

# HOUSE BILL 499

P4  
HB 533/16 – APP

7lr2630  
CF 7lr2635

---

By: **Delegates Jones, Gaines, Hayes, Haynes, Hettleman, Korman, Krimm, Lam, Lierman, McCray, Reznik, Sophocleus, and P. Young**

Introduced and read first time: January 27, 2017

Assigned to: Appropriations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **State Department of Education – Employment Categories and Practices**

3 FOR the purpose of altering the employment categories of certain employees of the State  
4 Department of Education; requiring that all positions in the Department be  
5 appointed positions in the professional service and skilled service as well as the  
6 executive service and management service, subject to a certain exception; repealing  
7 the authority for certain special appointment positions in the Department; altering  
8 the procedures for the appointment, setting of qualifications, and transfer of  
9 employees of the Department; specifying that certain employees serve at the  
10 pleasure of the State Board of Education and State Superintendent of Schools;  
11 specifying that certain removal procedures apply to certain other employees; altering  
12 the removal procedures for certain employees; requiring that the Department assign  
13 certain employees to certain employment categories on or before a certain date; and  
14 generally relating to the employment categories and practices of the State  
15 Department of Education.

16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 2–104 and 2–105  
19 Annotated Code of Maryland  
20 (2014 Replacement Volume and 2016 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – State Personnel and Pensions  
23 Section 6–405(a)(3)  
24 Annotated Code of Maryland  
25 (2015 Replacement Volume and 2016 Supplement)

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Education**

2 2–104.

3 (a) The following [professional assistants] **EMPLOYEES** shall be appointed to  
4 **POSITIONS IN** the Department:

5 (1) No more than three Deputy State Superintendents of Schools;

6 (2) Any assistant State superintendents and directors authorized by the  
7 State Board and provided in the State budget; and8 (3) Any other [professional assistants and agents] **EMPLOYEES TO FILL**  
9 **POSITIONS** authorized by the State Board and provided in the State budget.10 (b) (1) **(I)** From the nominees proposed by the State Superintendent, the  
11 State Board shall appoint all [professional assistants to] **EMPLOYEES TO POSITIONS IN**  
12 the Department[, who].13 **(II) EXCEPT AS PROVIDED IN § 6–405(A)(3) OF THE STATE**  
14 **PERSONNEL AND PENSIONS ARTICLE, ALL POSITIONS** shall be in the executive service,  
15 management service, [or special appointments] **PROFESSIONAL SERVICE, OR SKILLED**  
16 **SERVICE** in the State Personnel Management System.17 (2) With the advice of the State Superintendent, the State Board shall set  
18 the qualifications for each [professional] position **IN THE DEPARTMENT**.19 (3) The State Superintendent may transfer [professional assistants]  
20 **EMPLOYEES** within the Department as necessary.21 (c) (1) All [professional assistants] **EMPLOYEES WHO ARE ASSIGNED TO**  
22 **THE EXECUTIVE SERVICE OR MANAGEMENT SERVICE OR WHO ARE SPECIAL**  
23 **APPOINTEES** shall serve at the pleasure of the State Board and the State Superintendent.24 (2) All [other professional assistants] **EMPLOYEES IN THE**  
25 **PROFESSIONAL OR SKILLED SERVICE** shall be removed in accordance with procedures  
26 [set by the State Board] **SET FORTH IN § 2–105 OF THIS SUBTITLE AND TITLE 11 OF**  
27 **THE STATE PERSONNEL AND PENSIONS ARTICLE**.28 (d) (1) In addition to the other duties specified in this section, each  
29 [professional assistant to] **EMPLOYEE IN** the Department has the duties assigned to him  
30 by the State Superintendent.

1           (2) The Deputy State Superintendent designated by the State  
2 Superintendent or by the State Board is the acting State Superintendent when the State  
3 Superintendent is absent or disabled.

4           (3) Assistant State superintendents and directors have charge of the  
5 various divisions of the Department.

6 2-105.

7           [(a) Unless otherwise provided by law, the State Superintendent shall appoint and  
8 remove all clerical assistants and other nonprofessional personnel of the Department in  
9 accordance with the provisions of the State Personnel and Pensions Article that govern the  
10 skilled service, with the exception of special appointments.

11           (b)] The credential secretary and statistician of the Department are special  
12 appointments in the State Personnel Management System.

### 13   **Article – State Personnel and Pensions**

14 6-405.

15           (a) Except as otherwise provided by law, individuals in the following positions in  
16 the skilled service and professional service are considered special appointments:

17           (3) as determined by the Secretary, a position which performs a significant  
18 policy role or provides direct support to a member of the executive service;

19           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2018,  
20 the State Department of Education shall assign all personnel who presently are designated  
21 by the Department as professional or nonprofessional assistants to the appropriate  
22 employment category under Title 6, Subtitle 4 of the State Personnel and Pensions Article.

23           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2017.