

HOUSE BILL 1044

P4

4lr3122
CF 4lr0596

By: **Delegate Solomon**

Introduced and read first time: February 7, 2024

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2024

CHAPTER _____

1 AN ACT concerning

2 **State Agency Workforce Policy for the 21st Century Act**

3 FOR the purpose of ~~prohibiting a unit of State government from taking certain actions~~
4 ~~related to the use of an applicant's or employee's lack of achievement of a certain~~
5 ~~level of education in employment decisions; requiring the Secretary of Budget and~~
6 ~~Management to rename the titles and alter the descriptions of certain State positions~~
7 ~~under certain circumstances, identify occupations in State government that could~~
8 ~~benefit from certain apprenticeship programs, and establish group sponsored~~
9 ~~apprenticeship programs; authorizing the Secretary to delegate certain authority to~~
10 ~~certain heads of principal units of State government under certain circumstances;~~
11 ~~requiring the Department of Budget and Management to use certain resources to~~
12 ~~actively recruit for certain positions; repealing the requirement that an appointing~~
13 authority send a copy of the selection plan and job announcement to the Secretary of
14 Budget and Management at least 1 week before posting a job announcement;
15 repealing the requirement that the appointing authority wait until after the close of
16 a position announcement to review qualified applicants; and generally relating to
17 State employment.

18 ~~BY adding to~~
19 ~~Article State Personnel and Pensions~~
20 ~~Section 2-203.2 and 4-206~~
21 ~~Annotated Code of Maryland~~
22 ~~(2015 Replacement Volume and 2023 Supplement)~~

23 BY repealing and reenacting, without amendments,

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 Article – State Personnel and Pensions
 2 Section 7–201
 3 Annotated Code of Maryland
 4 (2015 Replacement Volume and 2023 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – State Personnel and Pensions
 7 Section ~~7–201~~ 7–204 and 7–205
 8 Annotated Code of Maryland
 9 (2015 Replacement Volume and 2023 Supplement)

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

12 **Article – State Personnel and Pensions**

13 ~~**2–203.2.**~~

14 ~~**(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND EXCEPT AS**~~
 15 ~~**PROVIDED IN SUBSECTION (C) OF THIS SECTION, THIS SECTION APPLIES TO ALL**~~
 16 ~~**EMPLOYEES IN THE JUDICIAL, LEGISLATIVE, AND EXECUTIVE BRANCHES OF STATE**~~
 17 ~~**GOVERNMENT.**~~

18 ~~**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**~~
 19 ~~**AN APPOINTING AUTHORITY MAY NOT:**~~

20 ~~**(I) DEVELOP OR IMPLEMENT AN APPLICATION OR A HIRING**~~
 21 ~~**PROCESS THAT USES A GED, HIGH SCHOOL DIPLOMA, OR COLLEGE OR OTHER**~~
 22 ~~**HIGHER EDUCATION DEGREE AS A LIMITATION FOR WHO CAN APPLY FOR A**~~
 23 ~~**SPECIFIED POSITION;**~~

24 ~~**(II) USE AN APPLICANT'S LACK OF A GED, HIGH SCHOOL**~~
 25 ~~**DIPLOMA, OR COLLEGE OR OTHER HIGHER EDUCATION DEGREE TO DENY AN**~~
 26 ~~**APPLICANT THE OPPORTUNITY TO APPLY FOR A POSITION; OR**~~

27 ~~**(III) PROHIBIT AN EMPLOYEE FROM APPLYING FOR OR**~~
 28 ~~**PURSUING INTERNAL ADVANCEMENT WITHIN THE UNIT OF STATE GOVERNMENT ON**~~
 29 ~~**THE BASIS OF AN EMPLOYEE LACKING A GED, HIGH SCHOOL DIPLOMA, OR COLLEGE**~~
 30 ~~**OR OTHER HIGHER EDUCATION DEGREE.**~~

