
By: Appropriations Committee (Departmental - Budget and Management)

Introduced and read first time: February 21, 1997

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel Management System Reform Act of 1996 - Correction of References to**
3 **"Classified Service" and "Unclassified Service"**

4 FOR the purpose of correcting references in the Annotated Code of Maryland to
5 classified and unclassified employees to reflect changes made by the State
6 Personnel Management System Reform Act of 1996; designating certain positions as
7 being in the skilled service, professional service, management service, executive
8 service, or special appointments; and generally relating to the clarification of
9 positions in accordance with the State Personnel Management System Reform Act
10 of 1996.

11 BY repealing and reenacting, with amendments,
12 Article 16A - Maryland Emergency Management Agency
13 Section 4(a)(2)(ii) and (b)(1) and 7(c)(2)
14 Annotated Code of Maryland
15 (1996 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article 27 - Crimes and Punishments
18 Section 679(b)(2), 681J(b) and (c), 684(b)(1), and 818(1)
19 Annotated Code of Maryland
20 (1996 Replacement Volume)

21 BY repealing and reenacting, with amendments,
22 Article 29 - Washington Suburban Sanitary District
23 Section 11-116(b)
24 Annotated Code of Maryland
25 (1993 Replacement Volume and 1996 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article 31B - Patuxent Institution
28 Section 5(c)
29 Annotated Code of Maryland
30 (1993 Replacement Volume and 1996 Supplement)

2

1 BY repealing and reenacting, with amendments,

2 Article 33 - Election Code
3 Section 2-6(c)(2)
4 Annotated Code of Maryland
5 (1993 Replacement Volume and 1996 Supplement)

6 BY repealing and reenacting, with amendments,

7 Article 38A - Fires and Investigations
8 Section 7(a)(2)(ii)
9 Annotated Code of Maryland
10 (1993 Replacement Volume and 1996 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article 41 - Governor - Executive and Administrative Departments
13 Section 4-103(b)(2) and (3), 4-301(e)(7)(i), 4-401(d)(9), 4-503(a), 4-1412(f),
14 6-103(b)(2) and (3), 6-203(c)(2) and (3), and 6-405(c)(2) and (3)
15 Annotated Code of Maryland
16 (1993 Replacement Volume and 1996 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article 49B - Human Relations Commission
19 Section 2(c)(2)
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1996 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article 70B - Office on Aging
24 Section 4(c)
25 Annotated Code of Maryland
26 (1995 Replacement Volume and 1996 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article 78 - Public Service Commission Law
29 Section 17
30 Annotated Code of Maryland
31 (1995 Replacement Volume and 1996 Supplement)

32 BY repealing and reenacting, with amendments,

33 Article 83A - Department of Business and Economic Development
34 Section 2-102(b)(4), 2-105(i), 4-606(c), 5-908(d)(2), and 6-403(b)(1)
35 Annotated Code of Maryland
36 (1995 Replacement Volume and 1996 Supplement)

37 BY repealing and reenacting, with amendments,

38 Article 83B - Department of Housing and Community Development

3

1 Section 1-202(b)(4), 2-202(a), 5-208(c)(4), 5-306(b), 5-405(b), and 5-609(e)
2 Annotated Code of Maryland
3 (1995 Replacement Volume and 1996 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article 83C - Juvenile Justice
6 Section 2-103(c)(2), (4), and (6)
7 Annotated Code of Maryland
8 (1995 Replacement Volume and 1996 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article 88A - Department of Human Resources
11 Section 2(d)(2) and 13(b-1) and (c)(3)
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1996 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article 88B - Department of State Police
16 Section 15(b)(5), 17(a), 19(b) and (e), 21, and 24
17 Annotated Code of Maryland
18 (1995 Replacement Volume and 1996 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Agriculture
21 Section 2-102(d)(1)(ii) and (2), 4-106, and 8-203(e)(3) and (4)(i)
22 Annotated Code of Maryland
23 (1985 Replacement Volume and 1996 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Business Occupations and Professions
26 Section 16-205(e) and 17-205(e)
27 Annotated Code of Maryland
28 (1995 Replacement Volume and 1996 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article - Business Regulation
31 Section 2-103(b)(2) and (3), 8-206(a)(2), 11-205(a)(2), 11-206(a) and (b)(4), and
32 11-207(a)
33 Annotated Code of Maryland
34 (1992 Volume and 1996 Supplement)

35 BY repealing and reenacting, with amendments,
36 Article - Courts and Judicial Proceedings
37 Section 1-703(b), 2-309(d)(1)(viii) and (2), 2-505(b), 2-601(b), 2-604(b), and
38 2-607(b)(4)

4

1 Annotated Code of Maryland
2 (1995 Replacement Volume and 1996 Supplement)

3 BY repealing and reenacting, with amendments,

4 Article - Education
5 Section 2-104(b)(1), 2-105, 12-111(b), 14-104(g)(1), 14-205(b)(2)(i), 16-505(c)(2),
6 16-510, 18-1005(a)(2)(i), and 24-204(b)(2) and (3)
7 Annotated Code of Maryland
8 (1997 Replacement Volume)

9 BY repealing and reenacting, with amendments,

10 Article - Environment
11 Section 1-403(b)(3), 5-201(b)(2), and 9-1603(a)
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1996 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article - Family Law
16 Section 10-117(c) and 10-119.2(f)
17 Annotated Code of Maryland
18 (1991 Replacement Volume and 1996 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article - Financial Institutions
21 Section 8-305(b) and (c) and 10-104(b)
22 Annotated Code of Maryland
23 (1992 Replacement Volume and 1996 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article - Health - General
26 Section 2-103(b)(3) and (5)(i), 3-304(b), 4-202(a), 10-408(d)(2), and 10-423(c)(1)
27 and (2)
28 Annotated Code of Maryland
29 (1994 Replacement Volume and 1996 Supplement)

30 BY repealing and reenacting, with amendments,

31 Article - Health - General
32 Section 19-1505(c)(1)
33 Annotated Code of Maryland
34 (1996 Replacement Volume and 1996 Supplement)

35 BY repealing and reenacting, with amendments,

36 Article - Health Occupations
37 Section 14-204(d)(2)
38 Annotated Code of Maryland

5

1 (1994 Replacement Volume and 1996 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Insurance

4 Section 2-103(d), 2-104(a)(2), 2-105(b), and 2-106

5 Annotated Code of Maryland

6 (1995 Volume and 1996 Supplement)

7 (As enacted by Chapter 36 of the Acts of the General Assembly of 1995)

8 BY repealing and reenacting, with amendments,

9 Article - Insurance

10 Section 2-105(c)

11 Annotated Code of Maryland

12 (1995 Volume and 1996 Supplement)

13 (As enacted by Chapter 36 of the Acts of the General Assembly of 1995, as

14 amended by Chapter 60 of the Acts of the General Assembly of 1996)

15 BY repealing and reenacting, with amendments,

16 Article - Insurance

17 Section 20-204(a)(1) and (2) and (b)

18 Annotated Code of Maryland

19 (1996 Volume)

20 (As enacted by Chapter 11 of the Acts of the General Assembly of 1996)

21 BY repealing and reenacting, with amendments,

22 Article - Labor and Employment

23 Section 2-104(a)(2), (b)(2), (c)(2)(ii), (d)(2)(ii), (e)(1), (f)(2)(ii), and (g)(2),

24 8-303(d)(1)(i), 8-305(b)(1), 9-305(a)(2), and 10-113(b), (c)(1), and (d)(2)

25 Annotated Code of Maryland

26 (1991 Volume and 1996 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article - Natural Resources

29 Section 1-101(d)(2) and (3), 1-203(a) and (f), 3-205, 5-206(b) and (f), and

30 5-218(h)(3)

31 Annotated Code of Maryland

32 (1989 Replacement Volume and 1996 Supplement)

33 BY repealing and reenacting, with amendments,

34 Article - Natural Resources

35 Section 8-723(c)

36 Annotated Code of Maryland

37 (1990 Replacement Volume and 1996 Supplement)

38 BY repealing and reenacting, with amendments,

6

1 Article - State Finance and Procurement
 2 Section 3-203(a)(2)(i) and (c)(2) and (3), 3-301(b)(1)(i) and (2), 4-203(a)(2)(i)
 3 and (b)(2) and (3), 4-602(a), 4-605(a)(1), 5-203(b) and (c), 6-103(c), and
 4 7-213(b)(3)
 5 Annotated Code of Maryland
 6 (1995 Replacement Volume and 1996 Supplement)

