
By: **Delegate G. Clagett**

Introduced and read first time: January 27, 2006

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - State Personnel Management System and Employment**
3 **Status**

4 FOR the purpose of establishing the Department of Personnel; establishing the
5 Secretary of Personnel as the head of the Department; establishing the duties
6 and powers of the Secretary; providing for the salary of the Secretary;
7 transferring responsibility for the State Personnel Management System from
8 the Department of Budget and Management to the Department of Personnel;
9 limiting the positions that may be classified as special appointments in the
10 State Personnel and Management System; eliminating the Department of
11 Transportation human resources management system; repealing certain
12 provisions of law that specify that certain positions are special appointments;
13 repealing certain provisions of law that specify that certain positions serve at
14 the pleasure of the Governor or other officials; providing for the effective dates of
15 this Act; and generally relating to State personnel, the State Personnel
16 Management System, and employment status.

17 BY repealing and reenacting, with amendments,
18 Article - State Personnel and Pensions
19 Section 1-101(f) and (m), 2-505(b), 3-204(c), 3-2A-04(d), 4-201(c), 6-101,
20 6-405, 7-102, 7-501(a); the title designation "Title 8. Compensation of
21 Employees Subject to Salary Authority of Secretary of Personnel";
22 10-402(c) and (d), 11-305(a), 12-101(b), and 21-118(c)
23 Annotated Code of Maryland
24 (2004 Replacement Volume and 2005 Supplement)

25 BY adding to
26 Article - State Personnel and Pensions
27 Section 1-301 to be under the new subtitle "Subtitle 3. Department of Personnel
28 - Established"
29 Annotated Code of Maryland
30 (2004 Replacement Volume and 2005 Supplement)

31 BY repealing and reenacting, without amendments,

- 1 Article - State Personnel and Pensions
- 2 Section 8-101(a)
- 3 Annotated Code of Maryland
- 4 (2004 Replacement Volume and 2005 Supplement)

- 5 BY repealing and reenacting, with amendments,
- 6 Article - Transportation
- 7 Section 2-102, 7-206(a) and (b), 7-209, and 8-204(e)(1)
- 8 Annotated Code of Maryland
- 9 (2001 Replacement Volume and 2005 Supplement)

- 10 BY repealing
- 11 Article - Transportation
- 12 Section 2-103.4
- 13 Annotated Code of Maryland
- 14 (2001 Replacement Volume and 2005 Supplement)

- 15 BY repealing and reenacting, with amendments,
- 16 Article - Transportation
- 17 Section 12-104(d)
- 18 Annotated Code of Maryland
- 19 (2002 Replacement Volume and 2005 Supplement)

- 20 BY repealing and reenacting, with amendments,
- 21 Article 27A - Public Defender
- 22 Section 3(b)
- 23 Annotated Code of Maryland
- 24 (2003 Replacement Volume and 2005 Supplement)

- 25 BY repealing and reenacting, with amendments,
- 26 Article 41 - Governor - Executive and Administrative Departments
- 27 Section 6-103(b)(2)
- 28 Annotated Code of Maryland
- 29 (2003 Replacement Volume and 2005 Supplement)

- 30 BY repealing and reenacting, with amendments,
- 31 Article 43C - Maryland Health and Higher Educational Facilities Authority
- 32 Section 4(d)
- 33 Annotated Code of Maryland
- 34 (2003 Replacement Volume and 2005 Supplement)

- 35 BY repealing and reenacting, with amendments,
- 36 Article 49B - Human Relations Commission

- 1 Section 2(c)
2 Annotated Code of Maryland
3 (2003 Replacement Volume and 2005 Supplement)
- 4 BY repealing and reenacting, with amendments,
5 Article 83A - Department of Business and Economic Development
6 Section 2-102(b) and 2-105(i)(1)
7 Annotated Code of Maryland
8 (2003 Replacement Volume and 2005 Supplement)
- 9 BY repealing and reenacting, with amendments,
10 Article 83C - Juvenile Services
11 Section 2-103(d)
12 Annotated Code of Maryland
13 (2003 Replacement Volume and 2005 Supplement)
- 14 BY repealing and reenacting, with amendments,
15 Article - Agriculture
16 Section 2-102(d)(1)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2005 Supplement)
- 19 BY repealing and reenacting, with amendments,
20 Article - Business Occupations and Professions
21 Section 4-512(a)
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2005 Supplement)
- 24 BY repealing and reenacting, with amendments,
25 Article - Business Regulation
26 Section 2-103(b)(2) and 11-206(b)(4)
27 Annotated Code of Maryland
28 (2004 Replacement Volume and 2005 Supplement)
- 29 BY repealing and reenacting, with amendments,
30 Article - Correctional Services
31 Section 2-106(c)(1), 3-208(b), 3-213, 3-506, 4-203(b), 4-204(d), 5-203,
32 5-302(b), 5-402, 5-403, 8-111, 8-206, and 10-203
33 Annotated Code of Maryland
34 (1999 Volume and 2005 Supplement)
- 35 BY repealing
36 Article - Correctional Services

- 1 Section 3-210(c)
- 2 Annotated Code of Maryland
- 3 (1999 Volume and 2005 Supplement)

- 4 BY repealing and reenacting, with amendments,
- 5 Article - Criminal Procedure
- 6 Section 11-804(d)
- 7 Annotated Code of Maryland
- 8 (2001 Volume and 2005 Supplement)

- 9 BY repealing and reenacting, with amendments,
- 10 Article - Education
- 11 Section 2-104(b)(1) and (c), 2-105, and 24-204(c)
- 12 Annotated Code of Maryland
- 13 (2004 Replacement Volume and 2005 Supplement)

- 14 BY repealing and reenacting, with amendments,
- 15 Article - Environment
- 16 Section 1-403(b)(2) and 9-1603(a)
- 17 Annotated Code of Maryland
- 18 (1996 Replacement Volume and 2005 Supplement)

- 19 BY repealing and reenacting, with amendments,
- 20 Article - Family Law
- 21 Section 10-119.2(f)
- 22 Annotated Code of Maryland
- 23 (2004 Replacement Volume and 2005 Supplement)

- 24 BY repealing and reenacting, with amendments,
- 25 Article - Financial Institutions
- 26 Section 2-103(b) and 10-104
- 27 Annotated Code of Maryland
- 28 (2003 Replacement Volume and 2005 Supplement)

- 29 BY repealing and reenacting, with amendments,
- 30 Article - Health - General
- 31 Section 2-103(b) and 10-423(c)
- 32 Annotated Code of Maryland
- 33 (2005 Replacement Volume and 2005 Supplement)

- 34 BY repealing and reenacting, with amendments,
- 35 Article - Health Occupations
- 36 Section 14-204(d)

