
By: **Delegates Muse and Bozman**
Introduced and read first time: February 13, 1998
Assigned to: Appropriations

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
5 professional service because of certain actions relating to the elimination or
6 reduction of budget funds; requiring the Secretary of Budget and Management
7 to adopt certain 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 (1997 Replacement Volume)

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
18 skilled service and professional service employees in the State Personnel
19 Management System.

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

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

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

24 (iii) special appointees.

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

1 11-202.

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

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

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

8 (B) THE SECRETARY SHALL ADOPT REGULATIONS THAT REQUIRE WRITTEN
9 NOTICE TO BE GIVEN TO EACH EMPLOYEE WHO IS LAID OFF UNDER § 11-203(B) OF
10 THIS SUBTITLE AT LEAST 60 DAYS BEFORE THE LAYOFF.

11 11-203.

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

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

19 11-302.

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

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

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

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

29 (b) An employee may not appeal a separation from employment under this
30 section.

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

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