

HOUSE BILL 1520

P4

4lr3370

By: **Delegates Solomon and Edelson**

Introduced and read first time: February 26, 2024

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Transfer of Employees in the Department of Transportation**
3 **Human Resources Management System to the State Personnel Management**
4 **System**

5 FOR the purpose of transferring employees of the Department of Transportation Human
6 Resources Management System to the State Personnel Management System;
7 repealing the Department’s Human Resources Management System; and generally
8 relating to State employees and the State Personnel Management System.

9 BY repealing

10 Article – Transportation
11 Section 2–103.4
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2023 Supplement)

14 BY renumbering

15 Article – Transportation
16 Section 2–103.5, 2–103.6, 2–103.7, and 2–103.8
17 to be Section 2–103.4, 2–103.5, 2–103.6, and 2–103.7, respectively
18 Annotated Code of Maryland
19 (2020 Replacement Volume and 2023 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – State Government
22 Section 8–3A–02
23 Annotated Code of Maryland
24 (2021 Replacement Volume and 2023 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – State Personnel and Pensions
27 Section 2–407(a), 5–208(d), and 9–202(b)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2023 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Transportation
5 Section 2–102, 7–206(a) and (b), 8–204(e)(1), and 12–104(d)
6 Annotated Code of Maryland
7 (2020 Replacement Volume and 2023 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
9 That Section(s) 2–103.4 of Article – Transportation of the Annotated Code of Maryland be
10 repealed.

11 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 2–103.5, 2–103.6,
12 2–103.7, and 2–103.8 of Article – Transportation of the Annotated Code of Maryland be
13 renumbered to be Section(s) 2–103.4, 2–103.5, 2–103.6, and 2–103.7, respectively.

14 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
15 as follows:

16 **Article – State Government**

17 8–3A–02.

18 (a) On or before December 1 of each gubernatorial election year[:

19 (1)] the Secretary of Budget and Management shall compile a list of the
20 position, pay grade, and title of each employee in the State Personnel Management System
21 who is employed with regard to political affiliation, belief, or opinion under § 4–201(c)(2)(ii)
22 of the State Personnel and Pensions Article[; and

23 (2) the Secretary of Transportation shall compile a list of the position, pay
24 grade, and title of each employee in the Maryland Department of Transportation’s Human
25 Resource System who is employed with regard to political affiliation, belief, or opinion
26 under § 2–103.4(b)(2)(ii) of the Transportation Article].

27 (b) [The Secretary of Transportation shall provide the list of employees required
28 under subsection (a)(2) of this section to the Secretary of Budget and Management on or
29 before December 15 of each gubernatorial election year.

30 (c)] In accordance with § 2–1257 of this article, on or before December 31 of each
31 gubernatorial election year, the Secretary of Budget and Management shall submit a report
32 to the Governor, the President of the Senate, and the Speaker of the House of Delegates on
33 the total number of State employees employed with regard to political affiliation, belief, or
34 opinion under this section.

Article – State Personnel and Pensions

2–407.

(a) If an appointing authority does not report payroll information in accordance with § 2–402 of this subtitle, the employee or the employee’s exclusive representative may initiate a grievance under the grievance procedure established under:

- (1) Title 12, Subtitle 2 of this article;
- (2) Title 13, Subtitle 2 of the Education Article;
- (3) Title 14, Subtitle 3 of the Education Article;
- (4) § 14–408 of the Education Article;
- (5) § 16–510(a) of the Education Article;
- (6) [§ 2–103.4 of the Transportation Article;
- (7)] any other applicable grievance procedure; or
- [(8)] (7) any other applicable collective bargaining agreement.

5–208.

(d) (1) Except as provided in paragraph (2) of this subsection, personnel actions concerning special appointments or applicants for special appointment in the State Personnel Management System or comparable positions in an independent personnel system in the Executive Branch of State government shall be made without regard to political affiliation, belief, or opinion.

(2) For the positions that are designated by the Secretary under § 4–201(c)(2)(ii) of this article [or by the Secretary of Transportation under § 2–103.4(b)(2) of the Transportation Article], personnel actions concerning special appointments or applicants for special appointment in the State Personnel Management System or comparable positions in an independent personnel system in the Executive Branch of State government may be made with regard to political affiliation, belief, or opinion.

9–202.

(b) This subtitle does not apply to:

- (1) temporary employees; **OR**
- (2) employees of any unit that is authorized or required by law to establish

1 holiday schedules different from those provided in this subtitle[; or

2 (3) employees of the State Department of Transportation].

3 **Article – Transportation**

4 2–102.

5 (a) The head of the Department is the Secretary of Transportation, who shall be
6 appointed by the Governor with the advice and consent of the Senate.

7 (b) (1) The Secretary serves at the pleasure of the Governor and is responsible
8 directly to the Governor. The Secretary shall counsel and advise the Governor on all
9 matters assigned to the Department and is responsible for carrying out the Governor's
10 policies on these matters.

11 (2) [(i)] The Secretary is responsible for the operation of the Department
12 and shall establish guidelines and procedures to promote the orderly and efficient
13 administration of the Department. He may establish, reorganize, or abolish areas of
14 responsibility in the Department as necessary to fulfill effectively the duties assigned to
15 him. He may designate staff assistants to be in charge of the areas of responsibility he
16 establishes.

17 [(ii)] The Secretary may establish for employees of the Department a
18 human resources management system under § 2–103.4 of this subtitle that is not subject
19 to or controlled by the provisions of State law relating to other State employees.]