- 1 Annotated Code of Maryland
2 (2005 Replacement Volume)
- 3 BY repealing and reenacting, with amendments,
4 Article - Housing and Community Development
5 Section 2-107(b)
6 Annotated Code of Maryland
7 (2005 Volume)
- 8 BY repealing and reenacting, with amendments,
9 Article - Insurance
10 Section 2-105(b)
11 Annotated Code of Maryland
12 (2003 Replacement Volume and 2005 Supplement)
- 13 BY repealing and reenacting, with amendments,
14 Article - Insurance
15 Section 20-204(a)
16 Annotated Code of Maryland
17 (2002 Replacement Volume and 2005 Supplement)
- 18 BY repealing and reenacting, with amendments,
19 Article - Labor and Employment
20 Section 2-104(a)(2), (b)(2), (e)(1), (f)(2), and (g)(2) and 10-113(b)
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 2005 Supplement)
- 23 BY repealing and reenacting, with amendments,
24 Article - Natural Resources
25 Section 1-101(d)(2), 1-102(c)(1), 3-103(b), and 5-206(a)
26 Annotated Code of Maryland
27 (2005 Replacement Volume and 2005 Supplement)
- 28 BY repealing and reenacting, with amendments,
29 Article - Public Safety
30 Section 3-206(b), 13-302(a), 13-303(a), 13-305(a), and 13-306(b)
31 Annotated Code of Maryland
32 (2003 Volume and 2005 Supplement)
- 33 BY repealing and reenacting, with amendments,
34 Article - Public Utility Companies
35 Section 2-106, 2-108(d)(8), 2-203(b), and 10-110(a)
36 Annotated Code of Maryland

1 (1998 Volume and 2005 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article - State Finance and Procurement
4 Section 3-203(c), 3-301(b), 4-203(b), 4-413, 5-202(b), and 12-102(a)(1) and
5 (b)(1)(i)
6 Annotated Code of Maryland
7 (2001 Replacement Volume and 2005 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - State Government
10 Section 8-201(b)
11 Annotated Code of Maryland
12 (2004 Replacement Volume and 2005 Supplement)

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 1-101.

17 (f) Unless expressly provided otherwise, "Department" means the
18 Department of [Budget and Management] PERSONNEL.

19 (m) "Secretary" means the Secretary of [Budget and Management]
20 PERSONNEL.

21 **SUBTITLE 3. DEPARTMENT OF PERSONNEL - ESTABLISHED.**

22 1-301.

23 (A) THERE IS A DEPARTMENT OF PERSONNEL, ESTABLISHED AS A PRINCIPAL
24 DEPARTMENT OF THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT.

25 (B) THE HEAD OF THE DEPARTMENT IS THE SECRETARY OF PERSONNEL.

26 (C) (1) THE SECRETARY SERVES AT THE PLEASURE OF THE GOVERNOR AND
27 IS RESPONSIBLE DIRECTLY TO THE GOVERNOR.

28 (2) THE SECRETARY IS RESPONSIBLE FOR THE OPERATIONS OF THE
29 DEPARTMENT AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE
30 THE ORDERLY AND EFFICIENT OPERATION OF THE DEPARTMENT.

31 (3) SUBJECT TO THE PROVISIONS OF DIVISION I OF THIS ARTICLE, THE
32 SECRETARY MAY ESTABLISH, REORGANIZE, OR CONSOLIDATE AREAS OF
33 RESPONSIBILITY IN THE DEPARTMENT AS NECESSARY TO FULFILL THE DUTIES
34 ASSIGNED BY THE SECRETARY.

1 (D) THE SECRETARY IS ENTITLED TO THE SALARY PROVIDED IN THE STATE
2 BUDGET.

3 2-505.

4 (b) The Advisory Council consists of the following [18] 19 members:

5 (1) the Secretary or a designee of the Secretary;

6 (2) a representative of each of the following, appointed by the Governor:

7 (i) the Department of Budget and Management;

8 (ii) the Department of Health and Mental Hygiene;

9 (iii) the University System of Maryland Administration;

10 (iv) the Department of Transportation;

11 (v) the Insurance Commissioner;

12 (vi) the State Comptroller;

13 (vii) the President of the Senate;

14 (viii) the Speaker of the House of Delegates;

15 (ix) the Maryland Classified Employees Association, Inc.;

16 (x) the Maryland Federation of Nurses and Health Professionals;

17 (xi) the Maryland Professional Employees Council;

18 (xii) the State Law Enforcement Officers Labor Alliance;

19 (xiii) the Maryland Troopers Association; [and]

20 (xiv) THE DEPARTMENT OF PERSONNEL; AND

21 (XV) the public; and

22 (3) three representatives of the American Federation of State, County,
23 and Municipal Employees, appointed by the Governor.

24 6-101.

25 There is a State Personnel Management System, which is under the authority of
26 the Secretary of [Budget and Management] PERSONNEL.

1 Title 8. Compensation of Employees Subject to Salary Authority of Secretary of
2 [Budget and Management] PERSONNEL.

3 8-101.

4 (a) There is a Standard Pay Plan and an Executive Pay Plan for this State, as
5 established by the Secretary with the approval of the Governor and as amended or
6 adjusted in accordance with this subtitle.

7 10-402.

8 (c) If requested by an employee who is to be laid off, immediately following the
9 notice, the department or other independent unit that plans the closure shall:

10 (1) begin to provide intensive job counseling and training referral for the
11 affected employees;

12 (2) make efforts to relocate or transfer the affected employees to other
13 departmental positions in the State; and

14 (3) notify the Department of [Budget and Management] PERSONNEL
15 and the Department of Labor, Licensing, and Regulation of any employees who are
16 adversely affected.

17 (d) The Department of [Budget and Management] PERSONNEL shall:

18 (1) develop a list of State classifications with their comparable
19 classifications, if any; and

20 (2) with the assistance of the Department of Labor, Licensing, and
21 Regulation, make efforts to relocate the affected State employees to vacant State
22 positions.

23 12-101.

24 (b) "Employer" means one or more of the following:

25 (1) an employee's appointing authority;

26 (2) an employee's principal unit; or

27 (3) the Department of [Budget and Management] PERSONNEL.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
29 read as follows:

30

Article - State Personnel and Pensions

1 3-204.

2 (c) [(1)] With approval of the Secretary, the Executive Director may employ
3 professional consultants.

4 [(2)] Each professional consultant serves at the pleasure of the Executive
5 Director.]

6 3-2A-04.

7 (d) [(1)] With approval of the Board, the Executive Director may employ
8 professional consultants.

9 [(2)] Each professional consultant serves at the pleasure of the Executive
10 Director.]

11 4-201.

