

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL NO. 774

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the semicolon insert “establishing the labor and management partnership; establishing employee/management teams;”; in line 17, after “entitled;” insert “altering certain other provisions of law on leave;”; in line 21, after “pay;” insert “providing for the designation of certain employees of the Maryland Automobile Insurance Fund as special appointments; providing for the establishment of a Legislative Joint Committee on Fair Practices; providing for a telecommuting pilot program; providing for the termination of certain provisions of this Act; declaring the intent of the General Assembly; requiring the Department of Personnel and Department of Budget and Fiscal Planning to study the use of long-term contractual employees; requiring the Task Force to Reform the State Personnel Management System to meet periodically during a certain year; providing for the application of this Act; providing for certain training; making provisions of this Act severable;” in line 31, after “2-601;” insert “3-101, 3-201 through 3-206, and 3-301 through 3-307, to be under the new title “Title 3. Labor and Management Partnership;”; in the same line, strike “4-204” and substitute “4-205”; and in line 32, strike “4-401;” and substitute “4-401 to be under the new subtitle “Subtitle 4. Hearings and Final Decisions”; 5-203,”.

On page 2, in line 5, after “6-404” insert “and 6-406”; in line 7, after “7-602;” insert “7-701 to be under the new subtitle “Subtitle 7. Part-time Employment;”; in line 16, strike “Action” and substitute “Actions”; in line 35, after “3-308,” insert “3-402,”; in lines 42 and 43, strike “6-401, 6-402, 6-403;” and in line 44, strike “7-801,”.

On page 3, in line 17, strike “3-401 through 3-404” and substitute “3-401, 3-403, and 3-404,”; in line 30, after “6-309;” insert “6-401 through 6-403 to be under”; in the same line, strike “designation”; in line 31, after “Title 2;” insert “6-404 to be under the new subtitle “Subtitle 4. Prohibited Acts and Penalties” of Title 8;”; and in line 42, strike “Rewards” and substitute “Awards”.

(Over)

On page 4, in line 11, strike “12-402” and substitute “12-401”; and after line 27, insert:

“BY repealing and reenacting, with amendments,

Article 48A - Insurance Code

Section 243(d)(1), (2), and (3)

Annotated Code of Maryland

(1994 Replacement Volume and 1995 Supplement)”.

AMENDMENT NO. 2

On page 7, in line 28, before “TO” insert:

“(A) IN KEEPING WITH STATE EFFORTS TO REINVENT GOVERNMENT, RESTRUCTURING OF THE STATE’S PERSONNEL SYSTEM SHOULD ENHANCE THE DELIVERY OF SERVICES TO CITIZENS IN AN EFFECTIVE AND TIMELY MANNER.

(B)”.

On page 10, in line 31, strike “CONTRACTUAL” and substitute “TEMPORARY”.

On page 12, after line 1, insert:

“(A) THIS SECTION APPLIES TO ALL EMPLOYEES OF ALL UNITS IN THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT, INCLUDING ALL UNITS WITH INDEPENDENT PERSONNEL SYSTEMS EXCEPT FOR THE DEPARTMENT OF TRANSPORTATION AND UNIVERSITY OF MARYLAND SYSTEM.”;

and in lines 2, 7, and 11, strike “(A)”, “(B)”, and “(C)”, respectively, and substitute “(B)”, “(C)”, and “(D)”, respectively; in line 11, strike “(B)” and substitute “(C)”; and after line 23, insert:

“(4) “ALCOHOL CONCENTRATION” HAS THE MEANING STATED IN § 11-103.2 OF THE TRANSPORTATION ARTICLE.

(5) “WORKPLACE” MEANS ANY PLACE WHERE AN EMPLOYEE IS PERFORMING WORK FOR THE STATE OF MARYLAND.”.

On page 13, after line 8, insert:

“(E) AN EMPLOYEE WHO CONSUMES AN ALCOHOLIC BEVERAGE IN THE WORKPLACE OR HAS AN ALCOHOL CONCENTRATION OF .02 OR MORE WHILE ON DUTY:

(1) SHALL BE IN VIOLATION OF THE STATE SUBSTANCE ABUSE POLICY AND SUBJECT TO DISCIPLINARY ACTION; AND

(2) MAY NOT DRIVE A STATE VEHICLE OR OPERATE STATE CONSTRUCTION EQUIPMENT DURING THE EMPLOYEE’S NORMAL WORK DAY.

(F) (1) EMPLOYEES WHO ARE CALLED IN TO WORK OUTSIDE OF THEIR REGULARLY SCHEDULED HOURS SHALL BE PROVIDED THE OPPORTUNITY TO ACKNOWLEDGE THEY HAVE CONSUMED ALCOHOL WITHIN THE PREVIOUS FOUR HOURS OR HAVE REASON TO BELIEVE THAT THEIR ALCOHOL CONCENTRATION LEVEL WOULD BE .02 OR MORE.

(2) THE EMPLOYEES WHO MAKE AN ACKNOWLEDGMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE SUBJECT TO DISCIPLINARY ACTION AND MAY NOT BE ASSIGNED TO PERFORM A SAFETY-SENSITIVE FUNCTION.”.

On page 13, in line 28, strike “EXECUTIVE BRANCH OF STATE GOVERNMENT” and substitute “STATE PERSONNEL MANAGEMENT SYSTEM”.

On page 23, in line 22, after “(A)” strike “A FORMER STATE PERMANENT” and substitute “EXCEPT AS PROVIDED FOR IN SUBSECTION (C)(2) OF THIS SECTION, A FORMER NON-TEMPORARY STATE”; in line 23, after “EMPLOYMENT” insert “IN A POSITION IN THE STATE PERSONNEL MANAGEMENT SYSTEM”; in line 26, strike “PERMANENT” and substitute “NON-TEMPORARY”; and in the same line, after “REINSTATED” insert “IN A POSITION”.

On page 24, in line 1, strike “PERMANENT” and substitute “NON-TEMPORARY”; in line 2, after “SYSTEM” insert “IN ACCORDANCE WITH THE REINSTATEMENT”.

PROVISIONS OF THAT SYSTEM"; and in line 11, strike "extra or emergency".

AMENDMENT NO. 3

On page 27, in line 1, strike "RESERVED." and substitute "LABOR AND MANAGEMENT PARTNERSHIP."; after line 1, insert:

"SUBTITLE 1. DEFINITIONS.

3-101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "EMPLOYEE ORGANIZATION REPRESENTATIVE" MEANS THE REPRESENTATIVE OF AN EMPLOYEE ORGANIZATION THAT HAS A MEMBER ACTIVELY EMPLOYED WITHIN THE MEET AND CONFER UNIT.

