

# 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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## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Contractual Employees – Preferences**

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

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

20 BY repealing and reenacting, with amendments,  
21 Article – State Personnel and Pensions  
22 Section 7–202, 7–203, 7–204(c), and 7–207(b)  
23 Annotated Code of Maryland  
24 (2009 Replacement Volume and 2013 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article – Transportation  
27 Section 2–103.4(a)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2008 Replacement Volume and 2013 Supplement)

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

5 **Article – Education**

6 12–111.

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

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

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

18 14–104.

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

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

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

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

33 14–408.

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

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

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

11                           (i)   May establish and abolish positions;

12                           (ii)   May determine employee qualifications;

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

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

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

20 16-510.

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

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

28                                   **Article – State Personnel and Pensions**

29 7-202.

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

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

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

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

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

8 (i) current State or unit employees;

9 **(II) CURRENT CONTRACTUAL EMPLOYEES;**

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

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

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

14 (i) location for submitting applications;

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

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

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

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

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

22 (c) The appointing authority shall:

23 (1) approve or disapprove each position selection plan;

24 (2) authorize funding for approved plans; and

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

27 7–203.

1 An appointing authority may select candidates for a position:

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

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

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

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

10 7-204.

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

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

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

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

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

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

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

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

28 7-207.

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

