

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 909

(Delegate C. Davis)

Appropriations

Finance

State Personnel Management System - Department of Juvenile Justice - Teachers

This bill removes certified teachers employed by institutions managed by the Department of Juvenile Justice (DJJ) from the management service or special appointments classifications of the State Personnel Management System (SPMS).

Fiscal Summary

State Effect: The bill would not substantively affect State activities or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: All teachers, principals, education directors, and vocational education supervisors who are employed by institutions managed by DJJ are classified in the management service or special appointments categories.

The Maryland State Department of Education (MSDE) provides for the following teaching certificates: a one-year provisional certificate for a teacher who is working to meet the standards required for a professional certificate; a resident teacher's certificate; or a professional certificate.

Background: SPMS positions are classified in one of five categories – special appointments, and executive, skilled, professional, and management service. Employees

who are a special appointment or in the management or executive service serve at the pleasure of the appointing authority and may be terminated from employment for any reason, solely in the discretion of the appointing authority. These employees may file a written appeal of a disciplinary action or termination with the head of the principal unit within 15 days of the action. The head of the unit may uphold the action or rescind or modify it and must issue a written decision within 15 days. The decision by the head of the principal unit is final.

If the employee is in the professional or skilled service, he or she may appeal a management decision to the Office of Administrative Hearings. Professional and skilled service employees are also covered by specific procedures governing the order of layoffs by seniority that do not apply to positions in other service categories.

Teachers employed by MSDE are classified as special appointments and teachers employed by the Department of Health and Mental Hygiene are classified as professional service.

State Expenditures: DJJ manages seven juvenile detention facilities throughout Maryland. Pursuant to this legislation, approximately 55 DJJ employees would be reclassified to the professional or skilled categories, assuming all teachers are certified. MSDE advises that it would be unlikely for any teachers to be employed without a certificate. Certified teachers would be entitled to administrative hearings if they contest a disciplinary action; however, the fiscal impact would be minimal and could be absorbed within existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Juvenile Justice, Maryland State Department of Education, Department of Budget and Management, Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2003
lc/hlb

Analysis by: Ann Marie Maloney

Direct Inquiries to:
(410) 946-5510
(301) 970-5510