7 BY repealing and reenacting, with amendments,
 8 Article - State Government
 9 Section 8-202(b)(2) and (3), 9-108(e)(2) and (3), 9-1605(a)(1), 10-703, and
 10 12-401(1)
 11 Annotated Code of Maryland
 12 (1995 Replacement Volume and 1996 Supplement)

13 BY repealing and reenacting, with amendments,
 14 Article - State Personnel and Pensions
 15 Section 2-706(c)(3) and (d), 2-707(c), 21-118(c)(2) and (3), 22-404(c)(3)(ii),
 16 23-404(c)(3)(ii), 30-301(4), and 35-204(c)(3)
 17 Annotated Code of Maryland
 18 (1994 Volume and 1996 Supplement)

19 BY repealing and reenacting, with amendments,
 20 Article - Tax - Property
 21 Section 2-104(c) and 2-105(b)(2)(ii)
 22 Annotated Code of Maryland
 23 (1994 Replacement Volume and 1996 Supplement)

24 BY repealing and reenacting, with amendments,
 25 Article - Transportation
 26 Section 2-102(d)(3)(i), 4-208(e)(2)(i), and 6-408(b)
 27 Annotated Code of Maryland
 28 (1993 Replacement Volume and 1996 Supplement)

29 BY repealing and reenacting, with amendments,
 30 Article - Transportation
 31 Section 12-104(d)(2)(i)
 32 Annotated Code of Maryland
 33 (1992 Replacement Volume and 1996 Supplement)

34 Preamble

35 WHEREAS, The General Assembly directed the Governor in Section 14 of the
 36 State Personnel Management System Reform Act of 1996, Chapter 347 of the 1996 Laws
 37 of Maryland, to review references to "classified service" and "unclassified service"
 38 employees throughout the Annotated Code and to submit legislation in the 1997

7

1 Legislative Session to correct any references to those employees in accordance with the
2 provisions of that Act; and

3 WHEREAS, The title of the State Personnel Management System Reform Act
4 states that the classified service and the unclassified service are abolished and that the
5 skilled service, professional service, management service, and executive service are
6 established in their places; and

7 WHEREAS, Section 6-405 of the State Personnel and Pensions Article, as
8 enacted by Chapter 347 of the Acts of 1996 states that certain individuals in the skilled
9 service, professional service, management service, or executive service are considered
10 special appointments; and

11 WHEREAS, The purpose of this Act is to comply with the directive of the
12 General Assembly to replace obsolete designations to the classified and unclassified
13 services with the new designations found in the State Personnel Management System
14 Reform Act of 1996 and accordingly to clarify the Annotated Code; now, therefore,

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

17 **Article 16A - Maryland Emergency Management Agency**

18 4.

19 (a) (2) (ii) The Director is in the [unclassified] EXECUTIVE service [of] IN
20 the State Personnel Management System and shall hold office at the pleasure of the
21 Adjutant General.

22 (b) (1) Subject to the authority of the Adjutant General, the Director may
23 employ professional, technical, clerical, stenographic, and other personnel within the
24 appropriations and (except as to the position of Director) subject to the conditions and
25 limitations of the State Personnel and Pensions Article [that govern the classified
26 service].

27 7.

28 (c) (2) Except as otherwise provided by law, during the effective period of any
29 such regulation, the said employees and officers shall be subject to the rights, duties,
30 privileges, and responsibilities of the provisions of Division I of the State Personnel and
31 Pensions Article [that govern classified service employees], with the particular board of
32 county commissioners or county council, or the Mayor of Baltimore City, as the
33 appointing officer thereunder.

34 **Article 27 - Crimes and Punishments**

35 679.

36 (b) (2) The deputy is in the [unclassified] EXECUTIVE service of the State
37 Personnel Management System and serves at the pleasure of the Commissioner.

8

1 681J.

2 (b) Except as otherwise provided by law, all positions in State Use Industries are
3 [in the unclassified service of] SPECIAL APPOINTMENTS IN the State Personnel
4 Management System.

5 (c) All office secretary and office clerk positions in State Use Industries are in the
6 [classified] SKILLED service [of], WITH THE EXCEPTION OF SPECIAL APPOINTMENTS,
7 IN the State Personnel Management System.

8 684.

9 (b) (1) (i) [Except for the positions listed in subparagraph (ii) of this
10 paragraph or as otherwise provided by law, all] ALL officers and employees of the
11 Department shall be appointed and removed by the Department in accordance with the
12 provisions of the State Personnel and Pensions Article [that govern the classified
13 service].

14 (ii) The following positions are in the [unclassified service of]
15 EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS IN
16 the State Personnel Management System:

- 17 1. Commissioner;
- 18 2. Deputy commissioner;
- 19 3. Assistant commissioner;
- 20 4. Industries general manager;
- 21 5. Chaplain;
- 22 6. Warden;
- 23 7. Superintendent;
- 24 8. Assistant warden; and
- 25 9. Assistant superintendent.

26 818.

27 The Board, subject to the authority of the Secretary as set forth in Article 41 of the
28 Code, shall have the following powers and duties:

29 (1) To establish and maintain an office and to appoint and prescribe the
30 duties of a claims examiner, a secretary, clerks, and any other employees and agents as
31 may be necessary. Except as otherwise provided by law, these employees are subject to
32 the provisions of the State Personnel and Pensions Article [that govern classified service
33 employees];

9

1 **Article 29 - Washington Suburban Sanitary District**

2 11-116.

3 (b) Except as otherwise provided by law, the provisions of the State Personnel and
4 Pensions Article that govern [classified] SKILLED SERVICE AND PROFESSIONAL
5 service employees do not apply to the WSSC.

6 **Article 31B - Patuxent Institution**

7 5.

8 (c) (1) Except as provided in paragraph (2) of this subsection or otherwise by
9 law, all staff of the Institution are in the [classified] SKILLED SERVICE OR
10 PROFESSIONAL service [of], WITH THE EXCEPTION OF SPECIAL APPOINTMENTS, IN
11 the State Personnel Management System.

12 (2) The director, the associate directors, all social workers, sociologists,
13 physicians, psychologists, and other persons in positions that are determined by the
14 Secretary to be professional shall be appointed by the director, with the approval of the
15 Secretary, and are in the [unclassified service of] EXECUTIVE SERVICE, MANAGEMENT
16 SERVICE, OR ARE SPECIAL APPOINTMENTS IN the State Personnel Management
17 System.

18 **Article 33 - Election Code**

19 2-6.

20 (c) (2) If the employees of a board are not covered by a county merit system:

21 (i) The employees shall be in the [classified] SKILLED SERVICE OR
22 PROFESSIONAL service [of], WITH THE EXCEPTION OF SPECIAL APPOINTMENTS, IN
23 the State Personnel Management System; and

24 (ii) The board may appoint and remove the employees in accordance
25 with the provisions of the State Personnel and Pensions Article [that govern classified
26 service employees].

27 **Article 38A - Fires and Investigations**

28 7.

29 (a) (2) (ii) The Fire Marshal is in the [unclassified] EXECUTIVE service of
30 the State Personnel Management System and can be removed by the Secretary of Public
31 Safety and Correctional Services, at any time, for neglect of duty or other conduct
32 unbecoming the office. The Commission may recommend to the Secretary the removal of
33 the Fire Marshal for cause. Prior to removal, the Fire Marshal shall be given timely notice
34 by the Secretary with a statement of the charges and an opportunity in person or by
35 counsel for a public hearing thereon.

10

1 **Article 41 - Governor - Executive and Administrative Departments**

2 4-103.

3 (b) (2) All staff assistants in the Secretary's office in charge of particular areas
4 of responsibility and all professional consultants shall be in the [unclassified service of]
5 EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR SPECIAL APPOINTMENTS IN the
6 State Personnel Management System and shall serve at the pleasure of the Secretary.

7 (3) Except as otherwise provided by law, all other employees of the
8 Secretary's office shall be appointed and removed by the Secretary in accordance with the
9 provisions of the State Personnel and Pensions Article [that govern classified service
10 employees].

11 4-301.

12 (e) Subject to the authority of the Secretary of Public Safety and Correctional
13 Services, the Commission is vested with the following powers, authority, responsibilities,
14 and duties:

15 (7) To appoint, with the approval of the Secretary of Public Safety and
16 Correctional Services:

17 (i) An Executive Director who shall be [in the unclassified service of]
18 A SPECIAL APPOINTMENT IN the State Personnel Management System and shall serve at
19 the pleasure of the Commission, perform general administrative functions, and receive
20 the compensation set by the Commission; and

21 4-401.

