

HB0774/267838/1

JLIT

BY: Finance Committee

AMENDMENTS TO HOUSE BILL NO. 774

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 6 down through “teams;” in line 7; in line 24, after “appointments;” insert “providing for the designation of certain staff members employed by the Attorney General as special appointments;”; and in line 26, after “program;” insert “requiring the Department of Personnel to create a certain task force to study certain methods of compensation; requiring the task force to recommend a certain salary plan to the General Assembly on or before a certain date; requiring the Secretary of Personnel to develop standardized tests and application forms for certain positions and to report to certain committees of the General Assembly by a certain date on the status of developing the tests and forms;”.

On page 2, in line 15, strike beginning with “3-101” down through “Partnership;” in line 17; and in line 38, strike “11-113” and substitute “11-112”.

On page 3, in line 24, after “9-407;” insert “9-601;”.

On page 4, in line 26, strike “9-601 and”.

On page 5, after line 13, insert:

“BY repealing and reenacting, with amendments,

Article - State Government

Section 6-105(a)(2)

Annotated Code of Maryland

(1995 Replacement Volume)”.

(Over)

AMENDMENT NO. 2

On page 11, in line 31, strike “60” and substitute “120”.

AMENDMENT NO. 3

On page 13, strike in their entirety lines 20 through 23, inclusive.

On page 14, strike in their entirety lines 9 through 23, inclusive.

AMENDMENT NO. 4

On page 28, in line 11, strike “LABOR AND MANAGEMENT PARTNERSHIP” and substitute “RESERVED”; and on pages 28 through 32, strike beginning with “SUBTITLE” in line 12 on page 28 through “SUBTITLE.” in line 20 on page 32.

AMENDMENT NO. 5

On page 43, strike beginning with “All” in line 16 down through “notified” in line 17 and substitute “THE HEAD OF EACH PRINCIPAL UNIT SHALL NOTIFY THE EMPLOYEES IN THE UNIT”.

On page 45, after line 2, insert:

“(4) EXAMINE WHETHER HIRING, RECLASSIFICATION, TERMINATION, DISCIPLINARY SUSPENSION, AND OTHER PERSONNEL ACTIONS WITHIN THE UNIT ARE HAVING A DISPROPORTIONATE IMPACT ON CLASSES OF EMPLOYEES PROTECTED UNDER § 2-302(B)(1) OF THIS ARTICLE.”;

in lines 3 and 5, strike “(4)” and “(5)”, respectively, and substitute “(5)” and “(6)”, respectively; and in line 6, after “GOVERNOR” insert “AND, IN ACCORDANCE WITH § 2-1312 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY”.

On page 46, in line 28, strike “SUMMARY” and substitute “LIST, INCLUDING RELEVANT DATES,”; in line 29, after “PENDING” insert “, INCLUDING COMPLAINTS, OF WHICH THE UNIT HAS RECEIVED NOTICE, THAT HAVE BEEN FILED:

1. UNDER § 5-211 OF THIS SUBTITLE;

2. UNDER ARTICLE 49B, § 9A OF THE CODE; OR

3. WITH THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION”.

On page 47, in line 8, strike “The Secretary” and substitute “SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE, THE GOVERNOR”; in line 9, strike “Under the direction and supervision of the Secretary, the” and substitute “THE”; in line 10, after the semicolon insert “AND”; in line 12, strike “, AS APPROPRIATE,”; in the same line, after “RESOLVE” insert “, THROUGH MEDIATION, SETTLEMENT, OR DECISION,”; and strike beginning with the semicolon in line 13 down through “assigns” in line 15.

On page 48, in line 18, after “NUMBER” insert “, BASED ON THE NUMBER OF EMPLOYEES AND THE ANNUAL NUMBER OF COMPLAINTS THAT HAVE BEEN FILED UNDER § 5-211 OF THIS SUBTITLE,”; in line 24, after “(B)” insert “(1)”; after line 26, insert:

“(2) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING MINIMUM QUALIFICATIONS FOR THE EQUAL EMPLOYMENT OPPORTUNITY COORDINATOR, FAIR PRACTICE OFFICERS, AND EQUAL EMPLOYMENT OPPORTUNITY OFFICERS.”;

in line 34, after “(1)” insert “(I)”; and in the same line, after the semicolon insert “AND

(II) NOTIFY THE EQUAL EMPLOYMENT OPPORTUNITY COORDINATOR AND THE APPROPRIATE FAIR PRACTICE OFFICER IF THE EQUAL EMPLOYMENT OPPORTUNITY OFFICER BELIEVES THAT A PERSONNEL ACTION DOES NOT COMPLY WITH THE PROVISIONS OF THIS SUBTITLE;”.