(C) "MEET AND CONFER CONFERENCE" MEANS DISCUSSIONS HELD BY THE SECRETARY WITH EMPLOYEE ORGANIZATION REPRESENTATIVES AND THE APPROPRIATE HEADS OF PRINCIPAL UNITS IN ACCORDANCE WITH SUBTITLE 2 OF THIS TITLE.

(D) "MEET AND CONFER UNIT" MEANS STATE PERSONNEL MANAGEMENT SYSTEM EMPLOYEES WHOSE JOB CLASSIFICATIONS ARE OCCUPATIONALLY AND FUNCTIONALLY RELATED AND WHO SHARE A COMMUNITY OF INTEREST.

(E) (1) "TERMS AND CONDITIONS OF EMPLOYMENT" MEANS MATTERS OF EMPLOYMENT INCLUDING LEAVE, SAFETY ISSUES, POLICIES, PROCEDURES, GRIEVANCE RESOLUTION, AND OTHER EMPLOYEE CONCERNS.

(2) "TERMS AND CONDITIONS OF EMPLOYMENT" DOES NOT INCLUDE WAGES, SALARIES, RETIREMENT BENEFITS, OR HEALTH BENEFITS.

SUBTITLE 2. GENERAL PROVISIONS.

3-201.

THE PURPOSE OF THIS SUBTITLE IS TO ESTABLISH AND SUSTAIN A WORKING RELATIONSHIP BETWEEN ORGANIZATIONS REPRESENTING STATE EMPLOYEES AND THE STATE AS THE EMPLOYER THAT IS CONSISTENT AND SUPPORTIVE OF THE MISSION, VISION, AND VALUES OF THE STATE.

3-202.

THE SECRETARY SHALL RECOGNIZE THE FOLLOWING MEET AND CONFER UNITS:

(1) ADMINISTRATIVE PROFESSIONAL PERSONNEL - PROFESSIONAL EMPLOYEES WITH GENERAL BUSINESS RESPONSIBILITIES, INCLUDING ACCOUNTANTS, REVENUE AGENTS, BANK AND INSURANCE EXAMINERS, BUYERS, PERSONNEL SPECIALISTS, FISCAL ANALYSTS, AND SIMILAR CLASSES;

(2) ADMINISTRATIVE SUPPORT PERSONNEL - ADMINISTRATIVE NONPROFESSIONAL EMPLOYEES, INCLUDING CLERICAL WORKERS, TYPISTS, SECRETARIES, ACCOUNTING CLERKS, COMPUTER OPERATORS, OFFICE SERVICE PERSONNEL, AND SIMILAR CLASSES;

(3) ENGINEERING, SCIENCE, AND RESOURCES PERSONNEL - EMPLOYEES IN SPECIALIZED PROFESSIONAL SCIENTIFIC OCCUPATIONS, INCLUDING ENGINEERS, ARCHITECTS, CHEMISTS, GEOLOGISTS, SURVEYORS, BIOLOGISTS, AND SIMILAR CLASSES;

(4) HEALTH AND HUMAN SERVICES PROFESSIONALS AND AIDES - HEALTH CARE PROFESSIONALS, HEALTH CARE PROFESSIONAL AIDES, HUMAN SERVICES PROFESSIONALS, AND HUMAN SERVICE AIDES, INCLUDING NURSES, DOCTORS, PSYCHOLOGISTS, PHARMACISTS, DIETITIANS, THERAPISTS, SOCIAL WORKERS, HUMAN SERVICE ASSOCIATES, AND SIMILAR CLASSES;

(5) LAW ENFORCEMENT AND PROTECTIVE SERVICES EMPLOYEES -

(Over)

EMPLOYEES HOLDING POWER OF ARREST, INSTITUTION SECURITY PERSONNEL, CORRECTIONAL OFFICERS, BUILDING AND SECURITY GUARDS, WARDENS, FIREFIGHTERS, SERGEANTS, PATROL OFFICERS, AND SIMILAR CLASSES; AND

(6) MAINTENANCE AND TRADES PERSONNEL - EMPLOYEES IN TECHNICAL CLASS POSITIONS, INCLUDING MAINTENANCE WORKERS, CARPENTERS, PLUMBERS, ELECTRICIANS, PRINT SHOP WORKERS, MECHANICS, ENGINEERING AIDES, AND SIMILAR CLASSES.

3-203.

(A) EACH YEAR ON OR BEFORE OCTOBER 15, THE SECRETARY SHALL CONDUCT MEET AND CONFER CONFERENCES WITH EACH RECOGNIZED MEET AND CONFER UNIT.

(B) THE SECRETARY SHALL NOTIFY THE EMPLOYEE REPRESENTATIVES OF THE TIME AND PLACE OF THE MEET AND CONFER CONFERENCE.

(C) (1) THE SECRETARY SHALL NOTIFY THE APPROPRIATE HEADS OF PRINCIPAL UNITS OF THE TIME AND PLACE OF THE MEET AND CONFER CONFERENCE.

(2) THE APPROPRIATE HEADS OF PRINCIPAL UNITS SHALL ATTEND AND PARTICIPATE IN THE MEET AND CONFER CONFERENCES.

3-204.

THE PURPOSE OF THE MEET AND CONFER CONFERENCE IS TO:

(1) FOSTER POLICIES FOUNDED ON THE PRINCIPLES OF FAIRNESS AND EQUAL TREATMENT;

(2) GUIDE LABOR AND MANAGEMENT AS THEY DEVELOP COOPERATIVE RELATIONSHIPS;

(3) CLEARLY IDENTIFY EXPECTATIONS AND INTERESTS OF MANAGEMENT AND LABOR SO THAT THE AUTONOMY OF BOTH GROUPS IS PROTECTED WHILE THEIR INTERDEPENDENCE IS ALSO ACKNOWLEDGED;

(4) FOSTER EMPLOYEE PRIDE THROUGH A DEDICATION TO QUALITY AND CUSTOMER SERVICE; AND

(5) SOLICIT EMPLOYEE AND UNION INPUT TO ASSIST MANAGEMENT IN MAKING BETTER DECISIONS.

3-205.

IF AN UNDERSTANDING IS REACHED DURING THE MEET AND CONFER CONFERENCE:

(1) THE SECRETARY SHALL PREPARE A MEMORANDUM OF UNDERSTANDING AND SUBMIT THE MEMORANDUM TO THE GOVERNOR AND THE GENERAL ASSEMBLY BY NOVEMBER 15 FOR THEIR CONSIDERATION; AND

(2) NOTHING CONTAINED WITHIN THE MEMORANDUM OF UNDERSTANDING SHALL BE BINDING ON THE GOVERNOR OR THE GENERAL ASSEMBLY.

3-206.

THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

SUBTITLE 3. EMPLOYEE/MANAGEMENT TEAMS.