12 (c) The Secretary shall[:

13 (1)] assign a class to the skilled service, professional service,
14 management service, or executive service, as appropriate[; and

15 (2)] designate positions that are filled by special appointment].

16 6-405.

17 [Except as otherwise provided by law, individuals in the following positions in
18 the skilled service, professional service, management service, or executive service are
19 considered special appointments:

20 (1) a position to which an individual is directly appointed by the
21 Governor by an appointment that is not provided for by the Maryland Constitution;

22 (2) a position to which an individual is directly appointed by the Board of
23 Public Works;

24 (3) as determined by the Secretary, a position which performs a
25 significant policy role or provides direct support to a member of the executive service;

26 (4) a position that is assigned to the Government House;

27 (5) a position that is assigned to the Governor's Office; and

28 (6) any other position that is specified by law to be a special
29 appointment.]

30 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND EXCEPT AS
31 OTHERWISE PROVIDED BY LAW, ONLY INDIVIDUALS THAT ARE IN THE EXECUTIVE
32 SERVICE AND ARE SECRETARIES OR DEPUTY SECRETARIES OF DEPARTMENTS ARE
33 SPECIAL APPOINTMENTS AND SERVE AT THE PLEASURE OF THE GOVERNOR.

1 (B) AT ANY TIME, NO MORE THAN 200 POSITIONS MAY BE CONSIDERED
2 SPECIAL APPOINTMENTS.

3 7-102.

4 (a) (1) Each employee [in the skilled service, professional service, and
5 management service], INCLUDING EMPLOYEES IN THE EXECUTIVE SERVICE, shall be
6 provided with a written position description which describes the essential duties and
7 responsibilities the employee is expected to perform and the standards for satisfactory
8 performance on a form approved by the Secretary.

9 (2) A successful applicant for a position [in the skilled service,
10 professional service, or management service] shall be provided with a position
11 description for review before accepting appointment to the position.

12 (b) The appointing authority or designee shall approve position descriptions
13 and revised position descriptions for the positions in the unit.

14 (c) (1) A supervisor shall:

15 (i) ensure the preparation of a position description for each
16 position over which the supervisor has primary direct responsibility;

17 (ii) maintain position descriptions for the positions under the
18 supervisor's jurisdiction; and

19 (iii) give each supervised employee a copy of the position description
20 for the employee's position.

21 (2) The supervisor and employee shall review the position description for
22 the employee's position and make any necessary revision:

23 (i) whenever there is a change in the essential functions of the
24 position; and

25 (ii) as part of the employee's performance appraisal.

26 (3) When there is no position description for a new or vacant position,
27 the primary direct supervisor of the position shall:

28 (i) prepare a position description for the position; and

29 (ii) submit it as part of the selection plan to fill the position.

30 (d) A position description shall contain information required by the Secretary,
31 including a description of the essential functions of the position.

32 (e) (1) The duties and responsibilities assigned to a position shall be
33 consistent with the duties and responsibilities for the position's assigned class.

1 (2) An employee may grieve the assignment of duties and
2 responsibilities only if those assigned duties and responsibilities clearly are
3 applicable to a different class.

4 7-501.

5 (a) The performance of each employee [in the skilled service, professional
6 service, and management service], INCLUDING EMPLOYEES IN THE EXECUTIVE
7 SERVICE, shall be evaluated in accordance with this subtitle.

8 11-305.

9 (a) This section only applies to an employee who is in a position[:

10 (1)] under a special appointment[;

11 (2) in the management service; or

12 (3) in the executive service].

13 21-118.

14 (c) (1) The Executive Director shall employ a staff in accordance with the
15 State budget.

16 (2) Except for employees described in paragraph (3) of this subsection,
17 the employees are skilled service or professional service employees subject to the
18 provisions of this article that govern skilled service or professional service employees.

19 (3) An employee is in the executive [service,] SERVICE OR management
20 service[, or is a special appointment] in the State Personnel Management System if:

21 (i) the employee holds a position that the Executive Director, with
22 the approval of the Board of Trustees, designates as a professional or technical
23 position that involves specialized skill, education, and knowledge; and

24 (ii) the employee's labor is predominantly intellectual rather than
25 manual or physical.

26 **Article - Transportation**

27 2-102.

28 (a) The head of the Department is the Secretary of Transportation, who shall
29 be appointed by the Governor with the advice and consent of the Senate.

30 (b) (1) The Secretary serves at the pleasure of the Governor and is
31 responsible directly to the Governor. The Secretary shall counsel and advise the
32 Governor on all matters assigned to the Department and is responsible for carrying
33 out the Governor's policies on these matters.

1 (2) [(i)] The Secretary is responsible for the operation of the
2 Department and shall establish guidelines and procedures to promote the orderly and
3 efficient administration of the Department. He may establish, reorganize, or abolish
4 areas of responsibility in the Department as necessary to fulfill effectively the duties
5 assigned to him. He may designate staff assistants to be in charge of the areas of
6 responsibility he establishes.

7 [(ii)] The Secretary may establish for employees of the Department a
8 human resources management system under § 2-103.4 of this subtitle that is not
9 subject to or controlled by the provisions of State law relating to other State
10 employees.]

11 (3) The Secretary is entitled to the salary provided in the State budget.

12 (c) (1) With the approval of the Governor, the Secretary shall appoint a
13 deputy secretary who has the duties provided by law or delegated by the Secretary.

14 (2) The deputy secretary is the acting secretary during periods when the
15 Secretary is absent or disabled.

16 (3) The deputy secretary serves at the pleasure of the Secretary and is
17 entitled to the salary provided in the State budget.

18 (4) The deputy secretary shall serve as acting chairman of the Maryland
19 Transportation Authority, acting chairman of the Maryland Aviation Commission, and
20 acting chairman of the Maryland Port Commission during periods when the Secretary
21 is absent or disabled.

22 (d) (1) The Secretary may have in the Department the staff assistants,
23 professional consultants, and employees provided in the State budget.

24 (2) Each staff assistant in charge of an area of responsibility and each
25 professional consultant shall be appointed by [and serves at the pleasure of] the
26 Secretary.

27 (3) Except as otherwise provided by law, the Secretary shall appoint and
28 remove all other personnel in accordance with[:

29 (i) The] THE provisions of the State Personnel and Pensions
30 Article[; or

31 (ii) A human resources management system established by the
32 Secretary under § 2-103.4 of this subtitle].

33 (4) The Secretary may delegate the authority to appoint and remove
34 personnel of any unit to the head of that unit.

35 (e) Wherever the Secretary is authorized by law to make an appointment to a
36 particular position in the Department with the approval of the Governor, the

1 Secretary may not remove the appointee without first obtaining the Governor's
2 approval.

3 [2-103.4.