On page 51, in line 18, strike “UP” and substitute “, LEAVE, AND BENEFITS RETROACTIVE”; and in line 22, after “VIOLATION” insert “, IMPEDED THE RESOLUTION OF THE COMPLAINT, OR RETALIATED, OR ASSISTED IN RETALIATION, AGAINST A COMPLAINANT”.

On page 56, in line 30, after “PAY” insert “, LEAVE, AND BENEFITS RETROACTIVE”.

AMENDMENT NO. 6

(Over)

On page 46, after line 33, insert:

“(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE UNIVERSITY OF MARYLAND SYSTEM MAY SATISFY ANY REPORTING REQUIREMENT REQUIRED BY THIS SUBTITLE OR BY REGULATIONS ADOPTED UNDER THIS SUBTITLE BY SUBMITTING TO THE SECRETARY AN ANNUAL REPORT ON THE SYSTEM’S EQUAL EMPLOYMENT OPPORTUNITY POLICIES AND PROGRAMS IN SUCH FORMAT AS IS DETERMINED BY THE SYSTEM’S BOARD OF REGENTS.”;

and in line 34, strike “(B)” and substitute “(C)”.

AMENDMENT NO. 7

On page 48, in lines 25 and 26, strike “PROVIDE ASSISTANCE AND ADVICE TO”.

AMENDMENT NO. 8

On page 52, in line 10, strike “EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,”.

AMENDMENT NO. 9

On page 86, in line 15, after “(3)” insert “EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,”; after line 16, insert:

“(B) AN EMPLOYEE IS NOT REQUIRED TO SERVE A PROBATIONARY PERIOD IF THE EMPLOYEE IS REINSTATED WITHIN 2 YEARS AFTER THE EMPLOYEE’S SEPARATION FROM STATE SERVICE TO A POSITION IN WHICH THE EMPLOYEE HAD PREVIOUSLY COMPLETED A PROBATIONARY PERIOD.”;

and in line 17, strike “(B)” and substitute “(C)”.

AMENDMENT NO. 10

On page 89, in line 11, after “(4)” insert “EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,”; and after line 13, insert:

“(E) THE ANONYMOUS SURVEY REQUIREMENT UNDER SUBSECTION (D)(4) OF THIS SECTION SHALL NOT BE A FACTOR IN EVALUATING A MANAGER’S OR SUPERVISOR’S PERFORMANCE IF FEWER THAN TEN EMPLOYEES ARE ASSIGNED TO THE MANAGER OR SUPERVISOR.”.

AMENDMENT NO. 11

On page 97, in line 20, strike “EMPLOYEES MID-YEAR” and substitute “EMPLOYEE’S MIDYEAR”.

AMENDMENT NO. 12

On page 116, in line 18, before “responsible” insert “primarily”; strike beginning with “IF” in line 26 down through “FOLLOWING” in line 31 and substitute “AN employee who is secondarily responsible for the care and nurturing of a child may use, without certification of illness or disability, up to 10 days of accrued sick leave to care for the child during the period immediately following”; in line 32, strike “EMPLOYEES” and substitute “employee’s”; and in line 33, strike “EMPLOYEES” and substitute “employee”.

AMENDMENT NO. 13

On page 132, in line 26, strike “and”; and in line 27, after “employment” insert “; AND

(4) TRAIN MANAGERS AND SUPERVISORS TO BE KNOWLEDGEABLE AND SKILLED IN THE FAIR APPLICATION OF LAWS, RULES, AND GUIDELINES”.

AMENDMENT NO. 14

On page 143, strike in their entirety lines 20 and 21, inclusive; and in line 25, strike “11-103.” and substitute “11-102.”.

On page 144, in lines 7 and 30, strike “11-104.” and “11-105.”, respectively, and substitute “11-103.” and “11-104.”, respectively.

On page 145, in line 19, strike “11-106.” and substitute “11-105.”.

On page 146, in line 16, strike "11-107." and substitute "11-106.".

On page 147, in lines 1 and 18, strike "11-108." and "11-109.", respectively, and substitute "11-107." and "11-108.", respectively.

On page 148, in lines 14 and 15, strike "11-110." and "§ 11-110", respectively, and substitute "11-109." and "§ 11-108", respectively.

On page 149, in lines 17, 28, 33, and 35, strike "11-111.", "11-112.", "§§ 11-109 AND 11-110", and "11-110(D)(1)", respectively, and substitute "11-110.", "11-111.", "§§ 11-108 AND 11-109", and "11-109(D)(1)", respectively.