3-301.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS

(Over)

INDICATED.

(B) "EMPLOYEE/MANAGEMENT TEAM" MEANS A GROUP ESTABLISHED BY THE HEAD OF A PRINCIPAL UNIT, THAT IS COMPRISED OF MEMBERS OF MANAGEMENT AND EMPLOYEES FOR THE PURPOSE OF WORKING TOGETHER THROUGH OPEN AND CANDID DISCUSSIONS ON ISSUES OF MUTUAL INTEREST.

3-302.

(A) EACH PRINCIPAL UNIT WITHIN THE STATE PERSONNEL MANAGEMENT SYSTEM SHALL EMPOWER EMPLOYEES THROUGH THE ESTABLISHMENT OF EMPLOYEE/MANAGEMENT TEAMS.

(B) (1) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE HEAD OF EACH PRINCIPAL UNIT SHALL SUBMIT A PLAN TO THE SECRETARY IDENTIFYING THE NUMBER OF EMPLOYEE/MANAGEMENT TEAMS ESTABLISHED AND DESCRIBING THE OBJECTIVES ASSIGNED TO EACH EMPLOYEE/MANAGEMENT TEAM.

(2) THE SECRETARY SHALL EVALUATE THE PLAN OF EACH PRINCIPAL UNIT WITH REGARD TO SERVICING THE INTERESTS OF THE PUBLIC AND IN FOSTERING A SYSTEM OF PARTICIPATIVE MANAGEMENT.

(3) IF THE SECRETARY DETERMINES THAT THE PLAN IS INADEQUATE, THE SECRETARY MAY REQUIRE THE HEAD OF THE PRINCIPAL UNIT TO DEVELOP AN ALTERNATIVE PLAN BASED ON CRITERIA DEVELOPED BY THE SECRETARY.

3-303.

THE SECRETARY MAY WAIVE THE REQUIREMENTS OF THIS SUBTITLE FOR ANY PRINCIPAL UNIT IF:

(1) THE HEAD OF THE PRINCIPAL UNIT PROVIDES THE SECRETARY WITH AN EXPLANATION DESCRIBING THE UNIQUE CHARACTERISTICS OF THE PRINCIPAL UNIT THAT WOULD INHIBIT THE FORMATION OF

EMPLOYEE/MANAGEMENT TEAMS OR REDUCE THEIR EFFECTIVENESS; AND

(2) THE SECRETARY CONCURS WITH THE ASSESSMENT OF THE HEAD OF THE PRINCIPAL UNIT.

3-304.

MEMBERS OF THE EMPLOYEE/MANAGEMENT TEAMS SHALL CONDUCT THEMSELVES IN A MANNER THAT FOSTERS:

(1) A CLIMATE OF OPENNESS AND GOOD FAITH;

(2) AN ATMOSPHERE OF MUTUAL RESPECT AND TRUST;

(3) AN ENVIRONMENT SAFE FROM ANY FEAR OF RETALIATION; AND

(4) A SPIRIT OF STEWARDSHIP FOR THE WELL-BEING OF THE PUBLIC SERVED.

3-305.

(A) EACH EMPLOYEE/MANAGEMENT TEAM SHALL HAVE ESTABLISHED GOALS AND OBJECTIVES THAT REFLECT THE OVERALL MISSION OF THE PRINCIPAL UNIT.

(B) THE ESTABLISHED GOALS AND OBJECTIVES SHALL INCLUDE THE FOLLOWING CORE OBJECTIVES:

(1) TO ENCOURAGE NEW IDEAS;

(2) TO SEEK THE HIGHEST LEVEL OF QUALITY, PRODUCTIVITY, AND SERVICE;

(Over)

(3) TO DEVELOP OPEN COMMUNICATIONS BETWEEN MANAGEMENT AND EMPLOYEES; AND

(4) TO IDENTIFY PROBLEMS AND PROPOSE RESOLUTIONS.

3-306.

(A) THE EMPLOYEE/MANAGEMENT TEAMS SHALL MEET AT LEAST ONCE EACH MONTH.

(B) MINUTES OF ALL MEETINGS SHALL BE PUBLISHED.

(C) AT LEAST QUARTERLY, THE EMPLOYEE/MANAGEMENT TEAMS SHALL PREPARE A REPORT FOR THE HEAD OF THE PRINCIPAL UNIT THAT DESCRIBES THE ACTIVITIES OF THE EMPLOYEE/MANAGEMENT TEAM WHICH SHALL INCLUDE:

(1) THE ISSUES DISCUSSED;

(2) THE PROBLEMS IDENTIFIED;

(3) THE RESEARCH OBTAINED;

(4) THE RESOLUTIONS PROPOSED AND ACCOMPLISHED; AND

(5) ANY OTHER INFORMATION WHICH THE HEAD OF THE PRINCIPAL UNIT REQUESTS OR THE EMPLOYEE/MANAGEMENT TEAM MEMBERS MUTUALLY AGREE TO INCLUDE.

3-307.

THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.”.

AMENDMENT NO. 4

On page 30, in line 19, strike “OF WORK”.

On page 31, in line 19, after “(A)” insert “THIS SECTION DOES NOT APPLY TO THOSE UNITS OF STATE GOVERNMENT WITH AN INDEPENDENT PERSONNEL SYSTEM.

(B) IN THE STATE PERSONNEL MANAGEMENT SYSTEM”;
and in line 33, strike “(B)” and substitute “(C)”.

On page 33, after line 10, insert:

“4-205.

IF THERE IS A MATERIAL CHANGE IN THE DUTIES OF A POSITION, THE SECRETARY SHALL ABOLISH THE POSITION AND CREATE A NEW POSITION IN ITS PLACE.”;

and after line 31, insert:

“(V) EACH DENIAL OF A PAY INCREASE, EACH DISCIPLINARY SUSPENSION, EACH GRIEVANCE, EACH INVOLUNTARY DEMOTION, AND EACH REJECTION ON PROBATION; AND

(VI) A SUMMARY OF THE EQUAL EMPLOYMENT OPPORTUNITY REPORT REQUIRED UNDER § 5-204 OF THIS ARTICLE, INCLUDING HIRING, FIRING, PROMOTIONS, TERMINATIONS, AND REJECTIONS ON PROBATION, BY RACE, SEX, AND AGE.”.

On page 35, in line 19, strike “AND GUIDELINES” and substitute “, GUIDELINES, AND POLICIES”.

On page 36, in line 35, strike “THE SECRETARY MAY DELEGATE TO”; and in line 36,

(Over)

strike “THE AUTHORITY TO” and substitute “SHALL DISPOSE OF A CASE OR”.

On page 37, in line 1, strike “§ 5-213” and substitute “§ 5-310”; and in line 2, strike “§ 11-109” and substitute “TITLE 11”.