20 (3) The Secretary is entitled to the salary provided in the State budget.

21 (c) (1) With the approval of the Governor, the Secretary shall appoint a deputy
22 secretary who has the duties provided by law or delegated by the Secretary.

23 (2) The deputy secretary is the acting secretary during periods when the
24 Secretary is absent or disabled.

25 (3) The deputy secretary serves at the pleasure of the Secretary and is
26 entitled to the salary provided in the State budget.

27 (4) The deputy secretary shall serve as acting chairman of the Maryland
28 Transportation Authority, acting chairman of the Maryland Aviation Commission, and
29 acting chairman of the Maryland Port Commission during periods when the Secretary is
30 absent or disabled.

31 (5) In accordance with 49 U.S.C. 5329, the deputy secretary or the deputy
32 secretary's designee shall have safety, regulatory, and enforcement authority over the
33 Maryland Transit Administration's light rail transit system and Metro subway.

1 (d) (1) The Secretary may have in the Department the staff assistants,
2 professional consultants, and employees provided in the State budget.

3 (2) Each staff assistant in charge of an area of responsibility and each
4 professional consultant shall be appointed by and serves at the pleasure of the Secretary.

5 (3) Except as otherwise provided by law, the Secretary shall appoint and
6 remove all other personnel in accordance with[:

7 (i) The] **THE** provisions of the State Personnel and Pensions
8 Article[; or

9 (ii) A human resources management system established by the
10 Secretary under § 2–103.4 of this subtitle].

11 (4) The Secretary may delegate the authority to appoint and remove
12 personnel of any unit to the head of that unit.

13 (e) Wherever the Secretary is authorized by law to make an appointment to a
14 particular position in the Department with the approval of the Governor, the Secretary may
15 not remove the appointee without first obtaining the Governor's approval.

16 7–206.

17 (a) (1) Without regard to the laws of this State relating to other State
18 employees, [and subject to § 2–103.4 of this article,] the Administration may:

19 (i) Create and abolish any position other than one specifically
20 provided for in this title; and

21 (ii) Determine the qualification, appointment, removal, term, and
22 tenure of its employees.

23 (2) The Administration may determine the compensation of:

24 (i) Employees if the compensation is determined pursuant to
25 Subtitle 6 of this title;

26 (ii) Executive management positions, as recommended by the
27 Secretary and approved by the Governor, subject to approval in the budget; and

28 (iii) Management positions, subject to approval by the Secretary and
29 the Governor and the availability of funds in the budget.

30 (b) (1) [Subject to § 2–103.4 of this article, the] **THE** Administration may
31 establish a personnel system based on merit and fitness.

1 (2) The Administration may:

2 (i) Subject to Division II of the State Personnel and Pensions
3 Article, participate in the Employees' Retirement System and the Employees' Pension
4 System of the State of Maryland on terms and conditions mutually acceptable to the
5 Administration and the Board of Trustees for the State Retirement and Pension System;
6 and

7 (ii) Establish and maintain an independent system of pensions and
8 retirement benefits for its employees.

9 8–204.

10 (e) (1) [Subject to § 2–103.4 of this article, the] **THE** Administration may
11 employ engineers, accountants, professional and technical experts, surveyors, skilled and
12 unskilled laborers, advisors, consultants, and any other agents and employees that it
13 considers necessary to carry out its powers and duties.

14 12–104.

15 (d) (1) With the approval of the Secretary, the Administration shall employ
16 the deputies, subordinate officers, clerks, investigators, and other employees necessary to
17 carry out the powers and duties of the Administration.

18 (2) Except as otherwise provided by law, [and subject to § 2–103.4 of this
19 article,] each deputy, officer, and employee of the Administration:

20 (i) Is in the State Personnel Management System; and

21 (ii) Is entitled to the salary provided in the pay plan established
22 under Title 8, Subtitle 1 of the State Personnel and Pensions Article.

23 SECTION 4. AND BE IT FURTHER ENACTED, That:

24 (a) (1) On July 1, 2025, employees of the Department of Transportation shall
25 be transferred into the State Personnel Management System.

26 (2) Employees shall be appointed in the manner provided for other
27 employees in the State Personnel Management System.

28 (b) (1) An employee transferred under this Act shall be appointed without
29 further examination or qualification.

30 (2) The employee shall be placed in a classification that is comparable in
31 duties and responsibilities to the employee's former position.

1 (3) The employee may not suffer a diminution of salary or wages, accrued
2 leave, whether earned or granted, or seniority rights.

3 (c) (1) Any increase in salary or wages granted after May 1, 2024, may be
4 retained on appointment to the State Personnel Management System only if approved by
5 the appointing authority.

6 (2) When establishing the rate of salary on appointment, the monetary
7 value of any and all other benefits, entitlements, services, or prerogatives may be
8 considered.

9 (d) After appointment, the employee is entitled to the same benefits provided to
10 any employee who is subject to the State Personnel Management System.

11 SECTION 5. AND BE IT FURTHER ENACTED, That this Act may not be construed
12 to affect the collective bargaining rights of members of the transit workers union, the rights
13 of employees hired at any time to join an employee organization, or the rights of Maryland
14 Transit Administration employees eligible under § 7-601 of the Transportation Article to
15 be included in a collective bargaining unit.

16 SECTION 6. AND BE IT FURTHER ENACTED, That Sections 1, 2, 3, and 4 of this
17 Act shall take effect July 1, 2025.

18 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in Section
19 6 of this Act, this Act shall take effect July 1, 2024.