILL 1025

P4

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By: **Delegates Hixson, Gutierrez, Guzzone, Haynes, Jones, Proctor,  
B. Robinson, Sophocleus, Swain, M. Washington, and Zucker**

Introduced and read first time: February 6, 2014

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Personnel – Contractual Employees – ~~Preferences~~ Filling of Vacant**  
3 **Positions**

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

16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 12–111, 14–104(h)(1), 14–408(a), and 16–510(a)  
19 Annotated Code of Maryland  
20 (2008 Replacement Volume and 2013 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – State Personnel and Pensions

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 7-202, 7-203, and 7-204(c), ~~and 7-207(b)~~  
 2 Annotated Code of Maryland  
 3 (2009 Replacement Volume and 2013 Supplement)

4 BY repealing and reenacting, with amendments,  
 5 Article – Transportation  
 6 Section 2-103.4(a)  
 7 Annotated Code of Maryland  
 8 (2008 Replacement Volume and 2013 Supplement)

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

11 **Article – Education**

12 12-111.

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

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

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

25 14-104.

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

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

34 1. Adopt additional personnel policies, **INCLUDING ~~A~~**  
 35 **~~PREFERENCE FOR~~ CONSIDERATION OF HIRING A CONTRACTUAL EMPLOYEE TO**

1 **FILL A VACANT POSITION IN THE SAME OR SIMILAR CLASSIFICATION IN WHICH**  
2 **THE CONTRACTUAL EMPLOYEE IS EMPLOYED; and**

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

5 14-408.

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

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

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

16 (i) May establish and abolish positions;

17 (ii) May determine employee qualifications;

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

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

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

25 16-510.

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

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



1 (2) authorize funding for approved plans; and

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

4 7-203.

5 An appointing authority may select candidates for a position:

6 (1) from an existing list of eligible candidates;

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

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

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

14 7-204.

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

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

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

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

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

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

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

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