22 (d) The Commission:

23 (9) Shall appoint, with approval of the Secretary of Public Safety and
24 Correctional Services, an Executive Director who shall be [in the unclassified service of]
25 A SPECIAL APPOINTMENT IN the State Personnel Management System, and shall serve
26 at the pleasure of the Commission, perform such administrative functions as the
27 Commission shall direct, and receive a salary as provided in the budget.

28 4-503.

29 (a) The Commission shall appoint the staff necessary to perform its duties.
30 However, the activities of the staff may not duplicate or conflict with the functions and
31 services of the Division of Parole and Probation. Except as otherwise provided by law, the
32 staff shall be subject to the provisions of the State Personnel and Pensions Article [that
33 govern classified service employees].

34 4-1412.

35 (f) Beginning January 1, 1992, the creation and filling of all [classified service]
36 positions shall be in accordance with the provisions of the State Personnel and Pensions
37 Article [that govern classified service employees].

11

1 6-103.

2 (b) (2) All staff assistants in the Secretary's office in charge of particular areas
3 of responsibility and all professional consultants shall be in the [unclassified service of]
4 EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR SPECIAL APPOINTMENTS IN the
5 State Personnel Management System and shall serve at the pleasure of the Secretary.

6 (3) Except as otherwise provided by law, all other employees of the
7 Secretary's office shall be appointed and removed by the Secretary in accordance with the
8 provisions of the State Personnel and Pensions Article [that govern classified service
9 employees].

10 6-203.

11 (c) (2) (i) Except as provided in subparagraph (ii) of this paragraph or
12 otherwise by law, the employees of the Administration shall be subject to the provisions of
13 the State Personnel and Pensions Article [that govern classified service employees].

14 (ii) The Director and the deputy director are in the [unclassified]
15 EXECUTIVE SERVICE OR MANAGEMENT service of the State Personnel Management
16 System.

17 (3) Any employee of the Administration who is eligible for transfer to the
18 [classified service] STATE PERSONNEL MANAGEMENT SYSTEM and who has held this
19 position for at least six (6) months, shall be so transferred without further probation,
20 examination, or qualification. An employee transferred to the [classified service] STATE
21 PERSONNEL MANAGEMENT SYSTEM pursuant to this subsection shall be transferred in
22 the respective job classification under which the employee is employed at the time of
23 transfer and shall not receive any diminution in compensation and/or respective amounts
24 of accumulated leave or sick leave, solely as a result of this transfer.

25 6-405.

26 (c) (2) Except as otherwise provided by law, the employees of the program shall
27 be subject to the provisions of the State Personnel and Pensions Article [that govern
28 classified service employees].

29 (3) Any employee of the Office who is eligible for transfer to the [classified
30 service] STATE PERSONNEL MANAGEMENT SYSTEM and who has held this position for
31 at least 6 months shall be so transferred without further probation, examination, or
32 qualification. An employee transferred to the [classified service] STATE PERSONNEL
33 MANAGEMENT SYSTEM pursuant to this subsection shall be transferred in the respective
34 job classification under which the employee is employed at the time of transfer and shall
35 not receive any diminution in compensation or respective amounts of accumulated leave
36 or sick leave, solely as a result of this transfer.

37 **Article 49B - Human Relations Commission**

38 2.

39 (c) (2) The general counsel and any assistant general counsel are [in the
40 unclassified service of] SPECIAL APPOINTMENTS IN the State Personnel Management
41 System.

12

1 **Article 70B - Office on Aging**

2 4.

3 (c) (1) Any individual 70 years old or older is eligible for appointment to any
4 [permanent classified service] NONTEMPORARY position in the State Personnel
5 Management System for which the individual qualifies, and the appointment is subject to
6 the provisions of the State Personnel and Pensions Article [that govern classified service
7 employees].

8 (2) Any individual who is first appointed to a [permanent classified service
9 position or unclassified service position] NONTEMPORARY POSITION GOVERNED BY
10 THE STATE PERSONNEL MANAGEMENT SYSTEM at the age of 70 or older shall not be
11 eligible for membership in the pension systems of the State.

12 **Article 78 - Public Service Commission Law**

13 17.

14 (a) Except as provided in subsection (b) of this section or otherwise by law, all
15 personnel of the Commission shall be subject to the provisions of the State Personnel and
16 Pensions Article [that govern classified service employees].

17 (b) The following are in the [unclassified service of] EXECUTIVE SERVICE,
18 MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS IN the State Personnel
19 Management System:

- 20 (1) Commissioners;
- 21 (2) Executive Director;
- 22 (3) General Counsel and assistant general counsels;
- 23 (4) People's Counsel;
- 24 (5) Personal staff for the commissioners;
- 25 (6) Taxicab license hearing officer; and
- 26 (7) Shorthand reporter of the Commission.

27 **Article 83A - Department of Business and Economic Development**

28 2-102.

29 (b) (4) Except as otherwise provided by law, all other employees of the
30 Secretary's office shall be appointed and removed by the Secretary in accordance with the
31 provisions of the State Personnel and Pensions Article that govern [classified service
32 employees] SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEES WITH THE
33 EXCEPTION OF SPECIAL APPOINTMENTS.

34 2-105.

35 (i) (1) Department employees hired after June 30, 1995, shall be in the
36 [unclassified service of] EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR SPECIAL
37 APPOINTMENTS IN the State Personnel Management System.

13

1 (2) If a position is held by a classified service employee on June 30, 1995, the
2 position remains a classified service position OR ITS EQUIVALENT IN THE STATE
3 PERSONNEL MANAGEMENT SYSTEM until the position becomes vacant.

4 (3) In accordance with the State budget, the Secretary shall set the
5 compensation of [classified and unclassified] Department employees.

6 4-606.

7 (c) The executive director shall serve at the pleasure of the Council, subject to the
8 concurrence of the Secretary, and shall be [in the unclassified service of] A SPECIAL
9 APPOINTMENT IN the State Personnel Management System.

10 5-908.

11 (d) (2) (i) Except as provided in subparagraph (ii) of this paragraph or
12 otherwise by law, the Authority shall appoint and remove all personnel in accordance
13 with the provisions of the State Personnel and Pensions Article [that govern classified
14 service employees].

15 (ii) The executive director is [in the unclassified service of] A
16 SPECIAL APPOINTMENT IN the State Personnel Management System.

17 6-403.

18 (b) (1) The Secretary, with the approval of the Governor, shall appoint the
19 Director of the Administration who shall serve at the pleasure of the Secretary and shall
20 be [in the unclassified service of] A SPECIAL APPOINTMENT IN the State Personnel
21 Management System.

22 **Article 83B - Department of Housing and Community Development**

23 1-202.

24 (b) (4) Except as otherwise provided by law, all other employees of the
25 Secretary's office shall be appointed and removed by the Secretary in accordance with the
26 provisions of the State Personnel and Pensions Article [that govern classified service
27 employees].

28 2-202.

29 (a) The Secretary, with the approval of the Governor, shall appoint the Director
30 of the Administration who shall serve at the pleasure of the Secretary. The position of
31 Director is in the [unclassified] EXECUTIVE SERVICE OR MANAGEMENT service [of]
32 IN the State Personnel Management System. The Director shall operate and exercise the
33 powers of the Administration under the direction of the Secretary in accordance with the
34 provisions of this subtitle. The Director shall receive such salary and have such deputies,
35 assistants, employees and professional consultants as provided in the State budget.

36 5-208.

37 (c) (4) Employees of the Commission are [unclassified] SPECIAL
38 APPOINTMENTS.

14

1 5-306.

2 (b) The director shall serve at the pleasure of the Commissioners, subject to the
3 concurrence of the Secretary, and shall be [in the unclassified service of] A SPECIAL
4 APPOINTMENT IN the State Personnel Management System.

5 5-405.

6 (b) The administrator shall serve at the pleasure of the Commissioners, subject to
7 the concurrence of the Secretary, and shall be [in the unclassified service of] A SPECIAL
8 APPOINTMENT IN the State Personnel Management System.

9 5-609.

10 (e) Positions with the Trust are SPECIAL APPOINTMENTS in [the unclassified
11 service of] the State Personnel Management System.

12 **Article 83C - Juvenile Justice**

13 2-103.

14 (c) (2) Except as provided in paragraph (4) of this subsection or otherwise by
15 law, the Secretary shall appoint and remove all staff in accordance with the provisions of
16 the State Personnel and Pensions Article [that govern classified service employees].