4 (a) Without regard to the laws of this State relating to other State employees,
5 the Secretary of Transportation may establish a human resources management
6 system for employees of the Department and its units. Any human resources
7 management system that the Secretary establishes under this section shall:

8 (1) Be based on merit;

9 (2) Include fair and equitable procedures for appointment, hiring,
10 promotion, layoff, removal, termination, redress of grievances, and reinstatement of
11 employees; and

12 (3) Permit employees to participate in the pension and retirement
13 systems for employees of the State of Maryland authorized under Division II of the
14 State Personnel and Pensions Article or any other pension and retirement systems
15 authorized by law.

16 (b) In the exercise of the Secretary's powers under this section, the Secretary
17 may:

18 (1) Create and abolish any position other than positions specifically
19 provided for in this article; and

20 (2) Determine the qualifications, appointment, removal, tenure, terms of
21 employment, and compensation of employees unless otherwise prohibited by law.

22 (c) (1) Any human resources management system established under this
23 section shall provide that classified service employees employed immediately prior to
24 the date of its establishment shall be allowed to remain in the previous personnel
25 system until June 30, 1996.

26 (2) Any person who as of June 30, 1996 is employed by the Department
27 in a position authorized by the State budget, but not included under a collective
28 bargaining agreement, shall be required to transfer into the human resources
29 management system of the Department without loss of accumulated leave or
30 retirement status.

31 (3) Any employee hired after the establishment of the new system as a
32 permanent employee of the Department shall be hired under the provisions of the
33 new human resources management system.

34 (4) Nothing in this Act shall affect:

35 (i) The collective bargaining rights of members of the transit
36 workers union;

1 (ii) The rights of employees hired at any time to join an employee
2 organization; or

3 (iii) The rights of Maryland Transit Administration employees
4 eligible under § 7-601 of this article to be included in a collective bargaining unit.

5 (d) (1) The Secretary shall adopt regulations to govern the human resources
6 management system established under this section.

7 (2) The regulations shall address procedures for leave, appointment,
8 hiring, promotion, layoff, removal, termination, redress of grievances, and
9 reinstatement of employees and shall be presented to the Joint Committee on
10 Administrative, Executive, and Legislative Review under Title 10, Subtitle 1 of the
11 State Government Article.

12 (3) The regulations shall provide that before taking any disciplinary
13 action related to employee misconduct, an appointing authority or designated
14 representative shall:

15 (i) Investigate the alleged misconduct;

16 (ii) Meet with the employee;

17 (iii) Consider any mitigating circumstances;

18 (iv) Determine the appropriate disciplinary action, if any, to be
19 imposed; and

20 (v) Give the employee a written notice of the disciplinary action to
21 be taken and the employee's appeal rights.

22 (4) (i) The regulations shall provide that the appointing authority or
23 designated representative may suspend an employee, with or without pay, pending
24 the filing of charges for termination.

25 (ii) If an employee is suspended without pay, the appointing
26 authority or designated representative shall provide to the Secretary the charges for
27 termination within 30 calendar days after the first day of the suspension period.

28 (iii) If the appointing authority or designated representative files
29 the charges for termination after the 30-day period described in subparagraph (ii) of
30 this paragraph, the employee shall be placed on leave with pay until the Secretary
31 receives the charges.

32 (5) The regulations shall provide that an appointing authority or a
33 designated representative and an employee may agree to the holding in abeyance of a
34 disciplinary action for a period not to exceed 18 months in order to permit an
35 employee to improve conduct or performance.

1 (6) Subject to the provisions of paragraph (7) of this subsection, the
2 employee grievance procedures shall include, at a minimum, the following sequence of
3 levels of appeal:

4 (i) Initially an aggrieved employee shall present any grievance to
5 the appointing authority or a designated representative, who shall render a written
6 decision;

7 (ii) Any appeal shall be presented to the Secretary or a designated
8 representative, who shall render a written decision;

9 (iii) If the dispute is still unresolved, the appeal shall be referred to
10 the Office of Administrative Hearings or a mutually agreed upon third party arbiter
11 who may not hear grievances relating to classification, salary, or fiscal matters; and

12 (iv) For disciplinary actions only, either party may appeal any
13 decision of the Office of Administrative Hearings or a third party arbiter to the
14 Secretary of Budget and Management or that Secretary's designee.

15 (7) These regulations shall include procedures that ensure that all
16 employees of the Department covered by this section and all employees hired after
17 June 1, 1992 shall be entitled to the same levels of appeal provided for in the State
18 employees' grievance procedures contained in Title 12 of the State Personnel and
19 Pensions Article. Any disciplinary action taken against such employees by the
20 Department shall include the same levels of appeal contained in Division I of the
21 State Personnel and Pensions Article and its implementing regulations.

22 (8) (i) During any stage of a complaint, grievance, or other
23 administrative or legal action that concerns State employment by a full-time or
24 part-time executive service, career service, or commission plan employee of the
25 Department, or by a temporary or contractual employee of the Department, the
26 employee may not be subjected to coercion, discrimination, interference, reprisal, or
27 restraint by or initiated on behalf of the Department solely as a result of that
28 employee's pursuit of a grievance, complaint, or other administrative or legal action
29 that concerns State employment.

30 (ii) An employee of the Department may not intentionally take or
31 assist in taking an act of coercion, discrimination, interference, reprisal, or restraint
32 against another employee solely as a result of that employee's pursuit of a grievance,
33 complaint, or other administrative or legal action that concerns State employment.

34 (iii) An employee who violates the provisions of this paragraph is
35 subject to disciplinary action, including termination of employment.

36 (e) (1) The Secretary shall establish an Employee Performance Incentive
37 Awards Program that conforms to the provisions of Division I of the State Personnel
38 and Pensions Article.

39 (2) The Secretary shall have the same authority to implement this
40 Program as is delegated to the Secretary of Budget and Management.

1 (3) Funding for an Employee Performance Incentive Awards Program
2 shall be budgeted as a separate line item in the Department's annual budget
3 submission to the General Assembly.

4 (f) All permanent employees of the Department shall:

5 (1) Be considered as permanent State employees for the purposes of
6 transferring to a position in the Executive, Legislative, or Judicial Branch of
7 government;

8 (2) Receive credit for service with the Department for the purpose of
9 transferring accumulated sick and vacation leave, service credit in the Employees'
10 Retirement System, and all other benefits; and

11 (3) Be granted the same salary consideration that would be provided to
12 an employee transferring within the Executive, Legislative, or Judicial Branch.