AMENDMENT NO. 5

On page 38, strike in their entirety lines 1 through 7, inclusive; after line 20, insert:

“5-203.

EXCEPT AS PROVIDED IN § 5-209 OF THIS SUBTITLE, IN ADDITION TO ANY RIGHT TO FILE AN EMPLOYMENT DISCRIMINATION COMPLAINT WITH THE MARYLAND COMMISSION ON HUMAN RELATIONS, WITH THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, OR IN COURT, AN EMPLOYEE MAY ELECT TO PURSUE AN ALLEGATION OF EMPLOYMENT DISCRIMINATION UNDER THE COMPLAINT RESOLUTION PROCEDURES OF THIS SUBTITLE.”;

and in line 30, strike “REGULATIONS” and substitute “REGULATIONS, POLICIES, AND DIRECTIVES”.

On page 42, in line 32, strike “IF APPROPRIATE,”.

On page 43, in line 8, strike “(1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,”; in line 10, strike “WITHOUT REGARD TO ANY FACTOR IN” and substitute “IN ACCORDANCE WITH”; strike in their entirety lines 12 through 16, inclusive; strike beginning with “EXCEPT” in line 17 through the comma in the same line; in line 22, after “SHALL” insert “ALSO”; strike in its entirety line 23; in lines 24 and 25, strike “(2)” and “(3)”, respectively, and substitute “(1)” and “(2)”, respectively; and strike in their entirety lines 26 through 28, inclusive.

On page 46, in line 4, strike “(A)”;

in line 5, after “EMPLOYEES” insert “AND STATE EMPLOYEES WHO ARE APPLICANTS FOR POSITIONS”; and strike in their entirety lines 7 through 10, inclusive.

On page 47, in line 1, after “(2)” insert “FOLLOWING A DISCLOSURE UNDER ITEM (1) OF THIS SECTION”.

On page 49, in line 7, after “EMPLOYEE” insert “IN THE STATE PERSONNEL MANAGEMENT SYSTEM”; and in line 10, strike “10” and substitute “12”.

AMENDMENT NO. 6

On page 53, in line 20, strike “OF WORK”.

On page 54, in line 10, strike “REGULATIONS” and substitute “REGULATIONS, GUIDELINES, POLICIES,”.

On page 55, in line 10, after “IN” insert “THE”.

On page 57, in line 36, strike “§ 7-303” and substitute “§ 7-301”.

AMENDMENT NO. 7

On page 58, in line 26, strike “CONTRACTUAL” and substitute “TEMPORARY”.

On page 59, in line 26, after “SECRETARY” insert “, INCLUDING A DESCRIPTION OF THE ESSENTIAL FUNCTIONS OF THE POSITION”.

On page 67, in line 24, strike “EMPLOYEE” and substitute “POSITION”.

On page 68, in line 26, strike “A”.

On page 69, in line 8, strike “VOCATIONAL REHABILITATION” and substitute “REHABILITATION SERVICES”; strike beginning with “AT” in line 25 down through “APPLICATIONS” in line 26; in line 29, after “SECRETARY” insert “AT LEAST 1 WEEK BEFORE POSTING THE JOB ANNOUNCEMENT”; and in line 32, strike “THE POSITION” and substitute “AT LEAST 2 WEEKS BEFORE THE DEADLINE FOR SUBMITTING APPLICATIONS,”; and in line 37, after “VACANCY” insert “AT LEAST 2 WEEKS BEFORE”.

(Over)

THE DEADLINE FOR SUBMITTING APPLICATIONS”.

On page 70, in line 1, strike “MAKE” and substitute “MAKING”.

On page 71, in line 22, strike “FIVE” and substitute “TEN”; in line 23, after “FOR” insert a colon; strike beginning with “AN” in line 23 down through “DISABILITY” in line 32 and substitute:

“(I) AN ELIGIBLE VETERAN;

(II) THE SPOUSE OF AN ELIGIBLE VETERAN WHO HAS A SERVICE CONNECTED DISABILITY; OR

(III) THE SURVIVING SPOUSE OF A DECEASED ELIGIBLE VETERAN”;

in line 33, strike “(4)” and substitute “(3)”; and after line 37, insert:

“(D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “HOST COUNTY” MEANS ANY COUNTY IN WHICH A QUALIFIED PRISON FACILITY IS LOCATED.

(III) “ADJACENT COUNTY” MEANS ANY COUNTY ADJACENT TO A HOST COUNTY.

(IV) “QUALIFIED PRISON FACILITY” MEANS ANY NEW STATE CORRECTIONAL INSTITUTION OF 750 BEDS OR MORE CONSTRUCTED FOR THE DIVISION OF CORRECTION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ON OR AFTER JANUARY 1, 1985.

(2) IN THE SELECTION PROCESS FOR AN INITIAL APPOINTMENT TO ANY POSITION IN A QUALIFIED PRISON FACILITY, AN APPOINTING AUTHORITY SHALL

ALLOW FIVE POINTS TO EACH RESIDENT OF THE HOST COUNTY OR AN ADJACENT COUNTY IF, IN THE MOST RECENT 12-MONTH PERIOD FOR WHICH DATA IS AVAILABLE AS REPORTED BY THE MARYLAND DEPARTMENT OF LABOR, LICENSING, AND REGULATION, THAT COUNTY HAD AN AVERAGE UNEMPLOYMENT RATE THAT IS MORE THAN 1.5 TIMES THE STATE UNEMPLOYMENT RATE AS A WHOLE.

(E)(1)(I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “ADJACENT DISTRICT” MEANS A LEGISLATIVE DISTRICT WITHIN BALTIMORE CITY ADJACENT TO THE HOST DISTRICT OR, IF THE ADJACENT DISTRICT EXTENDS BEYOND BALTIMORE CITY, THAT PART OF THE DISTRICT WITHIN BALTIMORE CITY.

(III) “HOST DISTRICT” MEANS THE LEGISLATIVE DISTRICT IN WHICH THE BALTIMORE CITY JUVENILE JUSTICE CENTER IS LOCATED.

(2) IN THE SELECTION PROCESS FOR AN INITIAL APPOINTMENT TO ANY POSITION AT THE BALTIMORE JUVENILE JUSTICE CENTER, AN APPOINTING AUTHORITY SHALL ALLOW FIVE POINTS TO EACH RESIDENT OF THE HOST DISTRICT OR AN ADJACENT DISTRICT IF, IN THE MOST RECENT 12-MONTH PERIOD FOR WHICH DATA IS AVAILABLE AS REPORTED BY THE MARYLAND DEPARTMENT OF LABOR, LICENSING, AND REGULATION, BALTIMORE CITY HAD AN AVERAGE UNEMPLOYMENT RATE THAT IS MORE THAN 1.5 TIMES THE STATE UNEMPLOYMENT RATE AS A WHOLE.