17 (4) All personnel in the Department specified in this paragraph shall be in
18 the [unclassified] EXECUTIVE SERVICE OR MANAGEMENT service of the State
19 Personnel Management System and shall be appointed by and serve at the pleasure of the
20 Secretary:

21 (i) Any assistant secretary;

22 (ii) Any director of an institution; and

23 (iii) The Superintendent of the Youth Centers.

24 (6) All teachers, principals, directors of education, and supervisors of
25 vocational education who are employed by institutions managed by the Department are in
26 the [unclassified service of] MANAGEMENT SERVICE OR ARE SPECIAL
27 APPOINTMENTS IN the State Personnel Management System.

28 **Article 88A - Department of Human Resources**

29 2.

30 (d) (2) Except as otherwise provided by law, appointment and removal of all
31 paid personnel under this article shall be subject to the provisions of the State Personnel
32 and Pensions Article [that govern classified service employees].

33 13.

34 (b-1) (1) The local director in each county, including Baltimore City, who is
35 appointed on or after October 1, 1992, shall be in the [unclassified] EXECUTIVE
36 SERVICE OR MANAGEMENT service of the State Personnel Management System.

15

1 (2) All deputy directors and assistant directors of the Department of Social
2 Services of Baltimore City who are appointed after May 1, 1989, shall be in the
3 [unclassified] MANAGEMENT service of the State Personnel Management System.

4 (c) Except in Montgomery County, the local director in each county, including
5 Baltimore City, shall administer the social service and public assistance activities in the
6 respective county, except child support enforcement, in accordance with § 3 of this article.
7 Each local director has a general administrative responsibility to the State
8 Administration. Specifically, by way of example and not in limitation, each local director
9 has the following basic responsibilities:

10 (3) Except as provided in subsection (b-1)(2) of this section or otherwise by
11 law, appointment of all personnel of the respective local department in accordance with
12 the provisions of the State Personnel and Pensions Article [that govern the classified
13 service];

14 **Article 88B - Department of State Police**

15 15.

16 (b) In supervising and directing the affairs of the Department and in exercising
17 the powers referred to in the preceding subsection, the authority of the Secretary shall
18 include, but shall not be limited to, the powers:

19 (5) To determine and establish such ranks and grades and, in accordance
20 with the provisions of the State Personnel and Pensions Article [that govern classified
21 service employees], such civilian classifications as the Secretary may deem necessary and
22 appropriate;

23 17.

24 (a) The Secretary shall, within the limits of any appropriation made for such
25 purpose, appoint such employees as are deemed necessary by the Secretary for the
26 efficient administration of the Department. All appointments shall be made from a list of
27 eligible persons [prepared by the Secretary of Budget and Management] in accordance
28 with the provisions of the State Personnel and Pensions Article [that govern classified
29 service employees].

30 19.

31 (b) Except as provided in subsection (c) of this section, no police employee shall
32 be appointed or promoted to any rank except one which requires technical knowledge,
33 unless the employee is bypassing an obsolete rank and currently fills the rank immediately
34 below the rank that has been declared obsolete, or has filled the rank immediately below
35 that to which the employee is promoted; but as to any noncommissioned rank which
36 contains less than twenty-five police employees, the Secretary may by rule direct that it is
37 unnecessary to fill such rank for purposes of promotion. Promotion to any
38 noncommissioned rank shall be made in the manner prescribed by rule. Promotion to any
39 commissioned rank, except deputy secretary, shall be made from among those persons
40 appearing in any position on a list of eligible persons prepared [by the Secretary of
41 Budget and Management] in accordance with the provisions of the State Personnel and
42 Pensions Article [that govern classified service employees].

16

1 (e) Promotions of civilian employees shall be made in accordance with the
2 provisions of the State Personnel and Pensions Article [that govern classified service
3 employees].

4 21.

5 Employment of any employee shall terminate upon his death, retirement,
6 resignation or discharge. Retirement shall occur in accordance with the applicable
7 provisions of §§ 31 through 37 of this article or the State Personnel and Pensions Article
8 and, except as to the Secretary, shall be mandatory as provided in § 31(a) of this article or
9 § 24-401(c) of the State Personnel and Pensions Article. Resignation of an employee
10 shall not be valid until accepted by the Secretary, but acceptance shall not be withheld
11 unless proceedings for discharge are contemplated or pending. An employee, other than
12 a probationary employee, may be discharged only in accordance with the provisions of the
13 State Personnel and Pensions Article [that govern classified service employees].

14 24.

15 (a) In cases of inconsistency between this article and the provisions of the State
16 Personnel and Pensions Article [that govern classified service employees], the provisions
17 of this article shall control as to all matters relating to the Department.

18 (b) Except as expressly provided herein, the provisions of the State Personnel and
19 Pensions Article [that govern classified service employees] shall not apply to or affect
20 the compensation, rank, grade or status of any police employee.

21 (c) The compensation, civilian classification, and status of civilian employees shall
22 be determined in accordance with the provisions of the State Personnel and Pensions
23 Article [that govern classified service employees], except to the extent that specific
24 provision is made in this article.

25 **Article - Agriculture**

26 2-102.

27 (d) (1) (ii) Assistants in charge of areas of responsibility and professional
28 consultants shall be in the [unclassified service of] EXECUTIVE SERVICE,
29 MANAGEMENT SERVICE, OR SPECIAL APPOINTMENTS IN the State Personnel
30 Management System and shall serve at the pleasure of the Secretary.

31 (2) Except as otherwise provided by law, the Secretary shall appoint and
32 remove all other personnel in accordance with the provisions of the State Personnel and
33 Pensions Article [that govern classified service employees].

34 4-106.

35 The Secretary may enforce the provisions of this subtitle through meat inspectors,
36 agents, and other employees designated or appointed consistently with the provisions of
37 this subtitle. Except as provided in § 4-104 of this subtitle or otherwise by law, all
38 inspectors shall be employed in ACCORDANCE WITH [the classified service of] THE
39 PROVISION OF the State Personnel Management System.

17

1 8-203.

2 (e) (3) (i) Personnel who are employed on or after July 1, 1978, or who have
3 been employed for fewer than 6 months on the date of application by the district will be
4 appointed to the [classified] SKILLED SERVICE OR PROFESSIONAL service, WITH THE
5 EXCEPTION OF SPECIAL APPOINTMENTS, on completion of 6 months of satisfactory
6 employment with the district, and in conformity with the provisions of this subsection.

7 (ii) Clerical and administrative personnel appointed after the date of
8 application by the district shall be appointed in conformity with the provisions of the
9 State Personnel and Pensions Article that govern the [classified] SKILLED SERVICE OR
10 PROFESSIONAL service, WITH THE EXCEPTION OF SPECIAL APPOINTMENTS.

11 (4) (i) An employee who has been included in the [classified] SKILLED
12 SERVICE OR PROFESSIONAL service under this subsection shall become a member of the
13 Employees' Retirement System of the State of Maryland with service credit beginning on
14 the date the employee is covered in the [classified] SKILLED SERVICE OR
15 PROFESSIONAL service.

16 **Article - Business Occupations and Professions**

17 16-205.

18 (e) The executive director is [in the unclassified service of] A SPECIAL
19 APPOINTMENT IN the State Personnel Management System.

20 17-205.

21 (e) The executive director is [in the unclassified service of] A SPECIAL
22 APPOINTMENT IN the State Personnel Management System.

23 **Article - Business Regulation**

24 2-103.

25 (b) (2) Each staff assistant in the Office of the Secretary in charge of a
26 particular area of responsibility and each professional consultant is in the [unclassified
27 service of] EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR IS A SPECIAL
28 APPOINTMENT IN the State Personnel Management System and is appointed by and
29 serves at the pleasure of the Secretary.

30 (3) Unless otherwise provided by law, the Secretary shall appoint and
31 remove all other staff in the Office of the Secretary in accordance with the provisions of
32 the State Personnel and Pensions Article [that govern classified service employees].

33 8-206.

34 (a) (2) Except as otherwise provided by law, the staff is in the [classified service
35 of] SKILLED SERVICE OR PROFESSIONAL SERVICE, WITH THE EXCEPTION OF
36 SPECIAL APPOINTMENTS, IN the State Personnel Management System.

37 11-205.

38 (a) (2) The executive director is in the [unclassified] EXECUTIVE service [of]
39 IN the State Personnel Management System and serves at the pleasure of the Secretary.

18

1 11-206.