13 (g) In establishing a pay plan for the Department's human resources
14 management system, the Secretary shall use the standard salary schedule adopted by
15 the Secretary of Budget and Management pursuant to the budget. The Secretary
16 shall prepare and recommend a standard pay plan for all classes of positions in the
17 human resources management system that conforms to the provisions of §§ 8-101,
18 8-102, 8-104, 8-105, and 8-109 of the State Personnel and Pensions Article that
19 govern the standard pay plan of the State. The Secretary shall have the same
20 authority to implement a standard pay plan as is delegated to the Secretary of Budget
21 and Management. Employees in the Department may not be paid salaries in excess of
22 those paid to employees in substantially the same classifications in other State
23 agencies.

24 (h) The Secretary shall establish an executive pay plan that conforms to the
25 provisions of §§ 8-101, 8-102, 8-103(b), 8-104, 8-108, and 8-109 of the State
26 Personnel and Pensions Article that govern the executive pay plan of the State. The
27 Secretary shall have the same authority to implement an executive pay plan as is
28 delegated to the Secretary of Budget and Management.

29 (i) The Department shall permit continuation of the rights of employee
30 organizations in existence on July 1, 1992 to represent employees and to collect dues
31 through a checkoff system consistent with Title 2, Subtitle 4 of the State Personnel
32 and Pensions Article.]

33 7-206.

34 (a) (1) Without regard to the laws of this State relating to other State
35 employees[, and subject to § 2-103.4 of this article,] the Administration may:

36 (i) Create and abolish any position other than one specifically
37 provided for in this title; and

38 (ii) Determine the qualification, appointment, removal, term, and
39 tenure of its employees.

1 (2) The Administration may determine the compensation of:

2 (i) Employees if the compensation is determined pursuant to
3 Subtitle 6 of this title;

4 (ii) Executive management positions, as recommended by the
5 Secretary and approved by the Governor, subject to approval in the budget; and

6 (iii) Management positions, subject to approval by the Secretary and
7 the Governor and the availability of funds in the budget.

8 (b) (1) [Subject to § 2-103.4 of this article, the] THE Administration may
9 establish a personnel system based on merit and fitness.

10 (2) The Administration may:

11 (i) Subject to Division II of the State Personnel and Pensions
12 Article, participate in the Employees' Retirement System and the Employees' Pension
13 System of the State of Maryland on terms and conditions mutually acceptable to the
14 Administration and the Board of Trustees for the State Retirement and Pension
15 System; and

16 (ii) Establish and maintain an independent system of pensions and
17 retirement benefits for its employees.

18 7-209.

19 The Administrator shall employ a general counsel [who serves at the pleasure of
20 the Administrator]. The general counsel is entitled to the compensation determined
21 by the Administrator.

22 8-204.

23 (e) (1) [Subject to § 2-103.4 of this article, the] THE Administration may
24 employ engineers, accountants, professional and technical experts, surveyors, skilled
25 and unskilled laborers, advisors, consultants, and any other agents and employees
26 that it considers necessary to carry out its powers and duties.

27 12-104.

28 (d) (1) With the approval of the Secretary, the Administration shall employ
29 the deputies, subordinate officers, clerks, investigators, and other employees
30 necessary to carry out the powers and duties of the Administration.

31 (2) Except as otherwise provided by law[, and subject to § 2-103.4 of this
32 article], each deputy, officer, and employee of the Administration:

33 (i) Is in the State Personnel Management System; and

34 (ii) Is entitled to the salary provided in the pay plan established
35 under Title 8, Subtitle 1 of the State Personnel and Pensions Article.

1

Article 27A - Public Defender

2 3.

3 (b) The Public Defender, with the approval of the board of trustees, shall
4 appoint a deputy public defender, and one (1) district public defender for each district
5 of the District Court, who shall possess the same qualifications as the Public
6 Defender to be eligible for appointment, who shall assist the Public Defender in the
7 performance of the duties of his office, and who shall, subject to the supervision of the
8 Public Defender, be in charge of the public defender offices in the district for which he
9 is appointed. Assistant public defenders may be appointed by the Public Defender,
10 with the advice of the district public defenders, in such number as authorized by the
11 budget. To be qualified for appointment as an assistant public defender, a person
12 must be an attorney-at-law and admitted to practice law in the State of Maryland by
13 the Court of Appeals of Maryland. The deputy public defender, district public
14 defenders, and assistant public defenders [shall serve at the pleasure of the Public
15 Defender,] shall not engage in the private practice of criminal [law,] LAW and shall
16 receive such salaries as provided in the budget.

17

Article 41 - Governor - Executive and Administrative Departments

18 6-103.

19 (b) (2) All staff assistants in the Secretary's office in charge of particular
20 areas of responsibility and all professional consultants shall be in the executive
21 [service,] SERVICE OR management service[, or special appointments] in the State
22 Personnel Management System [and shall serve at the pleasure of the Secretary].

23

Article 43C - Maryland Health and Higher Educational Facilities Authority

24 4.

25 (d) The Authority shall appoint, subject to the approval of the Governor, an
26 executive director. The Authority may also appoint, subject to the approval of the
27 Governor, a general counsel, either on a full-time or a part-time basis as the
28 Authority may determine. The Authority may create additional offices, appoint
29 additional officers, and prescribe the duties and responsibilities of all officers. Neither
30 the Executive Director nor the General Counsel shall be members of the Authority.
31 The Executive Director, the General Counsel and any additional officer or officers
32 appointed by the Authority [shall serve at the pleasure of the Authority, and] shall
33 receive such compensation as determined by the Authority.

34

Article 49B - Human Relations Commission

35 2.

36 (c) [(1)] The Human Relations Commission may employ its own attorney, who
37 shall be appointed and removed by the Executive Director with the approval of the
38 Commission. The attorney shall receive compensation as provided in the budget, and

1 shall act as general counsel and legal advisor to the Human Relations Commission
2 and shall represent the Human Relations Commission at all hearings and judicial
3 proceedings in which the Human Relations Commission is a party. The office of the
4 general counsel shall include additional personnel as provided in the budget.

5 (2) The general counsel and any assistant general counsel are special
6 appointments in the State Personnel Management System.]

7 **Article 83A - Department of Business and Economic Development**

8 2-102.

9 (b) (1) The Secretary shall also have attached to his office such assistants,
10 professional consultants and employees as are provided for in the State budget.

11 (2) He may establish areas of responsibility within his office and
12 designate assistants to be in charge of such areas.

13 (3) [All staff assistants in the Secretary's office in charge of particular
14 areas of responsibility, and all professional consultants shall serve at the pleasure of
15 the Secretary.

16 (4)] Except as otherwise provided by law, all other employees of the
17 Secretary's office shall be appointed and removed by the Secretary in accordance with
18 the provisions of the State Personnel and Pensions Article that govern skilled service
19 or professional service employees with the exception of special appointments.

20 2-105.

21 (i) (1) Department employees hired after June 30, 1995, shall be in the
22 executive [service,] SERVICE OR management service[, or special appointments] in
23 the State Personnel Management System.

