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JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
AND PUBLIC AFFAIRS
P: (410) 260-1560

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Appropriations Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1044
State Agency Workforce Policy for the 21st Century Act
DATE: February 28, 2024
(3/7)
POSITION: Oppose

The Maryland Judiciary opposes the inclusion of the Judiciary in the parameters of House Bill 1044. The proposed legislation adds Section 2-203.2 to State Personnel and Pensions (SPP) Article, which prohibits a unit of State government from taking actions related to an applicant's or employee's lack of achievement of a certain level of education in employment decisions. This section includes the Judiciary and the proposed enactment for this legislation is July 1, 2024.

Although the intent of this legislation is laudable, this bill presents operational issues for the Judiciary. For example, judicial law clerks are required to have graduated from law school and District Court commissioners are required to have a college degree. These positions require a knowledge and skill set attendant to those educational requirements. This bill seems to prohibit the Judiciary from requiring such degrees for those positions.

Over the last few years, the Maryland Judiciary has implemented initiatives similar to the proposed legislation to maintain a diverse applicant pool and to credit experience, and this has directly impacted the current vacancy rate. A substitution clause for most classifications was implemented, allowing for experience to substitute for education. In addition, lead experience was recently added to the supervisory level positions for court

operations to develop earlier advancement into supervisory roles. The Maryland Judiciary has also successfully integrated a Court Supervisor/Manager Certificate Program and an Institute of Court Management Certification Program to substitute for some educational requirements. The Judiciary continues to assess ways to have a diverse pool of applicants and a career ladder for growth opportunities. The recommendation is to continue with the current process of identifying positions with substitution clauses for education, evaluating positions, and hiring initiatives to maintain a diverse applicant pool.

Finally, this bill raises separation of power concerns as it applies to the Judiciary. Article IV, §18(b)(1) identifies the Chief Justice of the Supreme Court as the administrative head of the Maryland Judiciary. The power to administer the Judiciary is not an implied or inherent power but is an express constitutional power of the Chief Judge. This constitutional authority includes managing the Judiciary's personnel system.

cc. Hon. Jared Solomon
Judicial Council
Legislative Committee
Kelley O'Connor