(F) IN THE SELECTION PROCESS FOR AN APPOINTMENT TO A POSITION WITHIN THE STATE PERSONNEL MANAGEMENT SYSTEM, AN APPOINTING AUTHORITY SHALL ALLOW FIVE POINTS TO EACH RESIDENT OF THE STATE OF MARYLAND.”.

On page 72, in line 3, strike “TECHNICALLY”; in the same line, strike “RANK” and substitute “PLACE”; in line 9, strike “VOCATIONAL REHABILITATION; AND” and substitute

(Over)

“THE DIVISION OF REHABILITATION SERVICES;”; after line 9, insert:

“(VI) ELIGIBLE FOR REINSTATEMENT AFTER LAYOFF OR AFTER A SEPARATION UNDER § 11-302 OF THIS ARTICLE;

(VII) ELIGIBLE FOR REINSTATEMENT; OR

(VIII) ELIGIBLE FOR TRANSFER; AND”;

in line 11, after the second “CATEGORY” insert “EXCEPT FOR CANDIDATES ELIGIBLE FOR REINSTATEMENT AFTER LAYOFF OR SEPARATION UNDER § 11-302 OF THIS ARTICLE WHO SHALL BE PLACED IN THAT CATEGORY IN SENIORITY POINT ORDER”; and in line 23, after “(A)” insert “EXCEPT AS OTHERWISE PROVIDED BY LAW,”.

On page 73, in line 1, strike “IF” and substitute “WHEN”; in the same line, after “CONDUCTED” insert “UNDER THIS SECTION”; and strike beginning with “APPROVE” in line 3 down through “AND” in line 4; in lines 8, 10, and 14, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(A)”, “(B)”, and “(C)”, respectively; and in lines 11 and 13, strike “(I)” and “(II)”, respectively, and substitute “(1)” and “(2)”, respectively.

On page 77, in line 14, after “TO” insert “THE EXECUTIVE SERVICE, THE”; in the same line, after “SERVICE” insert a comma; in line 15, strike “ON AN EMERGENCY BASIS” and substitute “, OR AS EMERGENCY APPOINTMENTS”; and strike in their entirety lines 16 through 18, inclusive, and substitute:

“(B) THESE GUIDELINES SHALL REQUIRE THAT THE INDIVIDUAL APPOINTED SHALL BE QUALIFIED TO PERFORM THE WORK DESCRIBED IN THE POSITION DESCRIPTION REQUIRED BY § 7-102 OF THIS TITLE.”.

On page 78, in line 24, after the semicolon insert “AND”; in line 25, strike “; AND” and substitute “;”; strike in its entirety line 26; in line 31, strike “AND”; in line 32, strike “IF APPLICABLE,”; and in line 33, strike the period and substitute “; AND”

(3) THE EMPLOYEE’S APPOINTMENT TO A POSITION IN THE SKILLED OR PROFESSIONAL SERVICE FOLLOWING A REINSTATEMENT.”.

On page 79, in line 3, strike “AN” and substitute “ONE”; and in line 4, strike “MONTHS” and substitute “MONTH PERIOD”.

On page 81, in line 12, strike “(1)”; and strike in their entirety lines 15 through 19, inclusive, and substitute:

“(D) FACTORS IN EVALUATING A MANAGER’S OR SUPERVISOR’S PERFORMANCE SHALL INCLUDE:

(1) ATTENDANCE AT ANY REQUIRED PERFORMANCE APPRAISAL TRAINING;

(2) ADHERENCE TO ESTABLISHED METHODS AND PROCEDURES IN CONDUCTING PERFORMANCE APPRAISALS;

(3) THE TIMELY COMPLETION OF PERFORMANCE APPRAISALS FOR EMPLOYEES ASSIGNED TO THE SUPERVISOR; AND

(4) THE RESULTS OF AN ANONYMOUS SURVEY OF EMPLOYEES ASSIGNED TO THE SUPERVISOR IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE SECRETARY.”.

On page 84, in line 4, after “GRADE” insert “AND SERVICE”; and after line 26, insert:

“SUBTITLE 7. PART-TIME EMPLOYMENT.

7-701.

(A) IN THIS TITLE, “PART-TIME EMPLOYEE” MEANS AN EMPLOYEE WHO WORKS FOR AT LEAST 16 HOURS PER WORKWEEK, FOR NOT LESS THAN 50% NOR MORE THAN 80% OF THE REGULAR WORKWEEK.

(Over)

(B) AN INDIVIDUAL WHO IS A FULL-TIME EMPLOYEE WHO IS QUALIFIED FOR OR DESIRES TO BE A FULL-TIME EMPLOYEE MAY NOT BE REQUIRED TO ACCEPT PART-TIME EMPLOYMENT AS A CONDITION OF CONTINUED OR NEW STATE EMPLOYMENT.

(C) AN INDIVIDUAL WHO IS A PART-TIME EMPLOYEE WHO IS QUALIFIED FOR OR DESIRES TO BE A PART-TIME EMPLOYEE MAY NOT BE REQUIRED TO ACCEPT FULL-TIME EMPLOYMENT AS A CONDITION OF CONTINUED OR NEW STATE EMPLOYMENT.

(D) (1) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY, A PART-TIME EMPLOYEE IS ENTITLED TO RECEIVE ALL EMPLOYMENT RIGHTS, PRIVILEGES, AND BENEFITS THAT ARE NORMALLY AVAILABLE TO A FULL-TIME EMPLOYEE IN A SIMILAR POSITION WITH A SIMILAR GRADE AND LENGTH OF SERVICE.

(2) BENEFITS SHALL BE PRORATED IN PROPORTION TO THE NUMBER OF HOURS EMPLOYED.”.

AMENDMENT NO. 8

On page 88, in line 4, strike “OF WORK”; in line 7, strike “OF WORK”; in line 20, strike “(1)”; in the same line, strike “automatic”; strike in their entirety lines 22 through 24, inclusive; strike beginning with the second “AN” in line 31 down through “AUTOMATIC” in line 32 and substitute “A”; and in line 35, strike “RECOMMENDS THE DENIAL” and substitute “DENIES THE INCREASE”.

On page 89, in line 2, strike “OR”; strike in their entirety lines 3 through 5, inclusive, and substitute:

“(II) LACK OF PRODUCTIVITY; OR

(III) EXCESSIVE, UNEXCUSED ABSENTEEISM.