24 **Article 83C - Juvenile Services**

25 2-103.

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

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

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

1 (4) All personnel in the Department specified in this paragraph shall be
2 in the executive service or management service of the State Personnel Management
3 System and shall be appointed by [and serve at the pleasure of] the Secretary:

4 (i) Any assistant secretary;

5 (ii) Any director of an institution;

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

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

9 (5) All personnel in the Department who are subject to the provisions of
10 paragraph (4) of this subsection shall be prohibited from other employment while
11 employed by the Department, unless express permission is granted by the Secretary.
12 Express permission from the Secretary may not be unreasonably withheld. If the
13 Secretary grants permission to engage in other employment, the employee shall
14 disclose to the Secretary the source and amount of all income earned from that other
15 employment.

16 (6) All teachers who do not hold a certificate under Title 6, Subtitle 1 of
17 the Education Article, principals, directors of education, and supervisors of vocational
18 education who are employed by institutions managed by the Department are in the
19 management service or are special appointments in the State Personnel Management
20 System.

21 (7) The Department shall:

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

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

26 **Article - Agriculture**

27 2-102.

28 (d) (1) (i) The Secretary also shall have within the Department
29 assistants, professional consultants, and employees as provided in the State budget.

30 (ii) Assistants in charge of areas of responsibility and professional
31 consultants shall be in the executive [service,] SERVICE OR management service[,
32 special appointments in the State Personnel Management System and shall serve at
33 the pleasure of the Secretary].

34 (iii) Wherever it is provided by law that the Secretary makes an
35 appointment to a particular office within the Department with the approval of the

- 1 Governor, the Secretary may not remove the appointee without first obtaining the
- 2 Governor's approval.

3

Article - Business Occupations and Professions

4 4-512.

- 5 (a) (1) With the approval of the Secretary, the Board may appoint inspectors
- 6 to conduct inspections.

- 7 (2) [An inspector serves at the pleasure of the Board.

- 8 (3)] Subject to the State budget, each inspector is entitled to:

- 9 (i) reasonable compensation as determined by the Board for each
- 10 day on which the inspector is engaged in the duties of the inspector's appointment;
- 11 and

- 12 (ii) reimbursement for expenses under the Standard State Travel
- 13 Regulations.

14

Article - Business Regulation

15 2-103.

- 16 (b) (2) Each staff assistant in the Office of the Secretary in charge of a
- 17 particular area of responsibility and each professional consultant is in the executive
- 18 [service,] SERVICE OR management service[, or is a special appointment in the State
- 19 Personnel Management System and is appointed by and serves at the pleasure of the
- 20 Secretary].

21 11-206.

- 22 (b) (4) The stewards and harness judges are [special appointments of] IN
- 23 the skilled service or the professional service in the State Personnel Management
- 24 System.

25

Article - Correctional Services

26 2-106.

- 27 (c) (1) (i) The Secretary shall appoint each staff assistant in the office of
- 28 the Secretary in charge of a particular area of responsibility and each professional
- 29 consultant.

- 30 (ii) An employee specified in [item] SUBPARAGRAPH (i) of this
- 31 paragraph[:

- 32 1.] is in the executive service or management service of[, or is
- 33 a special appointment under,] the State Personnel Management System[; and

1 (4)] The Director is entitled to the compensation provided in the State
2 budget.

3 4-204.

4 (d) (1) Except as provided in paragraph (3) of this subsection or any other
5 law, the staff members of the Institution are in the skilled service or professional
6 service in the State Personnel Management System.

7 (2) With the approval of the Secretary, the Director shall appoint an
8 individual to any position that the Secretary determines to be professional, including:

9 (i) each associate director;

10 (ii) each social worker;

11 (iii) each sociologist;

12 (iv) each physician; and

13 (v) each psychologist.

14 (3) The Director and each individual appointed under paragraph (2) of
15 this subsection are in the executive [service,] SERVICE OR in the management
16 service[, or a special appointment] in the State Personnel Management System.

17 5-203.

18 (a) With the approval of the Secretary, the Commissioner shall appoint a
19 Deputy Commissioner of Pretrial Detention and Services.

20 (b) [The Deputy Commissioner serves at the pleasure of the Commissioner.

21 (c)] The Deputy Commissioner shall be the acting Commissioner in the
22 absence of the Commissioner.

23 5-302.

24 (b) [(1) The Director and Deputy Director of the Pretrial Release Services
25 Program serve at the pleasure of the Commissioner.

26 (2)] The Director and Deputy Director are entitled to the compensation
27 provided in the State budget.

28 5-402.

29 (a) With the approval of the Secretary, the Commissioner shall appoint a
30 warden of the Baltimore City Detention Center.

31 (b) [The warden serves at the pleasure of the Commissioner.

1 (c) Subject to the authority of the Commissioner and the Secretary, the
2 warden is in charge of the Baltimore City Detention Center.

3 5-403.

4 (a) The Commissioner may appoint assistant wardens for the Baltimore City
5 Detention Center as provided in the State budget.

6 (b) [An assistant warden serves at the pleasure of the Commissioner.

7 (c) Subject to the authority of the Commissioner and the Secretary, in the
8 absence of the warden, an assistant warden designated by the warden is in charge of
9 the Baltimore City Detention Center.

10 8-111.

11 (a) [(1)] With the approval of the Secretary, the Commission shall appoint an
12 Executive Director.

13 [(2)] The Executive Director is a special appointment in the State
14 Personnel Management System.

15 (b) The Executive Director serves at the pleasure of the Commission.

16 (c) (B) The Executive Director shall perform administrative functions as the
17 Commission directs.

18 [(d)] (C) The Executive Director is entitled to compensation as provided in the
19 State budget.

20 8-206.

21 (a) (1) With the approval of the Secretary, the Commission shall appoint an
22 Executive Director.

23 (2) The Executive Director shall perform general administrative
24 functions.

25 [(3)] The Executive Director serves at the pleasure of the Commission.]

26 (b) [(1)] With the approval of the Secretary, the Commission shall appoint a
27 Deputy Director and any other employees that the Commission considers necessary to
28 perform general administrative and training management functions.

29 [(2)] The Deputy Director and other employees appointed under
30 paragraph (1) of this subsection shall serve at the pleasure of the Commission.]

31 (c) With the approval of the Secretary, the Commission shall employ other
32 individuals as necessary to carry out this subtitle.

1 (d) The Executive Director, the Deputy Director, and other employees of the
2 Commission are entitled to receive compensation as established by the Commission in
3 accordance with the State budget.

4 10-203.

5 (a) (1) With the approval of the Governor, the Secretary shall appoint an
6 Executive Director of the Office.

7 (2) [The Executive Director serves at the pleasure of the Secretary.