31 ~~**(2) AN APPOINTING AUTHORITY IS NOT PROHIBITED FROM TAKING**~~
 32 ~~**THE ACTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION IF A MINIMUM**~~
 33 ~~**EDUCATIONAL QUALIFICATION IS NECESSARY TO OBTAIN AN OCCUPATIONAL**~~
 34 ~~**LICENSE REQUIRED FOR THE POSITION AND ISSUED UNDER THE AGRICULTURE**~~
 35 ~~**ARTICLE, THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, THE**~~

~~BUSINESS REGULATION ARTICLE, THE HEALTH OCCUPATIONS ARTICLE, OR THE PUBLIC SAFETY ARTICLE.~~

~~(C) (1) AFTER AN APPOINTING AUTHORITY MAKES AN INITIAL OFFER OF EMPLOYMENT, THE APPOINTING AUTHORITY MAY INQUIRE AS TO THE APPLICANT'S ACHIEVEMENT OF A GED, HIGH SCHOOL DIPLOMA, OR COLLEGE OR HIGHER EDUCATION DEGREE.~~

~~(2) AN APPOINTING AUTHORITY MAY NOT RESCIND AN INITIAL OFFER OF EMPLOYMENT BASED ON AN APPLICANT'S RESPONSE TO AN INQUIRY MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~4-206.~~

~~(A) THE SECRETARY SHALL:~~

~~(1) (I) RENAME THE TITLE AND ALTER THE DESCRIPTION OF A POSITION IN THE SKILLED SERVICE, PROFESSIONAL SERVICE, MANAGEMENT SERVICE, OR EXECUTIVE SERVICE IF, IN THE SECRETARY'S JUDGMENT, IT IS NECESSARY TO REFLECT THE MISSION AND THE PURPOSE OF THE POSITION;~~

~~(II) ESTABLISH STANDARDS AND GENERAL PROCEDURES TO BE USED TO RENAME THE TITLES AND ALTER THE DESCRIPTIONS OF POSITIONS IN THE SKILLED SERVICE, PROFESSIONAL SERVICE, MANAGEMENT SERVICE, AND EXECUTIVE SERVICE; AND~~

~~(III) PROVIDE ADVICE AND GUIDANCE ON THE USE OF THE STANDARDS AND PROCEDURES; AND~~

~~(2) (I) IDENTIFY OCCUPATIONS WITHIN STATE AGENCIES THAT COULD BENEFIT FROM APPRENTICESHIP PROGRAMS OR OTHER TRAINING PROGRAMS; AND~~

~~(II) ESTABLISH GROUP SPONSORED APPRENTICESHIP PROGRAMS FOR THE OCCUPATIONS IDENTIFIED UNDER ITEM (I) OF THIS ITEM.~~

~~(B) (1) THE SECRETARY MAY DELEGATE AUTHORITY TO THE HEAD OF A PRINCIPAL UNIT OF STATE GOVERNMENT WHOSE EMPLOYEES ARE GOVERNED BY THE STATE PERSONNEL MANAGEMENT SYSTEM LAWS TO RENAME THE TITLES AND ALTER THE DESCRIPTIONS OF POSITIONS IN THE PRINCIPAL UNIT IN ACCORDANCE WITH STANDARDS AND PROCEDURES ESTABLISHED UNDER SUBSECTION (A)(1) OF THIS SECTION.~~

1 ~~(2) IF THE SECRETARY DELEGATES CLASSIFICATION AUTHORITY TO~~
2 ~~THE HEAD OF A PRINCIPAL UNIT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE~~
3 ~~HEAD OF THE PRINCIPAL UNIT SHALL:~~

4 ~~(I) SUBMIT A PLAN FOR THE SECRETARY'S APPROVAL FOR~~
5 ~~RENAMING TITLES AND ALTERING DESCRIPTIONS OF POSITIONS IN THE PRINCIPAL~~
6 ~~UNIT THAT ARE IN THE SKILLED SERVICE, PROFESSIONAL SERVICE, MANAGEMENT~~
7 ~~SERVICE, AND EXECUTIVE SERVICE; AND~~