On page 150, in line 8, strike "11-113." and substitute "11-112.".

On page 156, strike beginning with "WHOSE" in line 23 down through "TITLE" in line 26 and substitute "IS SUSPENDED WITHOUT PAY PENDING THE FINAL ADMINISTRATIVE APPEAL RIGHTS PROVIDED BY THIS TITLE".

AMENDMENT NO. 15

On page 143, in lines 33 and 34, strike "FOR MISCONDUCT"; in line 34, after "IMPOSE" insert "AN"; in lines 35 and 36, strike "OFFENSE EXCEPT FOR A GOOD CAUSE THAT BECOMES" and substitute "CONDUCT UNLESS ADDITIONAL INFORMATION IS MADE"; and in line 37, strike "INITIAL".

AMENDMENT NO. 16

On page 144, in line 2, after "ACT" insert ", AND UNDER ANY CHANGES TO THE FAIR LABOR STANDARDS ACT,".

AMENDMENT NO. 17

On page 144, in line 31, before "THE" insert "(A)"; in the same line, strike "ARE" and substitute "MAY BE"; in line 34, after "(I)" insert "SERIOUSLY"; in line 35, after "CAUSES" insert "SUBSTANTIAL"; and in line 36, after "(III)" insert "SERIOUSLY".

On page 145, strike in their entirety lines 2 through 5, inclusive; in lines 6, 11, and 15, strike

“(6)”, “(7)”, and “(8)”, respectively, and substitute “(3)”, “(4)”, and “(5)”, respectively; and after line 18, insert:

“(B) THE FOLLOWING ACTIONS ARE CAUSES FOR AUTOMATIC TERMINATION OF EMPLOYMENT:

(1) CONVICTION OF AN ILLEGAL SALE, USE, OR POSSESSION OF DRUGS ON THE JOB;

(2) CONVICTION OF A CONTROLLED DANGEROUS SUBSTANCE OFFENSE BY AN EMPLOYEE IN A DESIGNATED SENSITIVE CLASSIFICATION; AND

(3) CONVICTION OF A FELONY.”.

AMENDMENT NO. 18

On page 148, in line 24, strike “UPHOLD THE UNIT’S DECISION AND”.

AMENDMENT NO. 19

On page 149, in lines 6 and 7, strike “OR, IF THAT IS IMPRACTICAL, TO A COMPARABLE POSITION WITHIN THE UNIT”.

AMENDMENT NO. 20

On page 151, in line 7, after “TITLE;” insert “OR”; strike in their entirety lines 8 and 9; and in line 10, strike “(III)” and substitute “(II)”.

On page 152, in line 10, before “An” insert “(A)”; and after line 12, insert:

“(B) AN EMPLOYEE SHALL BE LAID OFF IF THE EMPLOYEE IS IN A SKILLED SERVICE OR PROFESSIONAL SERVICE POSITION FOR WHICH THE FUNDING IS ELIMINATED FROM THE BUDGET OR REDUCED IN ACCORDANCE WITH § 7-213 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.”.

On page 154, in line 32, after “(C)” insert “(1) EXCEPT FOR SKILLED SERVICE AND”

PROFESSIONAL SERVICE EMPLOYEES.”; in lines 33 and 34, strike “WITH THE EXCEPTION THAT” and substitute “.

(2)”;

and in line 34, after “SEPARATED” insert “UNDER THIS SECTION”.

AMENDMENT NO. 21

On page 156, in line 1, strike “(1)”.

AMENDMENT NO. 22

On page 157, strike in their entirety lines 9 through 17, inclusive, and substitute:

“(B) (1) “GRIEVANCE” MEANS A DISPUTE BETWEEN AN EMPLOYEE AND THE EMPLOYEE’S EMPLOYER ABOUT THE INTERPRETATION OF AND APPLICATION TO THE EMPLOYEE OF:

(I) A PERSONNEL POLICY OR REGULATION ADOPTED BY THE SECRETARY; OR

(II) ANY OTHER POLICY OR REGULATION OVER WHICH MANAGEMENT HAS CONTROL.”.

AMENDMENT NO. 23

On page 158, in line 29, strike “OR”; and in line 32, after “STATE” insert “; OR

(12) AN ADMINISTRATIVE LAW JUDGE IN THE OFFICE OF ADMINISTRATIVE HEARINGS”.

AMENDMENT NO. 24

On page 160, in line 6, after “LEAVE” insert “, UP TO A MAXIMUM OF 14 DAYS”.