8 (3)] The Executive Director is entitled to the compensation provided in
9 the State budget.

10 (b) In accordance with the State budget, the Secretary may provide the Office
11 with the administrative, secretarial, and clerical employees necessary for the efficient
12 administration of the powers and duties of the Office.

13 **Article - Criminal Procedure**

14 11-804.

15 (d) [(1)] With the approval of the Governor, the Secretary shall designate one
16 member of the Board as chairman.

17 [(2)] The chairman serves at the pleasure of the Secretary.]

18 **Article - Education**

19 2-104.

20 (b) (1) From the nominees proposed by the State Superintendent, the State
21 Board shall appoint all professional assistants to the Department, who shall be in the
22 executive [service,] SERVICE OR management service[, or special appointments] in
23 the State Personnel Management System.

24 (c) [(1)] All professional assistants, grade 31 and above, shall serve at the
25 pleasure of the State Board and the State Superintendent.

26 (2)] All other professional assistants shall be removed in accordance with
27 procedures set by the State Board.

28 2-105.

29 [(a)] Unless otherwise provided by law, the State Superintendent shall appoint
30 and remove all clerical assistants and other nonprofessional personnel of the
31 Department in accordance with the provisions of the State Personnel and Pensions
32 Article that govern the skilled service[, with the exception of special appointments.

1 (b) The credential secretary and statistician of the Department are special
2 appointments in the State Personnel Management System].

3 24-204.

4 (c) (1) The secretarial, stenographic, clerical, and custodial employees of the
5 Commission are in the skilled service[, with the exception of special appointments,]
6 in the State Personnel Management System.

7 (2) All other employees of the Commission are in the executive [service,]
8 SERVICE OR management service[, or are special appointments] in the State
9 Personnel Management System.

10 (3) Notwithstanding § 4-201 of the State Personnel and Pensions
11 Article, the Commission shall fix the compensation of the executive [service,]
12 SERVICE AND management service[, and special appointment] employees:

13 (i) Upon the recommendation of the President; and

14 (ii) When possible, in accordance with the State pay plan.

15 (4) (i) At least 45 days before the effective date of the change, the
16 President shall submit to the Secretary of Budget and Management each change to
17 the Commission's salary plan that involves increases or decreases in salary ranges
18 other than those associated with routine reclassifications and promotions or general
19 salary increases approved by the General Assembly.

20 (ii) The Secretary of Budget and Management shall:

21 1. Review the proposed changes; and

22 2. At least 15 days before the effective date of the proposed
23 changes, advise the Commission whether the changes would have an adverse effect on
24 comparable State jobs.

25 (iii) Failure of the Secretary of Budget and Management to respond
26 in a timely manner is deemed to be a statement that the change will have no adverse
27 effect.

28 (5) The budget submitted by the Governor to the General Assembly shall
29 include personnel detail for the Commission in such form and manner as provided for
30 any agency in the State Personnel Management System.

31 **Article - Environment**

32 1-403.

33 (b) (2) Each assistant secretary, staff assistant to the Secretary, and
34 professional consultant is appointed by [and serves at the pleasure of] the Secretary.

1 9-1603.

2 (a) The Secretary, with the approval of the Governor, shall appoint the
3 Director of the Administration [who shall serve at the pleasure of the Secretary. The
4 Director is a special appointment in the State Personnel Management System]. The
5 Director shall operate and exercise the powers of the Administration under the
6 direction of the Secretary in accordance with the provisions of this subtitle. The
7 Director shall receive such salary and have such deputies, assistants, employees, and
8 professional consultants as provided in the State budget.

9

Article - Family Law

10 10-119.2.

11 (f) (1) Notwithstanding any other provision of law, all employees hired in a
12 demonstration site after its designation as a demonstration site shall be in the
13 management service [or special appointments] in the State Personnel Management
14 System.

15 (2) If a position in a demonstration site is held by a classified service
16 employee prior to its designation as a demonstration site, the position remains a
17 classified service position or its equivalent in the State Personnel Management
18 System until the position becomes vacant, at which time the position shall become a
19 management service [or special appointment] position.

20

Article - Financial Institutions

21 2-103.

22 (b) The Deputy Commissioner [serves at the pleasure of the Commissioner
23 and] is an employee of the Commissioner's office.

24 10-104.

25 [(a)] The Fund Director may employ a staff in accordance with the State budget.
26 The Fund Director and staff of the Fund are entitled to the salaries provided in the
27 State budget. These salaries are not subject to the authority of the Secretary of
28 Budget and Management.

29 [(b)] Technical and professional employees are special appointments in the
30 State Personnel Management System.]

31

Article - Health - General

32 2-103.

33 (b) (1) The Secretary may employ a staff in accordance with the State
34 budget.

1 (2) (I) Each deputy secretary [and professional consultant] is
2 appointed by and serves at the pleasure of the Secretary.

3 (II) EACH PROFESSIONAL CONSULTANT IS APPOINTED BY THE
4 SECRETARY.

5 (3) Except as provided in paragraph (5) of this subsection or otherwise by
6 law, the Secretary shall appoint and remove all other staff in accordance with the
7 provisions of the State Personnel and Pensions Article.

8 (4) The appointment or removal of staff of any unit in the Department is
9 subject to the approval of the Secretary. As to any unit in the Department, the
10 Secretary may delegate this authority to the head of that unit.

11 (5) All personnel in the Department, Grade 18 and above, who
12 administer or direct a program, shall:

13 (i) Be in the executive [service,] SERVICE OR management
14 service[, or special appointments] in the State Personnel Management System; and

15 (ii) Be appointed by[, and serve at the pleasure of,] the Secretary.

16 (6) All personnel in the Department, Grade 18 and above, who
17 administer or direct a program, shall disclose all other employment and compensation
18 outside the Department to the Secretary. An individual under this paragraph may not
19 be employed or receive compensation outside the Department that would create a
20 conflict of interest, an appearance of a conflict of interest, or impair the impartiality
21 and independence of judgment of the individual.

22 10-423.

23 (c) (1) The Superintendent of the Center and each individual in a scientific
24 position or technical position shall be in the management service [or special
25 appointments] in the State Personnel Management System.

26 (2) The remaining administrative employees and all clerical employees
27 shall be in the skilled service in the State Personnel Management System.

28 (3) The Executive Board shall determine the status of each position at
29 the Center.

30 **Article - Health Occupations**

31 14-204.

32 (d) (1) The Secretary may employ a staff for the Board in accordance with
33 the State budget. The Secretary may designate one of the staff as an executive
34 director.

1 (2) Staff hired after September 30, 1992, are in the executive [service,]
2 SERVICE OR management service[, or are special appointments] in the State
3 Personnel Management System.

4 (3) The Secretary shall determine the appropriate job classifications and
5 grades for all staff.

