

HOUSE BILL 1466

P4

7lr1537

By: **Delegates P. Young, Barron, Brooks, Grammer, Jackson, Krimm, Reznik, Sydnor, and Vogt**

Introduced and read first time: February 10, 2017

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 2017

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – Disabled Veterans – Noncompetitive Appointment**

3 FOR the purpose of authorizing an appointing authority to select certain disabled veterans
4 for certain positions in the State Personnel Management System using a certain
5 selection process; requiring an appointing authority for a certain position in a unit
6 in the Executive Branch of State government with an independent personnel system
7 to develop a certain selection process for certain disabled veterans; providing that
8 certain provisions of law relating to appointments to certain positions in the State
9 Personnel Management System do not apply to the selection of certain disabled
10 veterans under certain provisions of this Act; requiring a certain appointing
11 authority to interview certain disabled veterans under certain circumstances;
12 providing that an appointing authority is not required to interview certain
13 applicants under certain circumstances; providing for the effect of certain provisions
14 of this Act; making a conforming change; and generally relating to the appointment
15 of disabled veterans to positions in State government.

16 BY adding to

17 Article – State Personnel and Pensions

18 Section 2–205

19 Annotated Code of Maryland

20 (2015 Replacement Volume and 2016 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – State Personnel and Pensions

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 7-203
2 Annotated Code of Maryland
3 (2015 Replacement Volume and 2016 Supplement)

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

6 **Article – State Personnel and Pensions**

7 **2-205.**

8 **(A) THIS SECTION APPLIES TO AN APPOINTING AUTHORITY FOR A POSITION**
9 **THAT IS:**

10 **(1) IN A UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT**
11 **WITH AN INDEPENDENT PERSONNEL SYSTEM; AND**

12 **(2) COMPARABLE TO A POSITION IN THE SKILLED SERVICE OR THE**
13 **PROFESSIONAL SERVICE IN THE STATE PERSONNEL MANAGEMENT SYSTEM.**

14 **(B) AN APPOINTING AUTHORITY SUBJECT TO THIS SECTION SHALL**
15 **DEVELOP A SELECTION PROCESS FOR DISABLED VETERANS DESCRIBED IN §**
16 **7-203(B)(1) OF THIS ARTICLE THAT IS COMPARABLE TO THE SELECTION PROCESS**
17 **FOR DISABLED VETERANS ESTABLISHED UNDER § 7-203(B) OF THIS ARTICLE.**

18 7-203.

19 **(A) An appointing authority may select candidates for a position:**

20 **(1) from an existing list of eligible candidates;**

21 **(2) if the appointing authority decides to recruit for the position, by**
22 **recruitment;**

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

26 **(4) from a list of contractual employees performing the same or similar**
27 **duties of the position; OR**

28 **(5) AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.**

29 **(B) (1) AN APPOINTING AUTHORITY MAY SELECT A DISABLED VETERAN**
30 **FOR A POSITION IF:**

1 **(I) THE DISABLED VETERAN:**

2 1. SERVED IN ANY BRANCH OF THE ARMED FORCES OF
3 THE UNITED STATES; AND

4 2. A. IS INCLUDED ON A UNITED STATES ARMED
5 FORCES PERMANENT DISABILITY LIST WITH A DISABILITY RATING OF AT LEAST 30%;
6 OR

7 B. HAS BEEN RATED BY THE UNITED STATES
8 DEPARTMENT OF VETERANS AFFAIRS AS HAVING A COMPENSABLE
9 SERVICE-CONNECTED DISABILITY OF AT LEAST 30%;

10 **(II) THE DISABLED VETERAN PRESENTS TO THE APPOINTING**
11 **AUTHORITY WRITTEN DOCUMENTATION:**

12 1. ISSUED BY AN APPROPRIATE DEPARTMENT OF THE
13 FEDERAL GOVERNMENT WITHIN THE YEAR PRECEDING SELECTION; AND

14 2. CERTIFYING THE EXISTENCE AND EXTENT OF THE
15 VETERAN'S DISABILITY;

16 **(III) THE APPOINTING AUTHORITY DETERMINES THAT THE**
17 **DISABLED VETERAN IS QUALIFIED TO PERFORM THE DUTIES AND RESPONSIBILITIES**
18 **OF THE POSITION;**

19 **(IV) THE APPOINTING AUTHORITY NOTIFIES THE SECRETARY IN**
20 **WRITING THAT THE POSITION IS TO BE FILLED BY A DISABLED VETERAN ON A**
21 **NONCOMPETITIVE BASIS IN ACCORDANCE WITH THIS SUBSECTION; AND**

22 **(V) THE DISABLED VETERAN DOES NOT HOLD A PERMANENT**
23 **APPOINTMENT OR HAVE MANDATORY REINSTATEMENT RIGHTS TO A PERMANENT**
24 **APPOINTMENT.**

25 **(2) THE REQUIREMENTS OF § 7-209 OF THIS SUBTITLE DO NOT APPLY**
26 **TO A DISABLED VETERAN SELECTED FOR A VACANT POSITION UNDER PARAGRAPH**
27 **(1) OF THIS SUBSECTION.**

28 **(3) IF AN APPOINTING AUTHORITY ELECTS TO SELECT A DISABLED**
29 **VETERAN FOR A VACANT POSITION UNDER PARAGRAPH (1) OF THIS SUBSECTION,**
30 **THE APPOINTING AUTHORITY SHALL INTERVIEW ANY DISABLED VETERAN WHO:**

1 (I) HAS EXPRESSED AN INTEREST TO THE APPOINTING
2 AUTHORITY IN APPLYING FOR THE POSITION; AND

3 (II) SATISFIES THE REQUIREMENTS UNDER PARAGRAPH (1) OF
4 THIS SUBSECTION.

5 (4) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF
6 AN APPOINTING AUTHORITY ELECTS TO SELECT A DISABLED VETERAN FOR A
7 VACANT POSITION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE APPOINTING
8 AUTHORITY IS NOT REQUIRED TO INTERVIEW ANY OTHER QUALIFIED APPLICANTS
9 FOR APPOINTMENT TO THE POSITION.

10 (5) THIS SUBSECTION DOES NOT REQUIRE AN APPOINTING
11 AUTHORITY TO SELECT A DISABLED VETERAN FOR A VACANT POSITION OR PROHIBIT
12 AN APPOINTING AUTHORITY FROM FILLING A VACANT POSITION IN ACCORDANCE
13 WITH THE REQUIREMENTS OF THIS SUBTITLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.