(C) AN EMPLOYEE MAY NOT BE DENIED A PAY INCREASE FOR REASONS OF PERFORMANCE THAT ADVERSELY AFFECTS THE VALUE OF THE EMPLOYEE TO THIS STATE UNLESS SUBSTANTIAL REASONS OF PERFORMANCE WERE CITED ON THE EMPLOYEES MID-YEAR OR FINAL PERFORMANCE APPRAISAL FORMS.”;

and in line 15, strike “(C)” and substitute “(D)”.

On page 90, strike in their entirety lines 32 through 35, inclusive, and substitute:

“(A) THIS SECTION APPLIES TO ALL EMPLOYEES IN THE STATE PERSONNEL MANAGEMENT SYSTEM.” .

On page 91, strike in their entirety lines 1 and 2.

On page 95, strike “Subtitle 4. [Payroll]” and substitute “SUBTITLE 4.”.

On pages 95 and 96, strike in their entirety the lines beginning with line 12 on page 95 through line 24 on page 96, inclusive.

On page 97, in line 8, strike “§ 8-403” and substitute “§ 8-401”.

AMENDMENT NO. 9

On page 97, strike in their entirety lines 14 through 20, inclusive, and substitute:

“(A) (1) THIS SECTION APPLIES TO ALL EMPLOYEES IN THE STATE PERSONNEL MANAGEMENT SYSTEM.”;

and strike beginning with “ANNUAL” in line 30 down through the second “LEAVE,” in line 31 and substitute “LEAVE”.

On page 98, in line 3, strike “FROM PAY OF LEAVE USE” and substitute “FOR UNPAID LEAVE USED”.

(Over)

On page 99, strike in their entirety lines 3 through 13, inclusive, and substitute:

“IN THIS TITLE, “EMPLOYEE HOLIDAY” INCLUDES:

(1) JANUARY 1, FOR NEW YEAR’S DAY;

(2) JANUARY 15, FOR DR. MARTIN LUTHER KING, JR.’S BIRTHDAY, UNLESS THE UNITED STATES CONGRESS DESIGNATES ANOTHER DAY FOR OBSERVANCE OF THAT LEGAL HOLIDAY, IN WHICH CASE, THE DAY DESIGNATED BY THE UNITED STATES CONGRESS;

(3) THE THIRD MONDAY IN FEBRUARY, FOR PRESIDENTS’ DAY;

(4) MAY 30, FOR MEMORIAL DAY, UNLESS THE UNITED STATES CONGRESS DESIGNATES ANOTHER DAY FOR OBSERVANCE OF THAT LEGAL HOLIDAY, IN WHICH CASE, THE DAY DESIGNATED BY THE UNITED STATES CONGRESS;

(5) JULY 4, FOR INDEPENDENCE DAY;

(6) THE FIRST MONDAY IN SEPTEMBER, FOR LABOR DAY;

(7) OCTOBER 12, FOR COLUMBUS DAY, UNLESS THE UNITED STATES CONGRESS DESIGNATES ANOTHER DAY FOR OBSERVANCE OF THAT LEGAL HOLIDAY, IN WHICH CASE, THE DAY DESIGNATED BY THE UNITED STATES CONGRESS;

(8) NOVEMBER 11, FOR VETERANS’ DAY;

(9) THE FOURTH THURSDAY IN NOVEMBER, FOR THANKSGIVING DAY;

(10) THE FRIDAY AFTER THANKSGIVING DAY;

(11) DECEMBER 25, FOR CHRISTMAS DAY;

(12) EACH STATEWIDE GENERAL ELECTION DAY IN THIS STATE; AND

(13) EACH OTHER DAY THAT THE PRESIDENT OF THE UNITED STATES OR THE GOVERNOR DESIGNATES FOR GENERAL CESSATION OF BUSINESS.”;

in line 22, strike “contractual employees; or” and substitute “TEMPORARY EMPLOYEES;”; and in line 24, after “subtitle” insert “; OR

(3) EMPLOYEES OF THE STATE DEPARTMENT OF TRANSPORTATION”.

On page 103, in line 26, strike “PLACED” and substitute “PLACED, UNLESS THE EMPLOYEE OBJECTS,”.

On page 104, in line 8, strike “NEXT”.

On page 105, in line 7, strike “PLACED” and substitute “PLACED, UNLESS THE EMPLOYEE OBJECTS,”.

On page 106, in line 9, strike “3” and substitute “5”; and in line 33, strike “ORGANIZATION UNDER” and substitute “AS DEFINED BY”.

On page 107, strike in their entirety lines 4 through 6, inclusive; in line 9, strike “primarily”; strike beginning with “AN” in line 15 down through “following” in line 17 and substitute:

“IF TWO EMPLOYEES ARE RESPONSIBLE FOR THE CARE AND NURTURING OF A CHILD, BOTH EMPLOYEES IN AGGREGATE MAY USE, WITHOUT CERTIFICATION OF ILLNESS OR DISABILITY, UP TO 40 DAYS, NOT TO EXCEED 30 DAYS FOR ONE EMPLOYEE, OF ACCRUED SICK LEAVE TO CARE FOR THE CHILD DURING THE PERIOD IMMEDIATELY FOLLOWING”;

in line 18, strike “employee’s” and substitute “EMPLOYEES”; in line 19, strike “employee” and

(Over)

substitute “EMPLOYEES”; and in line 36, strike “PLACED” and substitute “PLACED, UNLESS THE EMPLOYEE OBJECTS,”.

On page 113, in line 2, strike “§ 9-304(A) OR § 9-403(A)” and substitute “§ 9-307, § 9-403, OR § 9-507”; and strike beginning with “THAT” in line 9 down through “TITLE” in line 10.

On page 115, in line 9, after “selected” insert “OR ACCEPTED”; and in line 15, after “selected” insert “OR ACCEPTED”.

On page 117, strike in their entirety lines 12 through 14, inclusive; and in line 16, before “EACH” insert “EXCEPT AS PROVIDED IN § 8-307 OF THIS ARTICLE,”.

On page 119, in line 9, after “AN” insert “ELIGIBLE”; and in line 10, strike “HAVE EXHAUSTED OTHER AVAILABLE LEAVE BEFORE TAKING” and substitute “USE OTHER AVAILABLE ACCRUED LEAVE CONCURRENTLY WITH”.

On page 122, in line 1, after “FAMILY;” insert “OR”; strike in its entirety line 2; in line 3, strike “(III)” and substitute “(II)”; in line 19, strike “OR THAT BENEFITS FROM THE INNOVATIVE IDEA OR SERVICE”.

AMENDMENT NO. 10

On page 122, in line 34, strike “EXECUTIVE BRANCH” and substitute “STATE PERSONNEL MANAGEMENT SYSTEM”.

On page 123, in line 2, strike “in” and substitute “ADMINISTERED BY”; in line 10, strike “under the program”.