8 ~~(II) RENAME THE TITLES AND ALTER THE DESCRIPTIONS OF~~
9 ~~POSITIONS IN THE PRINCIPAL UNIT IN ACCORDANCE WITH THE APPROVED PLAN.~~

10 ~~(C) EACH EMPLOYEE IN A RETITLED POSITION SHALL ASSUME THE NEW~~
11 ~~TITLE, AND THE SECRETARY, THE COMPTROLLER, AND THE STATE TREASURER~~
12 ~~SHALL USE THESE NEW TITLES IN ALL RELEVANT RECORDS AND COMMUNICATIONS.~~

13 ~~(D) THE SECRETARY MAY:~~

14 ~~(1) RENAME THE TITLES AND ALTER THE DESCRIPTIONS OF~~
15 ~~POSITIONS IN A UNIT WHEN, IN THE SECRETARY'S JUDGMENT, IT IS NECESSARY TO:~~

16 ~~(I) REFLECT THE MISSION AND THE PURPOSE OF THE~~
17 ~~POSITIONS; OR~~

18 ~~(II) PRESERVE THE INTEGRITY OF THE RENAMING SYSTEM; AND~~

19 ~~(2) ORDER THE HEAD OF A PRINCIPAL UNIT TO TAKE APPROPRIATE~~
20 ~~ACTION TO PROPERLY RENAME THE TITLE AND ALTER THE DESCRIPTION OF A~~
21 ~~POSITION.~~

22 ~~(E) (1) THE SECRETARY SHALL DETERMINE THE EFFECTIVE DATES FOR~~
23 ~~NEWLY RENAMED POSITION TITLES AND ALTERED DESCRIPTIONS, POSITION~~
24 ~~RENAMING AND DESCRIPTION ALTERING PLANS, AND RENAMING STANDARDS AND~~
25 ~~PROCEDURES.~~

26 ~~(2) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT~~
27 ~~THIS SECTION.~~

28 ~~(F) THE SECRETARY SHALL STUDY AND MAKE RECOMMENDATIONS TO THE~~
29 ~~GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT~~
30 ~~ARTICLE, THE GENERAL ASSEMBLY ON:~~

31 ~~(1) THE AMOUNT OF TIME SPENT EVALUATING AND SELECTING~~
32 ~~APPLICANTS FOR STATE POSITIONS; AND~~

~~(2) BEST PRACTICES TO MATERIALLY REDUCE THE AMOUNT OF TIME
SPENT EVALUATING AND SELECTING APPLICANTS FOR STATE POSITIONS.~~

7–201.

(a) (1) This subtitle does not apply to a special appointment position in the skilled service or professional service.

(2) (i) This subtitle does not apply to the recruitment for or the appointment to a position in the skilled service or professional service if the appointing authority:

1. decides to recruit for the position under § 7–203(2) of this subtitle;

2. demonstrates that the position, based on the position description, is difficult to fill;

3. demonstrates that the recruitment must occur in a timely manner; and

4. notifies the Department of the recruitment.

(ii) A recruitment and appointment under this paragraph shall occur in accordance with regulations adopted by the Department.

(iii) 1. The Department shall adopt regulations to implement this paragraph.

2. The regulations adopted under this subparagraph shall provide, at a minimum, that for positions designated as special appointments on January 1, 2009, an appointing authority shall retain the same recruitment authority that the appointing authority possessed on January 1, 2009.

(b) Each unit shall fill vacant skilled service and professional service positions in accordance with a position selection plan.