2 (a) With the approval of the Commission and, except as otherwise provided by
3 law, subject to the provisions of the State Personnel and Pensions Article [that govern
4 classified service employees], the executive director shall appoint a staff of the
5 Commission.

6 (b) (4) The stewards and harness judges are [in the unclassified service of]
7 SPECIAL APPOINTMENTS IN the State Personnel Management System.

8 11-207.

9 (a) On the recommendation of the executive director, the Commission may
10 employ AS SPECIAL APPOINTMENTS additional employees or agents, including auditors,
11 experts, guards, inspectors, a breathalyzer operator at each harness racing track,
12 scientists, Commission secretaries, specimen collectors, veterinarians, and others whom
13 the Commission considers to be essential at or in connection with a race meeting in the
14 best interests of racing.

15 **Article - Courts and Judicial Proceedings**

16 1-703.

17 (b) Whenever a general salary increase is awarded to State employees, each judge
18 shall receive the same percentage increase in salary as awarded to the lowest step of the
19 highest salary grade for [classified service] employees in the Standard Pay Plan.

20 2-309.

21 (d) (1) (viii) Employees of the Sheriff's office, except the Sheriff, shall be
22 selected according to the provisions of the State Personnel and Pensions Article [that
23 govern classified service employees].

24 (2) The Mayor and City Council shall pay monthly to the Sheriff of
25 Baltimore City one twelfth of the amount provided in the ordinance of estimates for the
26 expenses of the Sheriff's office. Within 30 days after June 30th in each and every year the
27 Sheriff of Baltimore City shall pay to the Mayor and City Council of Baltimore any of the
28 unexpended expense funds advanced during the preceding year and render a detailed
29 account to the Mayor and City Council of Baltimore of all expense funds received and
30 expended by him. The Mayor and City Council of Baltimore shall reimburse the State of
31 Maryland for the administrative costs incurred because the employees of the Sheriff's
32 office of Baltimore City are in [the classified service of] the State Personnel
33 Management System.

34 2-505.

35 (b) The procedure for appointment and removal of personnel in the clerk's office
36 shall be as provided by rules adopted by the Court of Appeals. Those rules may provide
37 whether the positions shall be in [the classified service or unclassified service of] the
38 State Personnel Management System or in the personnel system of the Judicial Branch.

19

1 2-601.

2 (b) Except as provided in § 2-602 of this subtitle or otherwise by law, the clerical,
3 administrative, and constabular employees of the District Court shall be appointed by the
4 Chief Judge of the District Court on the recommendation of the administrative judge for
5 the district and shall be in the [classified] SKILLED service [of], WITH THE EXCEPTION
6 OF SPECIAL APPOINTMENTS, IN the State Personnel Management System.

7 2-604.

8 (b) Constables may serve either full time or part time. Full-time constables are in
9 the [classified] SKILLED service [of], WITH THE EXCEPTION OF SPECIAL
10 APPOINTMENTS, IN the State Personnel Management System and shall be paid on the
11 same salary scale as that set by the Secretary of Budget and Management pursuant to §
12 2-309(d) of this article for full-time deputy sheriffs in Baltimore City. Part-time
13 constables are not in the State Personnel Management System, and are paid the
14 compensation prescribed by the General Assembly, and serve at the pleasure of the Chief
15 Judge of the District Court.

16 2-607.

17 (b) (4) Except without additional compensation, unless otherwise fixed by law,
18 [a classified service] AN employee of the District Court, who is an adult, may be granted,
19 in the same manner, commissioner powers and duties in the county where he is employed.

20 **Article - Education**

21 2-104.

22 (b) (1) From the nominees proposed by the State Superintendent, the State
23 Board shall appoint all professional assistants to the Department, who shall be in the
24 [unclassified service of] EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR SPECIAL
25 APPOINTMENTS IN the State Personnel Management System.

26 2-105.

27 (a) Unless otherwise provided by law, the State Superintendent shall appoint and
28 remove all clerical assistants and other nonprofessional personnel of the Department in
29 accordance with the provisions of the State Personnel and Pensions Article that govern
30 the [classified] SKILLED service, WITH THE EXCEPTION OF SPECIAL APPOINTMENTS.

31 (b) The credential secretary and statistician of the Department are [in the
32 unclassified service of] SPECIAL APPOINTMENTS IN the State Personnel Management
33 System.

34 12-111.

35 (b) After appointment, employees in positions designated by the University shall
36 be regarded and treated in the same manner as [classified service employees of this
37 State] SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEES, WITH THE
38 EXCEPTION OF SPECIAL APPOINTMENTS, IN THE STATE PERSONNEL MANAGEMENT
39 SYSTEM and:

20

1 (1) Have all rights and privileges of [classified service employees] SKILLED
2 SERVICE OR PROFESSIONAL SERVICE EMPLOYEES, WITH THE EXCEPTION OF
3 SPECIAL APPOINTMENTS, IN THE STATE PERSONNEL MANAGEMENT SYSTEM;

4 (2) Have the right of appeal as provided by law in any case of alleged
5 injustice;

6 (3) Shall be paid salaries not less than those paid in similar classifications in
7 other State agencies; and

8 (4) Shall retain their vacation privileges, retirement status, and benefits
9 under the State retirement systems.

10 14-104.

11 (g) (1) After appointment, employees in positions designated by the University
12 shall be regarded and treated in the same manner as [classified service employees of this
13 State] SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEES, WITH THE
14 EXCEPTION OF SPECIAL APPOINTMENTS, IN THE STATE PERSONNEL MANAGEMENT
15 SYSTEM and:

16 (i) Have all rights and privileges of [classified service employees]
17 SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEES, WITH THE EXCEPTION
18 OF SPECIAL APPOINTMENTS, IN THE STATE PERSONNEL MANAGEMENT SYSTEM;

19 (ii) Have the right of appeal as provided by law in any case of alleged
20 injustice;

21 (iii) Shall be paid salaries not less than those paid in similar
22 classifications in other State agencies; and

23 (iv) Shall retain their vacation privileges, accrued sick leave, retirement
24 status, and benefits under the State retirement systems.

25 14-205.

26 (b) (2) (i) The causes for removal shall conform to the causes for removal of
27 [classified service employees] SKILLED SERVICE OR PROFESSIONAL SERVICE
28 EMPLOYEES, WITH THE EXCEPTION OF SPECIAL APPOINTMENTS, that the Secretary of
29 Budget and Management adopts by regulation.

30 16-505.

31 (c) (2) Except with respect to [classified] SKILLED SERVICE employee
32 grievance appeals, Title 10, Subtitles 1 and 2 of the State Government Article
33 ("Administrative Procedure Act") does not apply to the Board of Trustees.

34 16-510.

35 (a) Except as provided in subsection (b) of this section or otherwise by law, all
36 employees of the College are in the [classified] SKILLED service of the State Personnel
37 Management System.

21

1 (b) All officers, faculty, and administrative employees of the College are in [the
2 unclassified service of the State Personnel Management System] AN INDEPENDENT
3 PERSONNEL SYSTEM.

4 (c) If a [classified] SKILLED service employee was employed by the State in
5 accordance with subsection (a) of this section, beginning January 1, 1996, the employee's
6 years of service as an employee of Baltimore City shall be added to the employee's years
7 of service with the State for the purpose of determining:

8 (1) The annual leave accrual rate provided in § 9-302 of the State Personnel
9 and Pensions Article;

10 (2) Seniority under Title 11, Subtitle 2 of the State Personnel and Pensions
11 Article, relating to layoffs; and

12 (3) Seniority under § 4-205(c) of the State Personnel and Pensions Article,
13 relating to promotions.

14 18-1005.

15 (a) Each year:

16 (2) The Board may:

17 (i) Appoint and remove any other officer or employee it considers
18 advisable without regard to the provisions of the State Personnel and Pensions Article
19 [that govern classified service employees]; and

20 24-204.

21 (b) (2) The secretarial, stenographic, clerical, and custodial employees of the
22 Commission are in the [classified] SKILLED service [of], WITH THE EXCEPTION OF
23 SPECIAL APPOINTMENTS, IN the State Personnel Management System.

24 (3) All other employees of the Commission are in the [unclassified service
25 of] EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS
26 IN the State Personnel Management System.

27 **Article - Environment**

28 1-403.

29 (b) (3) Unless otherwise provided by law, the Secretary shall appoint and
30 remove all other staff in accordance with the provisions of the State Personnel and
31 Pensions Article [that govern classified service employees].

32 5-201.

