
By: **Chairman, Appropriations Committee (By Request - Departmental -
Human Resources)**

Introduced and read first time: February 7, 2003

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County Local Department of Social Services**

3 FOR the purpose of clarifying the authority of the local director of social services in
4 Montgomery County; and generally relating to the governance of local
5 departments of social services.

6 BY repealing and reenacting, with amendments,
7 Article 88A - Department of Human Resources
8 Section 13
9 Annotated Code of Maryland
10 (1998 Replacement Volume and 2002 Supplement)

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

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

14 13.

15 (a) Except as provided in § 13A of this article, the State Department shall
16 create or continue in each county and in Baltimore City a local department of social
17 services to be known as such with the name of the county or city prefixed thereto. In
18 each county such local department shall have a local board appointed in accordance
19 with the provisions of § 14 of this article and a local director appointed in accordance
20 with subsection (b)(1) of this section.

21 In Baltimore City the department of social services shall have a commission of
22 social services (herein referred to as "local commission") appointed in accordance with
23 the provisions of § 48(d) of Article VII of the Charter of Baltimore City, 1964 Edition,
24 and the local director of the local department in Baltimore City shall be appointed in
25 accordance with the provisions of subsection (b)(2) of this section.

26 The local boards in the counties and the local commission in Baltimore City
27 shall have all the duties and functions provided in § 14A of this article.

1 (b) (1) In each county and Baltimore City the local director shall be
2 appointed with the concurrence of the Secretary of Human Resources and, as
3 appropriate:

4 (i) The county executive;

5 (ii) The county commissioners;

6 (iii) The Mayor of Baltimore City;

7 (iv) The County Council of Talbot County or Wicomico County; or

8 (v) A designee of the county executive, county commissioners, or
9 Mayor.

10 (2) The county executive, county commissioners, Mayor of Baltimore
11 City, County Council of Talbot County or Wicomico County, or designee, as
12 appropriate, shall meet and consult with the board of each local department prior to
13 the appointment of a local director.

14 (3) (i) In each county and Baltimore City the local director may be
15 removed from office with the concurrence of the Secretary of Human Resources and,
16 as appropriate, the county executive, the county commissioners, the Mayor of
17 Baltimore City, County Council of Talbot County or Wicomico County, or the designee
18 of the county executive, county commissioners, County Council of Talbot County or
19 Wicomico County, or Mayor.

20 (ii) The county executive, county commissioners, Mayor of
21 Baltimore City, County Council of Talbot County or Wicomico County, or designee, as
22 appropriate, shall meet and consult with the board of each local department prior to
23 the removal from office of a local director.

24 (4) Any individual appointed as a director of a local department of social
25 services in accordance with paragraphs (1) and (2) of this subsection shall have, at a
26 minimum:

27 (i) A master's degree in social work or a related field and at least 5
28 years of professional employment in the field of social services administration or
29 supervision; and

30 (ii) Any other qualifications and training that the Secretary of
31 Human Resources may require by rule or regulation.

32 (5) (i) At least annually, the local director shall be evaluated, in
33 writing, by the Secretary of Human Resources, the county or Baltimore City, and the
34 local board of social services.

35 (ii) The Secretary of Human Resources shall notify the local board
36 of social services of any significant deficiencies in the administration of the local
37 department.

1 (iii) The Secretary of Human Resources, the county or Baltimore
2 City, and the local board of social services shall jointly review their respective
3 evaluations annually with the local director.

4 (6) (i) The governing body of each county and Baltimore City, in
5 consultation with the local board of social services, shall establish by ordinance or
6 resolution, the process by which the local director shall be evaluated in accordance
7 with paragraph (5) of this subsection.

8 (ii) The Secretary shall establish by regulation the process by
9 which the Secretary shall evaluate the local directors in accordance with paragraph
10 (5) of this subsection.

11 (b-1) (1) The local director in each county, including Baltimore City, who is
12 appointed on or after October 1, 1992, shall be in the executive service or
13 management service of the State Personnel Management System.

14 (2) All deputy directors and assistant directors of the Department of
15 Social Services of Baltimore City who are appointed after May 1, 1989, shall be in the
16 management service of the State Personnel Management System.

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

23 (1) Long-range and short-range planning for the functions and
24 objectives of the respective local department;

25 (2) Exercise of full administrative responsibility for the operations of the
26 respective local department;

27 (3) Except as provided in subsection (b-1)(2) of this section or otherwise
28 by law, appointment of all personnel of the respective local department in accordance
29 with the provisions of Title 6, Subtitle 4 of the State Personnel and Pensions Article;

30 (4) Improvement of administrative and social-work practices and
31 procedures;

32 (5) Submission of periodic reports and evaluations as required by the
33 State Administration;

34 (6) Submission of an annual report to the local board of the respective
35 local department in the counties and to the local commission of the local department
36 in Baltimore City; and

37 (7) Other responsibilities as may from time to time be required by the
38 State Administration or by other applicable laws, rules and regulations.

1 (c-1) In Montgomery County, the local director shall act as the agent of the
2 Secretary of Human Resources, WITH COMMENSURATE LINE AUTHORITY AND
3 RESOURCES, to ensure that Montgomery County complies with responsibilities
4 UNDER STATE AND FEDERAL LAW AND under grant agreements entered into under §
5 13A(b) of this article.

6 (d) Administrative costs of the local departments for the purpose of this
7 section shall be paid out of allotments from State or federal funds, as the State
8 Department may prescribe. This subsection does not prohibit any county from
9 appropriating additional funds for administrative costs of the local department.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2003.