On page 126, in line 24, strike “IN EXECUTIVE BRANCH”; and strike in its entirety line 26 and substitute “THIS SUBTITLE APPLIES TO NON-TEMPORARY EMPLOYEES IN THE STATE PERSONNEL MANAGEMENT SYSTEM.”.

AMENDMENT NO. 11

On page 133, in line 36, strike “SUBTITLE” and substitute “TITLE”.

On page 134, in line 3, after “SYSTEM” insert “WITHIN THE EXECUTIVE BRANCH”; strike beginning with “ALL” in line 5 down through “EVIDENCE” in line 6 and substitute “EXCEPT AS OTHERWISE PROVIDED, THE APPOINTING AUTHORITY HAS THE BURDEN OF PROOF BY A PREPONDERANCE OF THE EVIDENCE IN ANY PROCEEDING UNDER THIS SUBTITLE”; in line 15, after “ACT” insert “SHALL BE”.

On page 135, strike in their entirety lines 33 through 37, inclusive.

On page 136, strike in their entirety lines 1 through 6, inclusive; in line 15, after “TAKEN” insert “AND THE EMPLOYEE’S APPEAL RIGHTS”; and in line 27, strike “11-108.” and substitute “11-107.”.

On page 137, in line 15, strike “11-109.” and substitute “11-108.”; in line 18, strike “SUSPENSION” and substitute “HOLDING IN ABEYANCE”; and in line 32, strike “11-110.” and substitute “11-109.”.

On page 138, in line 1, strike “(2)” and substitute “(3)”; in line 5, strike “EMPLOYER” and substitute “EMPLOYEE”; in line 7, strike “LIMITATION IN PARAGRAPH (1)” and substitute “LIMITATIONS IN PARAGRAPHS (1) AND (2)”; in the same line, strike “DOES” and substitute “DO”; in line 9, after “PROMOTION” insert “OR REINSTATEMENT”; in line 28, strike “11-111.” and substitute “11-110.”; and in line 39, strike “FOR A HEARING”.

On page 139, in line 5, after “SHALL” insert “DISPOSE OF THE APPEAL OR”; strike beginning with the comma in line 21 down through “DILIGENCE” in line 23; in line 29, strike “FINAL” and substitute “THE FINAL ADMINISTRATIVE DECISION”; after line 29, insert:

“11-111.”

THE SECRETARY, BY REGULATION, SHALL ESTABLISH POLICIES AND PROCEDURES FOR DISCIPLINARY ACTIONS RELATED TO EMPLOYEE PERFORMANCE, THAT INCLUDE PROCEDURES FOR:

(Over)

(1) PROVIDING COUNSELING TO AN EMPLOYEE WITH DEFICIENCIES IN PERFORMANCE;

(2) ALLOWING AN EMPLOYEE THE OPPORTUNITY TO IMPROVE DEFICIENCIES IN PERFORMANCE;

(3) IMPOSING DISCIPLINARY ACTIONS, IF WARRANTED; AND

(4) PROVIDING NOTICE TO AN EMPLOYEE OF ANY DISCIPLINARY ACTION AND THE EMPLOYEE'S APPEAL RIGHTS.”;

in line 35, strike “§§ 11-110 AND 11-111” and substitute “§§ 11-109 AND 11-110,”; in line 36, strike the colon and substitute “MAY TAKE ACTION AS SET FORTH IN § 11-110(D)(1).”; and strike in their entirety lines 37 and 38.

On page 140, strike in their entirety lines 1 through 3, inclusive; in line 6, strike “FINAL” and substitute “THE FINAL ADMINISTRATIVE DECISION”; and in line 32, strike “FINAL” and substitute “THE FINAL ADMINISTRATIVE DECISION”.

On page 142, in line 1, after “laid-off” insert “AND SEPARATED”; and in line 23, strike “CLASS” and substitute “JOB SERIES”.

On page 143, in line 18, strike “12” and substitute “36”; in line 25, strike “DEPARTMENT” and substitute “PRINCIPAL UNIT”; in line 26, strike “DEPARTMENT” and substitute “PRINCIPAL UNIT”; and in line 27, strike “DEPARTMENT” and substitute “PRINCIPAL UNIT”.

On page 144, in line 2, after “off” insert “OR FROM WHICH THE EMPLOYEE WAS SEPARATED UNDER § 11-302 OF THIS ARTICLE”; in line 4, after “layoff” insert “OR SEPARATION UNDER § 11-302 OF THIS ARTICLE”; in line 6, after “laid-off” insert “OR SEPARATED UNDER § 11-302 OF THIS ARTICLE”; in line 7, after “laid-off” insert “OR SEPARATED UNDER § 11-302 OF THIS ARTICLE”; in line 10, strike “(A)”; and in the same line, after “ALL” insert “NON-TEMPORARY”; strike in their entirety lines 12 through 15, inclusive; and in line 29, after “TITLE” insert “WITH THE EXCEPTION THAT AN EMPLOYEE WHO IS SEPARATED SHALL HAVE THE SAME REINSTATEMENT RIGHTS AS A LAID-OFF EMPLOYEE”.

On page 145, in line 9, after “PROMOTION” insert “OR REINSTATEMENT”; strike beginning with “OR” in line 11 down through “APPOINTMENT” in line 12; strike beginning with “ONLY” in line 22 down through “UNCONSTITUTIONAL” in line 23 and substitute “AS A DISCIPLINARY ACTION”; and strike beginning with “WITH” in line 35 down through “TERMINATION” in line 37 and substitute “AS DESCRIBED UNDER § 11-113 OF THIS TITLE”.

On page 146, strike in their entirety lines 1 through 16, inclusive; in line 20, strike “IN A NONPAY STATUS” and substitute “A FORMER EMPLOYEE”; and in line 21, strike “REMAIN OFF THE WORK SITE PENDING AN APPEAL” and substitute “HAVE THE APPEAL RIGHTS PROVIDED BY THIS TITLE”; and strike in their entirety lines 27 through 29, inclusive.

AMENDMENT NO. 12

On page 147, in line 12, strike “ARBITRARY AND CAPRICIOUS” and substitute “EITHER UNFAIR, INEQUITABLE, ARBITRARY, CAPRICIOUS,”; in line 20, strike “OR”; in line 21, strike “STANDARDS.” and substitute “STANDARDS; OR”; after line 21, insert:

“(VI) AN ORAL REPRIMAND OR COUNSELING.”;

in line 29, after “SYSTEM” insert “WITHIN THE EXECUTIVE BRANCH”; and strike beginning with “OR” in line 33 down through “ARTICLE” in line 34.

