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**By: Senator Della**

Introduced and read first time: January 27, 1997

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Skilled Service and Professional Service - Layoffs**

3 FOR the purpose of providing that a State employee is deemed to have been laid off  
4 when the employee is separated from a position in the skilled service or professional  
5 service because of certain actions relating to the elimination or reduction of budget  
6 funds; requiring the Secretary of Budget and Management to adopt certain  
7 regulations; and generally relating to layoffs of State employees.

8 BY repealing and reenacting, with amendments,  
9 Article - State Personnel and Pensions  
10 Section 11-201 through 11-203 and 11-302  
11 Annotated Code of Maryland  
12 (1994 Volume and 1996 Supplement)

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

15 **Article - State Personnel and Pensions**

16 11-201.

17 (a) (1) Except as otherwise provided by law, this subtitle only applies to skilled  
18 service and professional service employees in the State Personnel Management System.

19 (2) The procedures in this subtitle do not apply to:

20 (i) a disciplinary action under Subtitle 1 of this title;

21 (ii) a termination [or separation] from employment under [Subtitle  
22 3] § 11-303 of this title; or

23 (iii) special appointees.

24 (b) This subtitle does not prevent the layoff of an employee who submits to the  
25 head of the employee's principal unit a written request to be laid off.

26 11-202.

27 (A) The Secretary shall adopt regulations to provide procedures that are uniform  
28 among the principal units for:

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1 (1) the layoff of employees in the skilled service or the professional service;  
2 and

3 (2) the reinstatement of laid-off and separated skilled service or  
4 professional service employees to comparable positions in State employment.

5 (B) THE SECRETARY SHALL ADOPT REGULATIONS THAT REQUIRE WRITTEN  
6 NOTICE TO BE GIVEN TO EACH EMPLOYEE WHO IS LAID OFF UNDER § 11-203(B) OF  
7 THIS SUBTITLE AT LEAST 30 DAYS BEFORE THE LAYOFF.

8 11-203.

9 (A) An employee shall be laid off if the employee is in a position that will be  
10 abolished, discontinued, or vacated because of a change in organization or because of a  
11 stoppage or lack of work.

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

16 11-302.

17 (a) An employee is separated from State service when the appropriation in the  
18 State budget for the position is:

19 (1) omitted by the Governor, as evidenced in the supporting documentation  
20 submitted with the budget;

21 (2) struck by the General Assembly, as evidenced in the budget bill or in the  
22 report of the budget committees; or

23 (3) reduced by the Governor in accordance with § 7-213 of the State  
24 Finance and Procurement Article, as evidenced in the supporting documentation  
25 submitted to the Board of Public Works.

26 (b) An employee may not appeal a separation from employment under this  
27 subsection.

28 [(c) An employee who is separated under this section is not subject to the layoff  
29 provisions of Subtitle 2 of this title with the exception that an employee who is separated  
30 shall have the same reinstatement rights as a laid-off employee.]

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