33 (b) (2) Subject to the Secretary's authority as provided in Title 1 of this article,
34 the Administration's staff shall be appointed and removed in accordance with the
35 provisions of the State Personnel and Pensions Article [that govern classified service
36 employees].

22

1 9-1603.

2 (a) The Secretary, with the approval of the Governor, shall appoint the Director
3 of the Administration who shall serve at the pleasure of the Secretary. The Director is [in
4 the unclassified service of] A SPECIAL APPOINTMENT IN the State Personnel
5 Management System. The Director shall operate and exercise the powers of the
6 Administration under the direction of the Secretary in accordance with the provisions of
7 this subtitle. The Director shall receive such salary and have such deputies, assistants,
8 employees, and professional consultants as provided in the State budget.

9 **Article - Family Law**

10 10-117.

11 (c) Any personnel of the local support enforcement office involved in a transfer
12 under this section shall [become classified service employees of this State] BE IN THE
13 STATE PERSONNEL MANAGEMENT SYSTEM and shall be placed in the position that is
14 comparable to or most closely compares to their former position, without further
15 examination or qualification. These employees shall be credited with the years of service
16 with the jurisdiction for the purpose of determining leave accumulation and shall become
17 members of the Employees' Pension System of the State of Maryland. All previous
18 pension contributions shall be transferred in accordance with Title 37 of the State
19 Personnel and Pensions Article. These employees shall receive no diminution in
20 compensation or accumulated leave solely as a result of the transfer. Annual leave in
21 excess of that which may be retained annually in the State Personnel Management System
22 may be retained at the time of transfer if that accumulation was permitted by the former
23 employer.

24 10-119.2.

25 (f) (1) Notwithstanding any other provision of law, all employees hired in the
26 demonstration site after October 1, 1995 shall be in the [unclassified service of]
27 MANAGEMENT SERVICE OR SPECIAL APPOINTMENTS IN the State Personnel
28 Management System.

29 (2) If a position in the demonstration site is held by a classified service
30 employee on September 30, 1995, the position remains a classified service position OR ITS
31 EQUIVALENT IN THE STATE PERSONNEL MANAGEMENT SYSTEM until the position
32 becomes vacant, at which time the position shall become [an unclassified] A
33 MANAGEMENT SERVICE OR SPECIAL APPOINTMENT position.

34 **Article - Financial Institutions**

35 8-305.

36 (b) Except as provided in subsection (c) of this section or otherwise by law, the
37 Division Director shall appoint and remove all personnel in accordance with the
38 provisions of the State Personnel and Pensions Article [that govern classified service
39 employees].

40 (c) The deputy director is in the [unclassified] MANAGEMENT service of the
41 State Personnel Management System.

23

1 10-104.

2 (b) Technical and professional employees are [in the unclassified service of]
3 SPECIAL APPOINTMENTS IN the State Personnel Management System.

4 **Article - Health - General**

5 2-103.

6 (b) (3) Except as provided in paragraph (5) of this subsection or otherwise by
7 law, the Secretary shall appoint and remove all other staff in accordance with the
8 provisions of the State Personnel and Pensions Article [that govern classified service
9 employees].

10 (5) All personnel in the Department, Grade 18 and above, who administer
11 or direct a program, shall:

12 (i) Be in the [unclassified service of] EXECUTIVE SERVICE,
13 MANAGEMENT SERVICE, OR SPECIAL APPOINTMENTS IN the State Personnel
14 Management System; and

15 3-304.

16 (b) Except as otherwise provided by law, each health officer is [in the unclassified
17 service of] A SPECIAL APPOINTMENT IN the State Personnel Management System.

18 4-202.

19 (a) The Secretary shall appoint a State registrar of vital records, who shall be in
20 the [classified] SKILLED service of the State Personnel Management System.

21 10-408.

22 (d) In addition to any other power or duty that the Director or Secretary
23 delegates, the administrative head of a State facility shall:

24 (2) In accordance with the provisions of the State Personnel and Pensions
25 Article [that govern classified service employees], appoint a staff for the State facility as
26 needed and as provided in the State budget; and

27 10-423.

28 (c) (1) The Superintendent of the Center and each individual in a scientific
29 position or technical position shall be in the [unclassified service of] MANAGEMENT
30 SERVICE OR SPECIAL APPOINTMENTS IN the State Personnel Management System.

31 (2) The remaining administrative employees and all clerical employees shall
32 be in the [classified] SKILLED service [of] IN the State Personnel Management System.

33 19-1505.

34 (c) (1) The executive director, the deputy directors, and the principal section
35 chiefs shall be [unclassified] EXECUTIVE SERVICE OR MANAGEMENT SERVICE
36 employees.

24

1 **Article - Health Occupations**

2 14-204.

3 (d) (2) Staff hired after September 30, 1992, are in the [unclassified service of]
4 EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS IN
5 the State Personnel Management System.

6 **Article - Insurance**

7 2-103.

8 (d) The Commissioner is in the [unclassified] EXECUTIVE service of the State
9 Personnel Management System and is entitled to compensation under the Executive Pay
10 Plan in accordance with the State budget.

11 2-104.

12 (a) (2) The Deputy Commissioner is in the [unclassified] EXECUTIVE service
13 of the State Personnel Management System and is entitled to compensation in
14 accordance with the State budget.

15 2-105.

16 (b) All employees of the Administration that serve in a management, professional,
17 or technical capacity are in the [unclassified service of] EXECUTIVE SERVICE,
18 MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS IN the State Personnel
19 Management System and serve at the pleasure of the Commissioner.

20 (c) The compensation of [unclassified] personnel UNDER SUBSECTION (B) OF
21 THIS SECTION shall be determined by the Commissioner and, if possible, in accordance
22 with the State pay plan.

23 2-106.

24 Except as otherwise provided by law, all [classified] SKILLED SERVICE employees
25 of the Administration shall be appointed and removed by the Commissioner in
26 accordance with the provisions of Division I of the State Personnel and Pensions Article
27 that govern [classified] SKILLED service employees.

28 20-204.

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

33 (2) Positions that the Executive Director designates with the approval of the
34 Board of Trustees as technical or professional positions are in the [unclassified service
35 of] EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS
36 IN the State Personnel Management System.

37 (b) The Executive Director shall determine the compensation of the [unclassified
38 service] personnel of the Fund DESIGNATED UNDER SUBSECTION (A)(2) OF THIS
39 SECTION:

25

1 (1) with the approval of the Board of Trustees; and

2 (2) when possible, in accordance with the State pay plan.

3 **Article - Labor and Employment**

4 2-104.

5 (a) (2) The Deputy Commissioner is in the [unclassified] MANAGEMENT
6 service [of] IN the State Personnel Management System and serves at the pleasure of the
7 Commissioner.

8 (b) (2) The Assistant Commissioner is in the [unclassified] MANAGEMENT
9 service [of] IN the State Personnel Management System and serves at the pleasure of the
10 Commissioner.

11 (c) (2) The Chief Elevator Inspector:

12 (ii) is subject to the provisions of the State Personnel and Pensions
13 Article that govern [classified] SKILLED service employees.

14 (d) (2) The Chief Inspector:

15 (ii) is subject to the provisions of the State Personnel and Pensions
16 Article that govern [classified] SKILLED service employees.

17 (e) (1) Subject to the approval of the Governor, the Commissioner may appoint
18 a Chief Mediator who shall be [in the unclassified service of] A SPECIAL APPOINTMENT
19 IN the State Personnel Management System.

20 (f) (2) Each safety inspector:

21 (ii) is subject to the provisions of the State Personnel and Pensions
22 Article that govern [classified] SKILLED service employees, WITH THE EXCEPTION OF
23 SPECIAL APPOINTMENTS.

24 (g) (2) Except as provided in this section or otherwise by law, all other staff is in
25 the [classified] SKILLED SERVICE OR PROFESSIONAL service [of], WITH THE
26 EXCEPTION OF SPECIAL APPOINTMENTS, IN the State Personnel Management System.

27 8-303.

28 (d) (1) The head of the Office of Employment Services is the Director who shall
29 be appointed by the Secretary in accordance with:

30 (i) the provisions of the State Personnel and Pensions Article [that
31 govern classified service employees]; and

32 8-305.

33 (b) (1) In accordance with the provisions of the State Personnel and Pensions
34 Article [that govern classified service employees], the Secretary may employ the staff
35 necessary to carry out this title.

26

1 9-305.

2 (a) (2) Except as otherwise provided by law, the staff is in the [classified service
3 of the] State Personnel Management System.

4 10-113.

