
By: **Delegates Poole and McKee**
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Assigned to: Appropriations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 28, 1998

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)

17 ~~BY repealing and reenacting, without amendments,~~
18 ~~Article - State Personnel and Pensions~~
19 ~~Section 13-303~~
20 ~~Annotated Code of Maryland~~
21 ~~(1997 Replacement Volume)~~

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

1 **Article - State Personnel and Pensions**

2 ~~13-204.~~

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

5 ~~(1) the Secretary determines that the services performed under the~~
6 ~~contract:~~

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

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

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

11 ~~(2) CONTINUATION OF CERTIFICATION WOULD RESULT IN THE~~
12 ~~CONTRACTUAL EMPLOYEE REMAINING IN A CONTRACTUAL POSITION FOR A PERIOD~~
13 ~~OF TIME EXCEEDING 3 YEARS.~~

14 ~~13-303.~~

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

19 13-302.

20 If a contractual position is replaced by a budgeted position, the contractual
21 employee in the contractual position may transfer to the budgeted position, if [the
22 employee]:

23 (1) THE EMPLOYEE has at least [24] 6 continuous months of satisfactory
24 service as of the date on which the replacement occurs;

25 (2) THERE IS A CONTINUING NEED FOR THE FUNCTION TO BE
26 PERFORMED; AND

27 (3) THE AGENCY CAN DOCUMENT A COMPETITIVE HIRING PROCESS.

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

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

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

