

HOUSE BILL 767

Unofficial Copy  
P4

1998 Regular Session  
(8lr2315)

**ENROLLED BILL**  
-- Appropriations/Finance --

Introduced by **Delegates Poole and McKee**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Personnel - Contractual Employees - ~~Limitation on Certification~~**  
3 **Transfers**

4 FOR the purpose of ~~prohibiting the Secretary of Budget and Management from~~  
5 ~~continuing the certification of a contractual State employee if continuation of~~  
6 ~~certification would result in the contractual employee remaining in a~~  
7 ~~contractual position for a certain period of time; providing a certain exception~~  
8 ~~altering the circumstances under which a contractual employee, who is in a~~  
9 ~~contractual position that is replaced by a budgeted position, may transfer to the~~  
10 ~~budgeted position; and generally relating to renewals of certification for~~  
11 ~~authorized transfers of~~ contractual State employees.

12 BY repealing and reenacting, with amendments,  
13 Article - State Personnel and Pensions  
14 Section ~~13-204~~ 13-302  
15 Annotated Code of Maryland  
16 (1997 Replacement Volume)

1 ~~BY repealing and reenacting, without amendments,~~  
 2 ~~Article - State Personnel and Pensions~~  
 3 ~~Section 13-303~~  
 4 ~~Annotated Code of Maryland~~  
 5 ~~(1997 Replacement Volume)~~

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

8 **Article - State Personnel and Pensions**

9 ~~13-204.~~

10 ~~Except as authorized under § 13-303 of this title, the Secretary may not~~  
 11 ~~continue certification for any contractual employee if:~~

12 ~~(1) the Secretary determines that the services performed under the~~  
 13 ~~contract:~~

14 ~~[(1)] (I) encompass permanent functions;~~

15 ~~[(2)] (II) have no specific expiration date; and~~

16 ~~[(3)] (III) regularly are performed on a basis that is at least equal to 50%~~  
 17 ~~of the work responsibility of a full-time permanent employee; OR~~

18 ~~(2) CONTINUATION OF CERTIFICATION WOULD RESULT IN THE~~  
 19 ~~CONTRACTUAL EMPLOYEE REMAINING IN A CONTRACTUAL POSITION FOR A PERIOD~~  
 20 ~~OF TIME EXCEEDING 3 YEARS.~~

21 ~~13-303.~~

22 ~~To enable a contractual employee to participate in any required examination for~~  
 23 ~~a budgeted position under this subtitle, the Secretary may certify the continuation of~~  
 24 ~~the employee's contract for a maximum period of 1 year after the date on which the~~  
 25 ~~budgeted position is created.~~

26 ~~13-302.~~

27 ~~If a contractual position is replaced by a budgeted position, the A contractual~~  
 28 ~~employee in the contractual position may transfer to the budgeted position, if [the~~  
 29 ~~employee]:~~

30 ~~(1) THE EMPLOYEE MEETS THE MINIMUM QUALIFICATIONS FOR THE~~  
 31 ~~BUDGETED POSITION AND has at least [24] 6 continuous months of satisfactory~~  
 32 ~~service as of the date on which the replacement occurs;~~

33 ~~(2) THERE IS A CONTINUING NEED FOR THE FUNCTION TO BE~~  
 34 ~~PERFORMED; AND~~

1           (3)     THE AGENCY CAN DOCUMENT A COMPETITIVE HIRING PROCESS;

2 AND

3           (4)     THE BUDGETED POSITION REPLACING THE CONTRACTUAL  
4 POSITION WAS NOT AVAILABLE AT THE TIME THE CONTRACTUAL EMPLOYEE WAS  
5 HIRED.

6           [(2)     has received a favorable performance evaluation by the appointing  
7 authority; and

8           (3)     has passed the examination, if one is required, for the class in which  
9 the budgeted position is placed.]

10       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 1998.