

Article - State Personnel and Pensions

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§3–102.

(a) Except as provided in this title or as otherwise provided by law, this title applies to:

- (1) all employees of:
 - (i) the principal departments within the Executive Branch of State government;
 - (ii) the Maryland Insurance Administration;
 - (iii) the State Department of Assessments and Taxation;
 - (iv) the State Lottery and Gaming Control Agency;
 - (v) the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College;
 - (vi) the Comptroller;
 - (vii) the Maryland Transportation Authority who are not police officers;
 - (viii) the State Retirement Agency; and
 - (ix) the State Department of Education; and

(2) all full-time Maryland Transportation Authority police officers at the rank of first sergeant and below.

(b) This title does not apply to:

- (1) employees of the Maryland Transit Administration, as that term is defined in § 7–601(a)(2) of the Transportation Article;
- (2) an employee who is elected to the position by popular vote;
- (3) an employee in a position by election or appointment that is provided for by the Maryland Constitution;
- (4) an employee who is:
 - (i) a special appointment in the State Personnel Management System; or

(ii) 1. directly appointed by the Governor by an appointment that is not provided for by the Maryland Constitution;

2. appointed by or on the staff of the Governor or Lieutenant Governor; or

3. assigned to the Government House or the Governor's Office;

(5) an employee assigned to the Board or with access to records of the Board;

(6) an employee in:

(i) the executive service of the State Personnel Management System; or

(ii) a unit of the Executive Branch with an independent personnel system who is:

1. the chief administrator of the unit or a comparable position that is not excluded under item (3) of this subsection as a constitutional or elected office; or

2. a deputy or assistant administrator of the unit or a comparable position;

(7) (i) a temporary or contractual employee in the State Personnel Management System; or

(ii) a contractual, temporary, or emergency employee in a unit of the Executive Branch with an independent personnel system;

(8) an employee who is entitled to participate in collective bargaining under another law;

(9) an employee of the University System of Maryland, Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College who is:

(i) a chief administrator or in a comparable position;

(ii) a deputy, associate, or assistant administrator or in a comparable position;

(iii) a member of the faculty, including a faculty librarian;

(iv) a student employee, including a teaching assistant or a comparable position, fellow, or post doctoral intern;

(v) a contingent, contractual, temporary, or emergency employee;

(vi) a contingent, contractual, or temporary employee whose position is funded through a research or service grant or contract, or through clinical revenues; or

(vii) an employee whose regular place of employment is outside the State of Maryland;

(10) an employee whose participation in a labor organization would be contrary to the State's ethics laws;

(11) any supervisory, managerial, or confidential employee of a unit of State government listed in subsection (a)(1)(i) through (iv) and (vi) through (ix) of this section, as defined in regulations adopted by the Secretary;

(12) any supervisory, managerial, or confidential employee of a State institution of higher education listed in subsection (a)(1)(v) of this section, as defined in regulations adopted by the governing board of the institution; or

(13) any employee described in subsection (a)(2) of this section who is a supervisory, managerial, or confidential employee, as defined in regulations adopted by the Secretary.

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