

Department of Legislative Services
 Maryland General Assembly
 2017 Session

FISCAL AND POLICY NOTE
 Third Reader

House Bill 1466
 Appropriations

(Delegate P. Young, *et al.*)

Finance

State Personnel - Disabled Veterans - Noncompetitive Appointment

This bill authorizes an appointing authority in the State Personnel Management System (SPMS) to select a disabled veteran for a skilled or professional service position on a noncompetitive basis under specified circumstances; thus, the hiring process required under current law does not apply to a disabled veteran selected for a vacant position under the bill’s provisions. Even so, if an appointing authority elects to select a disabled veteran for a vacant position, the appointing authority must interview any disabled veteran who has expressed an interest to the appointing authority in applying for the position and satisfies specified requirements. If the appointing authority elects to select a disabled veteran for a vacant position, the appointing authority is not required to interview any other qualified applicants, except those disabled veterans who expressed interest in the position. The bill 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 the bill. Appointing authorities in the Executive Branch that are not in SPMS must develop a comparable selection process for disabled veterans to fill comparable positions to those in the skilled or professional service in SPMS.

Fiscal Summary

State Effect: None. The Department of Budget and Management (DBM) and the other affected entities can revise their selection process for qualified disabled veterans with existing budgeted resources. No effect on revenues.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill authorizes an appointing authority in the Executive Branch to select a disabled veteran for a position if (1) the disabled veteran served in any U.S. Armed Forces branch and is included on a U.S. Armed Forces permanent disability list with a disability rating of at least 30% or has been rated by the U.S. Department of Veterans Affairs as having a compensable service-connected disability of at least 30%; (2) the disabled veteran presents specified documentation certifying the disability; (3) the appointing authority determines that the disabled veteran is qualified for the position; (4) the appointing authority notifies the Secretary of Budget and Management in writing that the position is to be filled by a disabled veteran on a noncompetitive basis; and (5) the disabled veteran does not hold a permanent appointment or have mandatory reinstatement rights to a permanent appointment.

Current Law: SPMS has four major employment categories designated in statute:

1. executive service, which consists of chief administrators of principal units or comparable positions, including deputy secretaries or assistant secretaries;
2. management service, which consists of positions that involve direct responsibility for the oversight and management of personnel and financial resources and that require the exercise of discretion and independent judgment;
3. professional service, which consists of positions that require advanced knowledge in a field of science or learning and that normally require a professional license, advanced degree, or both; and
4. skilled service, which consists of all other positions.

When a skilled service or professional service position is to be filled, the appointing authority must complete a position selection plan that includes:

- a position description;
- the minimum qualifications for the class of position and any required selective qualifications;
- any limitations on selection for the position, including those that limit consideration to current State or unit employees or contractual employees, promotional candidates, or candidates indicating a willingness to work in a location; and
- if applicants for the position are to be recruited, the location for submitting applications, the manner for posting the position announcement in the unit, the method and length of time for advertising the position, the closing date to receive applications, the plan of development of any selection test to be administered, and the duration of the list of eligible candidates that results from the recruitment.

An appointing authority may select candidates from an existing list of eligible candidates, by recruitment (if the appointing authority decides to recruit for the position), from a special list of eligible candidates whom the Division of Rehabilitation Services of the Maryland State Department of Education certifies as being physically capable and adequately trained for the position, or from a list of contractual employees performing the same or similar duties of the position.

Appointing authorities may use any appropriate selection process to rate qualified applicants, including job relatedness, reliability, and scores on selection tests. Credits may be applied to the results of selection tests for applicants who are otherwise qualified and have at least the minimum passing score on a selection test for:

- current State employees (one-quarter point for each year of State service, up to 5 points);
- veterans and spouses of veterans (10 points, plus 2 points for a former prisoner of war);
- residents of high unemployment counties for specified positions in correctional facilities (5 points);
- individuals with a disability, as defined by the federal Americans with Disabilities Act (5 points); and
- State residents (5 points).

Generally, an appointing authority must make an appointment from among candidates in a rating category on a list of eligible candidates. A candidate who is an eligible veteran for the selection test must be identified as an eligible veteran on the list of eligible candidates. In making a selection, the appointing authority may interview any of the candidates in the rating category from which the selection will be made, and when interviews are conducted, the appointing authority must interview at least three candidates.

Background: Based on the U.S. Census Bureau, there are 39,921 veterans in Maryland with a disability rating of at least 30%.

For professional and skilled positions within SPMS, a disabled veteran is eligible to receive a hiring preference on the selection test of 10 points for being a veteran, 5 points for having a disability, and 5 points if the disabled veteran is a Maryland resident. DBM advises that receiving 20 preference points on a selection test, assuming the disabled veteran meets the minimum qualifications, would place the disabled veteran on the “best qualified” list and, therefore, eligible to be hired.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): University System of Maryland; Department of Budget and Management; Maryland Department of Transportation; U.S. Census Bureau; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2017
mm/mcr Third Reader - March 15, 2017

Analysis by: Heather N. Ruby

Direct Inquiries to:
(410) 946-5510
(301) 970-5510