5 (b) (1) Except as provided in paragraph (2) of this subsection, employees of the
6 Fund are [unclassified] SPECIAL APPOINTMENTS.

7 (2) A classified employee of the Fund hired before July 1, 1990 in a
8 nonprofessional or nontechnical position shall remain a member of the classified service
9 OR ITS EQUIVALENT IN THE STATE PERSONNEL MANAGEMENT SYSTEM as long as the
10 employee remains in a nonprofessional or nontechnical position with the Fund.

11 (c) (1) [The] EXCEPT AS OTHERWISE PROVIDED BY LAW, THE Board shall
12 set compensation for its employees [who are in the unclassified service].

13 (d) (2) [An unclassified] A SPECIAL APPOINTMENT employee of the Fund
14 may not be permanently removed unless:

15 (i) written charges are filed;

16 (ii) the employee has an opportunity for a hearing in accordance with
17 Title 10, Subtitle 2 of the State Government Article; and

18 (iii) there is cause for removal.

19 **Article - Natural Resources**

20 1-101.

21 (d) (2) The Secretary shall appoint, with the approval of the Governor, a deputy
22 secretary who shall have the duties provided by law or delegated by the Secretary. The
23 deputy secretary is in the [unclassified] EXECUTIVE service of the State Personnel
24 Management System, serves at the pleasure of the Secretary, and shall receive the
25 compensation provided in the State budget. All assistant secretaries, staff assistants, and
26 professional consultants are in the [unclassified service of] EXECUTIVE SERVICE,
27 MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS IN the State Personnel
28 Management System and are appointed by and serve at the Secretary's pleasure.
29 Wherever it is provided by law that the Secretary makes an appointment to a particular
30 office within the Department with the approval of the Governor, the Secretary may not
31 remove the appointee without first obtaining the Governor's approval.

32 (3) Except as otherwise provided by law, the Secretary shall appoint and
33 remove all other personnel in accordance with the provisions of the State Personnel and
34 Pensions Article [that govern classified service employees]. The Secretary may delegate
35 his authority to appoint or remove personnel of any unit to the administrator of the unit.

36 1-203.

37 (a) The Secretary shall, within the limits of any appropriation made for this
38 purpose, appoint Natural Resources police officers as the Secretary deems necessary for
39 the efficient administration of the Natural Resources Police Force. All appointments

27

1 shall be made from a list of eligible persons prepared [by the Secretary of Budget and
 2 Management,] in accordance with the provisions of the State Personnel AND PENSIONS
 3 Article [that govern classified service employees, or from a list prepared by the
 4 Department as permitted by the Secretary of Budget and Management].

5 (f) In cases of inconsistency between this subtitle and the provisions of the State
 6 Personnel and Pensions Article [that govern classified service employees], the provisions
 7 of this subtitle shall control as to all matters relating to the Natural Resources Police
 8 Force.

9 3-205.

10 The trustees may appoint a director of the trust to administer its activities subject to
 11 the trustees' supervision. They may employ other persons as necessary. The director and
 12 staff are employees of the State, but the director shall not be a member of the
 13 [classified] SKILLED SERVICE OR PROFESSIONAL service, WITH THE EXCEPTION OF
 14 SPECIAL APPOINTMENTS. The trustees may remove the director at their will.

15 5-206.

16 (b) The Secretary shall, within the limits of any appropriation made for this
 17 purpose, commission forest, park, and wildlife rangers as the Secretary deems necessary
 18 for the enforcement of laws and regulations as provided in this subsection. All
 19 appointments shall be made from a list of eligible persons prepared [by the Secretary of
 20 Budget and Management,] in accordance with the provisions of the State Personnel and
 21 Pensions Article [that govern classified service employees, or from a list prepared by the
 22 Department as permitted by the Secretary of Budget and Management]. An employee so
 23 commissioned and assigned law enforcement duties has and may exercise the powers of a
 24 Natural Resources police officer or a law enforcement officer of the State. These powers
 25 may be exercised upon:

26 (1) Properties owned by the State and managed by the Department;

27 (2) Railroad rights-of-way and utility properties which are not owned by the
 28 State, but which traverse properties owned by the State and managed by the Department;

29 (3) All public and private properties which are within the boundaries of
 30 State properties managed by the Department;

31 (4) All waters of the State within one mile of the shoreline of all properties
 32 owned by the Department;

33 (5) All public and private property adjoining property owned by the State
 34 and managed by the Department;

35 (6) All park property in Maryland owned by the federal government;

36 (7) All roadways within the boundaries of or that portion of roadway
 37 adjoining properties owned by the State and managed by the Department; and

38 (8) Any property in Maryland for the purpose of executing a warrant that
 39 has resulted from law enforcement activities on property on which a forest, park, and
 40 wildlife ranger may exercise law enforcement powers.

28

1 (f) In cases of inconsistency between this subtitle and the provisions of the State
 2 Personnel and Pensions Article [that govern classified service employees], the provisions
 3 of this subtitle shall control as to all matters relating to Natural Resources law
 4 enforcement officers.

5 5-218.

6 (h) (3) A youth recruited for the Corps may not be hired through mechanisms
 7 for the employment of [classified] SKILLED SERVICE OR PROFESSIONAL service
 8 employees in the State Personnel Management System and may not earn any of the
 9 benefits of a [classified] SKILLED SERVICE OR PROFESSIONAL service employee, WITH
 10 THE EXCEPTION OF SPECIAL APPOINTMENTS.

11 8-723.

12 (c) Subject to available income, the Department may employ necessary personnel
 13 subject to the provisions of the State Personnel and Pensions Article [that govern
 14 classified service employees].

15 **Article - State Finance and Procurement**

16 3-203.

17 (a) (2) The Deputy Secretary:

18 (i) is in the [unclassified] EXECUTIVE service of the State Personnel
 19 Management System and serves at the pleasure of the Secretary;

20 (c) (2) Each assistant secretary and professional consultant is in the
 21 [unclassified service of] EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR IS A
 22 SPECIAL APPOINTMENT IN the State Personnel Management System and is appointed by
 23 and serves at the pleasure of the Secretary.

24 (3) Except as provided in this section or otherwise by law, the Secretary
 25 shall appoint and remove all other staff in accordance with the provisions of the State
 26 Personnel and Pensions Article [that govern classified service employees].

27 3-301.

28 (b) (1) All employees and personnel of the Central Collection Unit shall:

29 (i) except for assistant Attorneys General assigned to the Central
 30 Collection Unit, be [unclassified service employees] IN THE MANAGEMENT SERVICE
 31 OR SPECIAL APPOINTMENTS in the State Personnel Management System who are
 32 appointed by and serve at the pleasure of the Secretary and are not subject to Title 11,
 33 Subtitle 2 of the State Personnel and Pensions Article; and

34 (2) Except for employees in the Executive Pay Plan and any assistant
 35 Attorneys General assigned to the Central Collection Unit, [an unclassified service] A
 36 MANAGEMENT SERVICE OR SPECIAL APPOINTMENT employee of the Central
 37 Collection Unit may not be permanently removed [from the unclassified service] except
 38 for cause and until written charges have been filed and a hearing has been conducted in
 39 accordance with Title 10, Subtitle 2 of the State Government Article. This paragraph does

29

1 not apply to the removal of [an unclassified service] A MANAGEMENT SERVICE OR
2 SPECIAL APPOINTMENT employee because of a layoff that resulted from:

3 (i) a lack of work; or

4 (ii) the lack of an appropriation.

5 4-203.

6 (a) (2) The Deputy Secretary:

7 (i) is in the [unclassified] EXECUTIVE service of the State Personnel
8 Management System and serves at the pleasure of the Secretary;

9 (b) (2) Each staff assistant in the Office of the Secretary in charge of a
10 particular area of responsibility and each professional consultant is in the [unclassified
11 service of] EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR IS A SPECIAL
12 APPOINTMENT IN the State Personnel Management System and is appointed by and
13 serves at the pleasure of the Secretary.

14 (3) Except as provided in this section or otherwise by law, the Secretary
15 shall appoint and remove all other staff in the Office of the Secretary in accordance with
16 the provisions of the State Personnel and Pensions Article [that govern classified service
17 employees].

18 4-602.

19 (a) In accordance with the provisions of the State Personnel and Pensions Article
20 [that govern classified service employees], the Secretary may appoint and remove
21 superintendents to supervise designated improvements, grounds, and multiservice centers
22 under the jurisdiction of the Department, including those in Annapolis and Baltimore
23 City.

24 4-605.