AMENDMENT NO. 25

On page 179, in line 10, after “Personnel” insert “and Pensions”.



AMENDMENT NO. 26

On page 179, after line 19, insert:

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

Article - State Government

6-105.

(a) (2) Staff MEMBERS appointed under this subsection:

(i) [is in the unclassified service of the State Personnel Management System] ARE DEEMED SPECIAL APPOINTMENTS WITHIN THE MEANING OF § 6-405 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; and

(ii) [serves] SERVE at the pleasure of the Attorney General.”;

and in lines 20, 22, 25, and 28, strike “3.”, “4.”, “5.”, and “6.”, respectively, and substitute “4.”, “5.”, “6.”, and “7.”, respectively.

On page 180, in lines 27 and 31, strike “7.” and “8.”, respectively, and substitute “8.” and “9.”, respectively.

On page 181, in lines 3, 11, 16, 20, 26, 30, 34, and 41, strike “9.”, “10.”, “11.”, “12.”, “13.”, “14.”, “15.”, and “16.”, respectively, and substitute “10.”, “11.”, “12.”, “13.”, “14.”, “15.”, “16.”, and “17.”, respectively.

On page 182, in lines 1, 6, and 10, strike “17.”, “18.”, and “19.”, respectively, and substitute “18.”, “21.”, and “22.”, respectively; and in lines 6 and 9, in each instance, strike “8” and substitute “9”.

AMENDMENT NO. 27

(Over)

On page 180, in line 22, after “the” insert “Skilled Service, Professional Service, and”; in line 23, strike “1998” and substitute “1999”; strike in their entirety lines 24 and 25; in line 26, strike “(e)” and substitute “(d)”; and after line 26, insert:

“(e) The Department of Personnel shall create a task force that includes employee organizations to study methods of compensation that are being used in the public and private sector. The task force shall recommend an appropriate salary plan to the General Assembly on or before January 1, 1997.”.

AMENDMENT NO. 28

On page 181, in line 29, after the period insert “The Governor shall review references to “classified service” and “unclassified service” employees throughout the Annotated Code and shall submit legislation in the 1997 Legislative Session to correct any references to those employees in accordance with the provisions of this Act.”; and in line 32, strike “propose the correction of” and substitute “correct any”.

AMENDMENT NO. 29

On page 182, after line 5, insert:

“SECTION 19. AND BE IT FURTHER ENACTED, That, as of October 1, 1996, if a classified service employee’s classification is placed in the Management Service, the employee shall retain the disciplinary appeal rights of the Skilled Service or Professional Service for as long as the employee remains in the position the employee holds on the effective date of this Act.

SECTION 20. AND BE IT FURTHER ENACTED, That, where appropriate, the Secretary of Personnel shall develop standardized tests and application forms for those positions which exist in multiple agencies and do not require unique qualifications. The Secretary of Personnel shall report to the Senate Finance Committee and the House Appropriations Committee by December 1, 1996, on the status of developing standardized tests and application forms.”.

AMENDMENT NO. 30

On page 78, in line 29, strike “BALTIMORE CITY ADJACENT TO” and substitute “2.5 MILES OF”; and strike beginning with “OR” in line 29 down through “CITY” in line 31.

AMENDMENT NO. 31

On page 90, in line 8, after “(C)” insert “(1)”; in line 9, after “ASSESSMENT” insert “.

(2) THE EMPLOYEE SHALL BE NOTIFIED AT LEAST 5 DAYS PRIOR TO THE DATE OF THE REVIEW AND THE DISCUSSION.

(3) THE PURPOSE OF THE REVIEW AND DISCUSSION IS”;

and in lines 11, 14, 16, and 21, strike “(1)”, “(2)(I)”, “(II)”, and “(III)”, respectively, and substitute “(I)”, “(II) 1.”, “2.”, and “3.”, respectively.

AMENDMENT NO. 32

On page 86, in line 21, before “AT” insert “(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND”; strike beginning with “UP” in line 22 down through “PERIOD” in line 23; and after line 32, insert:

“(B)(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN EMPLOYEE’S PROBATIONARY PERIOD MAY BE EXTENDED UNDER SUBSECTION (A) OF THIS SECTION UP TO ONE ADDITIONAL 6-MONTH PERIOD.

(2) FOR AN EMPLOYEE APPOINTED TO A SKILLED SERVICE POSITION BELOW GRADE 7, AN EMPLOYEE’S PROBATIONARY PERIOD MAY BE EXTENDED UNDER SUBSECTION (A) OF THIS SECTION UP TO ONE ADDITIONAL 3-MONTH PERIOD.”.