

Chapter 179

(House Bill 1466)

AN ACT concerning

State Personnel – Disabled Veterans – Noncompetitive Appointment

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

BY adding to

Article – State Personnel and Pensions
Section 2–205
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions
Section 7–203
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

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

Article – State Personnel and Pensions

2–205.

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

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

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

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

7-203.

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

(1) from an existing list of eligible candidates;

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

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

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

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

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

(I) THE DISABLED VETERAN:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) THIS SUBSECTION DOES NOT REQUIRE AN APPOINTING AUTHORITY TO SELECT A DISABLED VETERAN FOR A VACANT POSITION OR PROHIBIT

AN APPOINTING AUTHORITY FROM FILLING A VACANT POSITION IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBTITLE.

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

Approved by the Governor, April 18, 2017.