

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 137
Appropriations

(Delegate Kerr, *et al.*)

Finance

State Personnel - Professional Service - Maryland School for the Deaf - Teachers

This bill establishes that teachers who are employed by the Maryland School for the Deaf (MSD) are in the professional service in the State Personnel Management System (SPMS).
The bill takes effect July 1, 2019.

Fiscal Summary

State Effect: None. The bill codifies existing practice, as discussed below.

Local Effect: None.

Small Business Effect: None.

Analysis

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.

Classification of skilled, professional, management, and executive service positions in SPMS is the responsibility of the Secretary of Budget and Management. The Secretary must likewise establish the standards and procedures used to classify positions in the skilled, professional, management, and executive services and provide advice and guidance on their use.

The head of a principal unit may classify positions in the unit, in accordance with the Secretary's established standards and procedures, if the Secretary chooses to delegate the classification authority. If the Secretary delegates the classification authority to the head of a principal unit, that person must prepare a position classification plan for the Secretary's approval and classify all positions in accordance with the approved plan. The Secretary must conduct a position classification audit at least once every three years but only if the classification activity was delegated to the head of a principal unit. The Secretary may conduct operational audits of classification practices and records in principal units once every three years.

A temporary employee is not classified in the skilled, professional, management, or executive service in SPMS.

State Expenditures: The Department of Budget and Management advises that the approximately 272 MSD teachers are already classified as being in the professional service, but they are designated as special appointments. Special appointments have at-will status, while SPMS employees in the professional service have a merit protected status after completing a probationary period. MSD advises that, because MSD teachers currently receive merit protected status after serving a probationary period, the bill codifies existing practice.

Additional Information

Prior Introductions: SB 21 of 2016 received a hearing in the Senate Finance Committee, but no further action was taken. Its cross file, HB 597, received an unfavorable report by the House Appropriations Committee.

Cross File: SB 35 (Senator Young) - Finance.

Information Source(s): Maryland School for the Deaf; Department of Budget and Management; Department of Legislative Services

Fiscal Note History: First Reader - January 23, 2019
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