25 (a) (1) In accordance with the provisions of the State Personnel and Pensions
26 Article [that govern classified service employees], the Secretary may establish a security
27 force to protect people and property on or about improvements, grounds, and
28 multiservice centers under the jurisdiction of the Department.

29 5-203.

30 (b) Each staff assistant in charge of a particular area of responsibility and each
31 professional consultant is in the [unclassified service of] EXECUTIVE SERVICE,
32 MANAGEMENT SERVICE, OR IS A SPECIAL APPOINTMENT IN the State Personnel
33 Management System and is appointed by and serves at the pleasure of the Director.

34 (c) Except as provided in subsection (b) of this section or otherwise by law, the
35 Director shall appoint and remove all other staff in accordance with the provisions of the
36 State Personnel and Pensions Article [that govern classified service employees].

30

1 6-103.

2 (c) Except as otherwise provided by law, the Comptroller shall appoint the Chief
3 and other employees of the Bureau in accordance with the provisions of the State
4 Personnel and Pensions Article [that govern classified service employees].

5 7-213.

6 (b) (3) Except as provided in § 8-109 of the State Personnel and Pensions
7 Article, the Governor may not reduce an appropriation for the salary of any
8 NONTEMPORARY employee in the [classified service or unclassified service] STATE
9 PERSONNEL MANAGEMENT SYSTEM.

10 **Article - State Government**

11 8-202.

12 (b) Notwithstanding the placement of a unit in a principal department:

13 (2) a State officer or State employee who is not in the [classified service of
14 the] State Personnel Management System and is transferred with the unit remains
15 exempt from the provisions of the State Personnel and Pensions Article [that govern
16 classified service employees and the regulations adopted under those provisions] unless
17 the officer or the employee is placed in the [classified service] STATE PERSONNEL
18 MANAGEMENT SYSTEM in accordance with those provisions; and

19 (3) the head of a unit who is in the [classified service] STATE PERSONNEL
20 MANAGEMENT SYSTEM or holds the position other than at the pleasure of the Governor
21 does not cease to be in the [classified service] STATE PERSONNEL MANAGEMENT
22 SYSTEM or to hold the position other than at the pleasure of the Governor.

23 9-108.

24 (e) (2) Except as provided in paragraph (3) of this subsection or otherwise by
25 law, the staff of the Commission is in the [classified service of the] State Personnel
26 Management System.

27 (3) A deputy director is in the [unclassified] EXECUTIVE service of the
28 State Personnel Management System. However, a deputy director may be removed only
29 for cause after being given notice and an opportunity for a hearing.

30 9-1605.

31 (a) An administrative law judge:

32 (1) shall be a [member of the unclassified service of] SPECIAL
33 APPOINTMENT IN the State Personnel Management System;

34 10-703.

35 Employees of an abolished or superseded unit who are in the [classified] SKILLED
36 SERVICE OR PROFESSIONAL service of the State Personnel Management System, WITH
37 THE EXCEPTION OF SPECIAL APPOINTMENTS:

31

1 (1) keep their status as [classified] SKILLED SERVICE OR PROFESSIONAL
2 service employees; and

3 (2) in accordance with the provisions of the State Personnel and Pensions
4 Article that govern [classified] SKILLED SERVICE OR PROFESSIONAL service
5 employees and the regulations adopted under them, are eligible for reemployment by the
6 successor or by another unit in the respective [classified] SKILLED SERVICE OR
7 PROFESSIONAL service position in the State Personnel Management System.

8 12-401.

9 In this subtitle, "State personnel" means:

10 (1) a regular [classified or unclassified] employee of the State whose
11 compensation:

12 (i) is provided by a State appropriation; or

13 (ii) is paid wholly or partly from State funds;

14 **Article - State Personnel and Pensions**

15 2-706.

16 (c) A returning veteran who is reinstated under this subtitle is entitled to:

17 (3) any [classified] service status that the veteran had when the veteran
18 entered military service, with adjustments to reflect the additional seniority credited
19 under subsection (b) of this section.

20 (d) A returning veteran who is reinstated to a position under this subtitle may not
21 be discharged from that position within 1 year after reinstatement without substantial
22 cause and, if the position is a [classified] SKILLED SERVICE OR PROFESSIONAL service
23 position, WITH THE EXCEPTION OF SPECIAL APPOINTMENTS, only for the reasons and
24 in the manner provided for [classified] SKILLED SERVICE OR PROFESSIONAL service
25 employees.

26 2-707.

27 (c) A member of a reserve component who is reinstated to a position under this
28 section may not be discharged from that position within 6 months after reinstatement
29 without substantial cause and, if the position is a [classified] SKILLED SERVICE OR
30 PROFESSIONAL service position, WITH THE EXCEPTION OF SPECIAL APPOINTMENTS,
31 only for the reasons and in the manner provided for [classified] SKILLED SERVICE OR
32 PROFESSIONAL service employees.

33 21-118.

34 (c) (2) Except for employees described in paragraph (3) of this subsection, the
35 employees are [classified] SKILLED SERVICE OR PROFESSIONAL service employees
36 subject to the provisions of this article that govern [classified] SKILLED SERVICE OR
37 PROFESSIONAL service employees.

32

1 (3) An employee is in the [unclassified service of] EXECUTIVE SERVICE,
2 MANAGEMENT SERVICE, OR IS A SPECIAL APPOINTMENT IN the State Personnel
3 Management System if:

4 (i) the employee holds a position that the Executive Director, with the
5 approval of the Board of Trustees, designates as a professional or technical position that
6 involves specialized skill, education, and knowledge; and

7 (ii) the employee's labor is predominantly intellectual rather than
8 manual or physical.

9 22-404.

10 (c) A member qualifies for a pension under subsection (b) of this section if the
11 member:

12 (3) (ii) has been in the unclassified service [of] OR ITS EQUIVALENT IN
13 the State continuously from June 30, 1982, until separating from employment; and

14 23-404.

15 (c) A member qualifies for a normal service retirement allowance under
16 subsection (b) of this section if the member:

17 (3) (ii) has been in the unclassified service [of] OR ITS EQUIVALENT IN
18 the State continuously from June 30, 1982, until separating from employment; and

19 30-301.

20 An individual is eligible to participate in the program if the individual is eligible for
21 membership in a retirement system or a pension system and is:

22 (4) an employee of Morgan State University who is not subject to the
23 provisions of DIVISION I OF the State Personnel and Pensions Article [that govern the
24 classified service]; or

25 35-204.

26 (c) (3) (i) Except as provided in subparagraph (ii) of this paragraph or
27 otherwise by law, employees of the Board are [in the classified service and are] subject
28 to the provisions of Division I of this article that govern [classified service]
29 NONTEMPORARY employees.

30 (ii) Employees of the Board whose labor is predominately intellectual
31 and who hold positions that the Board designates as professional or technical positions
32 involving specialized skill, education, and knowledge are in the [unclassified service]
33 EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS IN
34 THE STATE PERSONNEL MANAGEMENT SYSTEM.

35 **Article - Tax - Property**

36 2-104.

37 (c) The State Supervisor of Assessments and the assessment area supervisors are
38 in the [unclassified] MANAGEMENT service of the State Personnel Management System.

33

1 However, they shall hold their positions during good behavior and may be removed from
2 their positions only after a hearing before the Department and a finding of incompetency
3 or other cause.

4 2-105.

5 (b) (2) Each supervisor:

6 (ii) shall be in the [unclassified] MANAGEMENT service of the State
7 Personnel Management System.

8 **Article - Transportation**

9 2-102.

10 (d) (3) Except as otherwise provided by law, the Secretary shall appoint and
11 remove all other personnel in accordance with:

12 (i) The provisions of the State Personnel and Pensions Article [that
13 govern classified service employees]; or

14 4-208.

15 (e) (2) (i) A member of the Maryland Transportation Authority Police Force
16 is [in the unclassified service of] A SPECIAL APPOINTMENT IN the State Personnel
17 Management System.

18 6-408.

19 (b) Each transferred officer and employee covered by and subject to the
20 provisions of the City Service Commission of Baltimore City as a classified employee is
21 entitled, without further examination or restriction, to all the rights and privileges and is
22 subject to all the provisions of the State Personnel and Pensions Article [that govern
23 classified service employees].

24 12-104.

25 (d) (2) Except as otherwise provided by law, and subject to § 2-103.4 of this
26 article, each deputy, officer, and employee of the Administration:

27 (i) Is in the [classified service of the] State Personnel Management
28 System; and

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1997.