On page 148, strike in their entirety lines 6 and 7; and in lines 8, 9, 10, 12, 15, 18, and 20, strike “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, and “(12)”, respectively, and substitute “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, and “(11)”, respectively; in line 32, strike “LAW” and substitute “THIS ARTICLE”; in line 33, strike “AN” and substitute “A NON-TEMPORARY”; and in line 34, strike “MAY SEEK AN ADMINISTRATIVE REMEDY” and substitute “IN THE STATE PERSONNEL MANAGEMENT SYSTEM MAY SEEK AN ADMINISTRATIVE REMEDY FOR VIOLATIONS OF THE PROVISIONS OF THIS ARTICLE”.

On page 149, strike beginning with “THAT” in line 35 down through “REGULATION” in line 36.

On page 152, in line 17, strike “OR”; in line 18, strike “PARAGRAPH (3)”; in line 22, after

(Over)

“GRIEVANCE” insert “WITH A SETTLEMENT THAT IS BINDING ON ALL PARTIES”; strike beginning with “WHEN” in line 23 down through “GRIEVANCE” in line 24 and substitute “IF THE GRIEVANCE IS NOT SETTLED”; in line 25, strike “FOR A HEARING”; and strike in their entirety lines 26 through 28, inclusive.

On page 153, in line 3, after “(1)” insert “(I)”; in the same line, after “SHALL” insert “DISPOSE OF THE GRIEVANCE OR”; strike beginning with “THE OFFICE” in line 5 down through the period in line 8 and substitute:

“(II) THE OFFICE IS BOUND BY ANY REGULATION, DECLARATORY RULING, PRIOR ADJUDICATION, OR OTHER SETTLED, PREEXISTING POLICY, TO THE SAME EXTENT AS THE DEPARTMENT IS OR WOULD HAVE BEEN BOUND IF IT WERE HEARING THE CASE.

“(III) THE EMPLOYEE HAS THE BURDEN OF PROOF BY A PREPONDERANCE OF THE EVIDENCE.”;

in line 14, strike “FINAL” and substitute “THE FINAL ADMINISTRATIVE DECISION”; and in line 35, strike “FINAL” and substitute “THE FINAL ADMINISTRATIVE DECISION”.

On page 154, strike beginning with the comma in line 18 down through “pay” in line 21 and substitute “BACK PAY MAY BE AWARDED”; in line 22, strike “SOLELY”; in line 23, after “SECRETARY” insert “AND THE OFFICE OF ADMINISTRATIVE HEARINGS”; in line 29, strike the first “or” and substitute “AND”; in the same line, strike “or both”; and in line 36, strike the second “THE”.

AMENDMENT NO. 13

On page 158, in line 22, strike “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,”; in line 24, strike “WITHOUT REGARD TO ANY FACTOR LISTED IN § 2-402” and substitute “IN ACCORDANCE WITH § 2-302”.

On page 162, in line 32, strike the bracket; and in line 33, strike the bracket.

AMENDMENT NO. 14

On page 168, in line 12, strike “614” and substitute “10”; and after line 10, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 48A - Insurance Code

243.

(d) (1) Except as provided in paragraph (2) of this subsection or otherwise by law, the Executive Director shall appoint and remove the staff of the Fund in accordance with the provisions of the State Personnel Article that govern classified service employees.

(2) Positions that are designated by the Executive Director, with the approval of the Board of Trustees, as EXECUTIVE, MANAGEMENT, technical or professional positions [are 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.

(3) The compensation of [unclassified service] SPECIAL APPOINTMENT personnel shall be as determined by the Executive Director with the approval of the Board of Trustees and shall be in accordance with the State pay plan when possible.”;

and in lines 11, 13, 16, and 19 strike “2.”, “3.”, “4.”, and “5.”, respectively, and substitute “3.”, “4.”, “5.”, and “6.”, respectively.

On page 169, in line 21, strike “6.” and substitute “7.”; in line 22, strike “1997” and substitute “1998”; after line 24, insert:

“SECTION 8. AND BE IT FURTHER ENACTED, That, because the State has a substantial investment in welfare recipients, the Maryland General Assembly enacted legislation creating a “welfare to work” program as part of its efforts to reform the State’s welfare system, and it is the intent of the General Assembly that units in the Executive Branch of State government take appropriate steps to hire these individuals when possible, as part of an effort to get welfare recipients

(Over)

into the workforce. Each unit in the Executive Branch shall report to the General Assembly no later than December 1, in accordance with § 2-1312 of the State Government Article, for each year this section of this Act is in effect, regarding efforts to employ “welfare to work” program participants.

SECTION 9. AND BE IT FURTHER ENACTED, That the present practices of using long-term contractual employees is neither in the best interest of the State nor of its long-term contractual employees. Therefore, the State Department of Personnel and the State Department of Budget and Fiscal Planning shall study the use of long-term contractual employees, pursuant to recommendations made by the Task Force to Reform the State Personnel Management System created by Executive Order, and report to the Governor and, subject to § 2-1312 of the State Government Article, the General Assembly no later than December 1, 1997.

SECTION 10. AND BE IT FURTHER ENACTED, That due to the complex nature of personnel reform for State employees, the Task Force to Reform the State Personnel Management System shall meet quarterly in 1997 to chart the progress the State is making regarding implementation of the State Personnel Management System Reform Act of 1996.

SECTION 11. AND BE IT FURTHER ENACTED, That the reinstatement provisions of the State Personnel and Pensions Article shall apply to all individuals whose State employment was terminated because their positions were abolished between January 1, 1996 and the effective date of this Act.

SECTION 12. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that part-time positions will be available at each pay grade, in all units subject to this Act, for individuals who cannot or choose not to work full time. The appointing authority may waive this requirement to the extent that the appointing authority determines that the requirement conflicts with the efficient performance of the State’s personnel force.”;

in lines 25 and 29, strike “7.” and “8.”, respectively, and substitute “13.” and “14.”, respectively; after line 32, insert:

“SECTION 15. AND BE IT FURTHER ENACTED, That in order to effectively carry out the provisions of this Act, all managers, supervisors, and employees must be trained regarding their roles within the State Personnel Management System. The General Assembly understands the importance

of training to have an effective personnel management system. Therefore, the Department of Personnel is directed to show, in detail, in its budget requests, the amount of funds targeted for training of managers, supervisors, and employees.

SECTION 16. AND BE IT FURTHER ENACTED, That Title 9 of the State Personnel and Pensions Article as enacted under Section 1 of this Act shall be applicable to pay periods beginning with the first full pay period in calendar 1997.

SECTION 17. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 18. AND BE IT FURTHER ENACTED, That Section 8 of this Act shall take effect October 1, 1996. It shall remain in effect for a period of 3 years and 9 months and, at the end of June 30, 2000, and with no further action required by the General Assembly, Section 8 of this Act shall be abrogated and of no further force and effect.”;

and in line 33, strike “9.” and substitute “19.”.