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By: **Delegate C. Davis**

Introduced and read first time: February 11, 2003

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2                           **State Personnel Management System - Department of Juvenile Justice -**  
3                           **Teachers**

4 FOR the purpose of removing certain teachers from a provision of law that establishes  
5 that certain individuals who are employed by institutions managed by the  
6 Department of Juvenile Justice are in the management service or are special  
7 appointments in the State Personnel Management System; clarifying that  
8 certain teachers are in the management service or are special appointments in  
9 the State Personnel Management System; and generally relating to teachers  
10 employed by institutions managed by the Department of Juvenile Justice and  
11 employment categories in the State Personnel Management System.

12 BY repealing and reenacting, without amendments,  
13 Article 83C - Juvenile Justice  
14 Section 1-101(a) and (b)  
15 Annotated Code of Maryland  
16 (1998 Replacement Volume and 2002 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article 83C - Juvenile Justice  
19 Section 2-103  
20 Annotated Code of Maryland  
21 (1998 Replacement Volume and 2002 Supplement)

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

24                           **Article 83C - Juvenile Justice**

25 1-101.

26 (a) In this article the following words have the meanings indicated.

27 (b) "Department" means the Department of Juvenile Justice.

1 2-103.

2 (a) With the approval of the Governor, the Secretary may appoint two Deputy  
3 Secretaries as necessary.

4 (b) (1) The Deputy Secretaries serve at the pleasure of the Secretary.

5 (2) The Deputy Secretaries are entitled to the salary provided in the  
6 State budget.

7 (3) The Deputy Secretaries have the duties provided by law or delegated  
8 by the Secretary.

9 (c) The Secretary shall designate a Deputy Secretary to be the acting  
10 secretary when the Secretary is absent from the State or otherwise unavailable.

11 (d) (1) The Secretary may employ a staff and retain consultants in  
12 accordance with the State budget.

13 (2) Except as provided in paragraph (4) of this subsection or otherwise by  
14 law, the Secretary shall appoint and remove all staff in accordance with the provisions  
15 of the State Personnel and Pensions Article.

16 (3) The appointment or removal of staff of any unit in the Department is  
17 subject to the approval of the Secretary. As to any unit in the Department, the  
18 Secretary may delegate this authority to the head of that unit.

19 (4) All personnel in the Department specified in this paragraph shall be  
20 in the executive service or management service of the State Personnel Management  
21 System and shall be appointed by and serve at the pleasure of the Secretary:

22 (i) Any assistant secretary;

23 (ii) Any director of an institution;

24 (iii) The superintendent of the youth centers; and

25 (iv) The managing director, deputy director, and director of  
26 detention at the Baltimore City Juvenile Justice Center.

27 (5) All personnel in the Department who are subject to the provisions of  
28 paragraph (4) of this subsection shall be prohibited from other employment while  
29 employed by the Department, unless express permission is granted by the Secretary.  
30 Express permission from the Secretary may not be unreasonably withheld. If the  
31 Secretary grants permission to engage in other employment, the employee shall  
32 disclose to the Secretary the source and amount of all income earned from that other  
33 employment.

34 (6) All teachers WHO DO NOT HOLD A CERTIFICATE UNDER TITLE 6,  
35 SUBTITLE 1 OF THE EDUCATION ARTICLE, principals, directors of education, and  
36 supervisors of vocational education who are employed by institutions managed by the

1 Department are in the management service or are special appointments in the State  
2 Personnel Management System.

3           (7)       The Department shall:

4                   (i)       Adopt a code of conduct for personnel of the Department; and

5                   (ii)       Require private agencies under contract with the Department  
6 to adopt a code of conduct for private agency staff that is in substantial compliance  
7 with the code of conduct for personnel of the Department.

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