(c) To ensure compliance with State and federal employment laws and to ensure consistency in recruitment and hiring practices in the State Personnel Management System, the Department shall:

(1) assist units in developing application forms, position selection plans, selection tests, and announcement forms;

~~(2) ACTIVELY RECRUIT FOR VACANT POSITIONS BY:~~

1 ~~(I) ACCESSING INFORMATION DISCLOSED UNDER § 3-206(D)~~
 2 ~~OF THE LABOR AND EMPLOYMENT ARTICLE;~~

3 ~~(II) ACCESSING INFORMATION DISCLOSED UNDER § 7-111 OF~~
 4 ~~THE EDUCATION ARTICLE;~~

5 ~~(III) DEVELOPING SCHOOL TO WORK AND APPRENTICESHIP~~
 6 ~~PROGRAMS FOR STATE POSITIONS;~~

7 ~~(IV) PROMOTING HEALTH BENEFITS, PENSION PLANS, AND~~
 8 ~~UNION REPRESENTATION AVAILABLE FOR STATE EMPLOYEES;~~

9 ~~(V) WORKING COOPERATIVELY WITH CAREER COUNSELORS~~
 10 ~~EMPLOYED IN ACCORDANCE WITH THE BLUEPRINT FOR MARYLAND'S FUTURE; AND~~

11 ~~(VI) COLLABORATING WITH LOCAL WORKFORCE DEVELOPMENT~~
 12 ~~BOARDS; and~~

13 ~~[(2)] (3)~~ review and audit recruitment and hiring practices of all
 14 appointing authorities at least once every 3 years.

15 (d) On request of a unit that is not able to conduct all or part of its own
 16 recruitment or selection testing for a position because it lacks the appropriate resources,
 17 the Department, consistent with its resources, shall assist the unit in conducting the
 18 requested recruitment and selection testing.

19 7-204.

20 (a) To recruit candidates for a position, an appointing authority shall prepare a
 21 job announcement for the position and conduct recruitment in accordance with the position
 22 selection plan.

23 (b) A job announcement shall contain:

24 (1) a summary of the position description;

25 (2) the minimum qualifications for the class and any selective
 26 qualifications necessary for consideration;

27 (3) the type of selection test that will be administered to those meeting the
 28 position's minimum qualifications;

29 (4) the location and deadline for submitting applications; and

30 (5) the duration of the list of eligibles derived from the announcement.

1 (c) For a vacant position under this subtitle, the appointing authority shall:

2 (1) [send a copy of the selection plan and job announcement to the
3 Secretary at least 1 week before posting the job announcement to assure public access;

4 (2) if current employees or contractual employees in the unit may be
5 eligible for the position:

6 (i) post the job announcement for at least 2 weeks before the
7 deadline for submitting applications, in at least one centralized location in that unit that is
8 accessible to all employees; and

9 (ii) use any other method reasonably calculated to give eligible
10 employees notice of the vacancy; and

11 ~~[(3)]~~ (2) advertise the position vacancy at least 2 weeks before the
12 deadline for submitting applications by:

13 (i) making available a job announcement to all appropriate State
14 agencies, based on selection limitations; and

15 (ii) using any other method that is reasonably calculated to ensure a
16 sufficient pool of applicants, including printed advertisements in newspapers and journals,
17 paper and electronic bulletin board postings, and special notices.

18 7-205.

19 (a) [After the close of a position announcement, the] THE appointing authority
20 shall:

21 (1) review the applications received to determine the applicants who meet
22 the minimum qualifications for the position;

23 (2) prepare a register of qualified applicants in random order;

24 (3) send to unqualified applicants a notice that they have failed to meet the
25 minimum qualifications for the position; and

26 (4) except as provided in subsection (b) of this section, if a competitive
27 examination that requires attendance at a test site is required for the position, send a notice
28 of the examination to qualified applicants on the register at least 10 days before the test
29 administration date.

30 (b) If less than ten but more than two applicants meet the minimum requirements
31 for a position, the appointing authority may:

1 (1) make a selection from the register without the need for further selection
2 testing; or

3 (2) readvertise the position vacancy.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.