6 **Article - Housing and Community Development**

7 2-107.

8 (b) In the Office of the Secretary[:

9 (1) each staff assistant in charge of a particular area of responsibility
10 and each professional consultant serves at the pleasure of the Secretary; and

11 (2) except as otherwise provided by law], the Secretary shall appoint
12 and may remove all [other] employees in accordance with the State Personnel and
13 Pensions Article.

14 **Article - Insurance**

15 2-105.

16 (b) All employees of the Administration that serve in a management,
17 professional, or technical capacity are in the executive [service,] SERVICE OR
18 management service[, or are special appointments] in the State Personnel
19 Management System [and serve at the pleasure of the Commissioner].

20 20-204.

21 (a) (1) Except as provided in paragraph (2) of this subsection or otherwise by
22 law, the Executive Director shall appoint and remove staff of the Fund in accordance
23 with the provisions of the State Personnel and Pensions Article.

24 (2) Positions that the Executive Director designates with the approval of
25 the Board of Trustees as technical or professional positions are in the executive
26 service, management service, [or are special appointments of the] skilled service, or
27 the professional service in the State Personnel Management System.

28 (3) Notwithstanding any other provision of law, the Executive Director
29 may appoint claims adjusters, attorneys, and other necessary personnel directly as
30 employees or on a contract basis.

31 **Article - Labor and Employment**

32 2-104.

33 (a) (2) The Deputy Commissioner is in the management service in the State
34 Personnel Management System [and serves at the pleasure of the Commissioner].

1 (b) (2) The Assistant Commissioner is in the management service in the
2 State Personnel Management System [and serves at the pleasure of the
3 Commissioner].

4 (e) (1) Subject to the approval of the Governor, the Commissioner may
5 appoint a Chief Mediator [who shall be a special appointment in the State Personnel
6 Management System].

7 (f) (2) Each safety inspector:

8 (i) is entitled to the salary provided in the State budget; and

9 (ii) is subject to the provisions of the State Personnel and Pensions
10 Article that govern skilled service employees[, with the exception of special
11 appointments].

12 (g) (2) Except as provided in this section or otherwise by law, all other staff
13 is in the skilled service or professional service[, with the exception of special
14 appointments,] in the State Personnel Management System.

15 10-113.

16 (b) [(1) Except as provided in paragraph (2) of this subsection, employees of
17 the Fund are special appointments.

18 (2) A classified employee of the Fund hired before July 1, 1990 in a
19 nonprofessional or nontechnical position shall remain a member of the classified
20 service or its equivalent in the State Personnel Management System as long as the
21 employee remains in a nonprofessional or nontechnical position with the Fund]. THE
22 PRESIDENT OF THE FUND IS A SPECIAL APPOINTMENT.

23 **Article - Natural Resources**

24 1-101.

25 (d) (2) The Secretary shall appoint, with the approval of the Governor, a
26 deputy secretary who shall have the duties provided by law or delegated by the
27 Secretary. The deputy secretary is in the executive service of the State Personnel
28 Management System, serves at the pleasure of the Secretary, and shall receive the
29 compensation provided in the State budget. All assistant secretaries, staff assistants,
30 and professional consultants are in the executive [service,] SERVICE OR management
31 service[, or are special appointments] in the State Personnel Management System
32 and are appointed by [and serve at] the [Secretary's pleasure] SECRETARY.
33 Wherever it is provided by law that the Secretary makes an appointment to a
34 particular office within the Department with the approval of the Governor, the
35 Secretary may not remove the appointee without first obtaining the Governor's
36 approval.

1 1-102.

2 (c) (1) Unless otherwise provided by this Article, each advisory commission
3 created by law consists of five members appointed by the Governor, with the advice of
4 the Secretary[, to serve at the pleasure of the Governor].

5 3-103.

6 (b) (1) There are four officers of the Service: a Director, a Deputy Director, a
7 Secretary, and a Treasurer. The four officers of the Service shall be appointed as
8 follows:

9 (i) The Director shall be appointed by the Governor, with the
10 advice and consent of the Senate solely with regard to the qualifications for the duties
11 of the office. The Director [serves at the pleasure of the Board with the concurrence of
12 the Governor and] shall receive such compensation as may be determined by the
13 Board; and

14 (ii) The Deputy Director, the Secretary and the Treasurer shall be
15 appointed by the Director with the approval of the Governor solely with regard to the
16 qualifications for the duties of the office. The Deputy Director, the Secretary and the
17 Treasurer [serve at the pleasure of the Director and] shall receive such compensation
18 as may be determined by the Board.

19 5-206.

20 (a) The Secretary may commission any person to act as a forest or park
21 warden[, subject to removal at any time at the pleasure of the Secretary]. While
22 holding office, a warden has and may exercise the authority and power of a Natural
23 Resources police officer or a law enforcement officer as provided in his commission so
24 far as arresting and prosecuting persons for violations of any forest or park laws or of
25 the laws, rules and regulations enacted for the protection of the State forestry
26 reservations, State parks, historic monuments, recreation areas, or for the protection
27 of fish and game.

28 **Article - Public Safety**

29 3-206.

30 (b) [(1)] With the approval of the Secretary, the Commission shall appoint a
31 deputy director and any other employees that the Commission considers necessary to
32 perform general administrative and training management functions.

33 [(2)] The deputy director and other employees appointed under paragraph
34 (1) of this subsection shall serve at the pleasure of the Commission.]

35 13-302.

36 (a) [(1)] The Adjutant General may appoint:

- 1 [(i)] (1) a chief of State operations;
- 2 [(ii)] (2) an executive officer;
- 3 [(iii)] (3) an administrative officer;
- 4 [(iv)] (4) the directors of military installations, procurement,
5 military support to civil authorities, State personnel, finance, and veterans affairs;
- 6 [(v)] (5) the site managers for military reservations; and
- 7 [(vi)] (6) a grants administrator.

8 [(2) The executive officer and directors appointed under paragraph (1) of
9 this subsection serve at the pleasure of the Adjutant General.]

10 13-303.

11 (a) (1) The Governor shall appoint two Assistant Adjutants General for the
12 Maryland Army National Guard and two Assistant Adjutants General for the
13 Maryland Air National Guard.

14 (2) [An Assistant Adjutant General serves at the pleasure of the
15 Governor.]

16 (3) Unless selected for a military position requiring federal recognition
17 as a Major General, an Assistant Adjutant General shall have a commissioned grade
18 not above that of Brigadier General.

19 13-305.

20 (a) [(1)] The Governor shall appoint a Deputy Assistant Adjutant General for
21 the Maryland Army National Guard.

22 [(2) The Deputy Assistant Adjutant General serves at the pleasure of the
23 Adjutant General.]

24 13-306.

25 (b) [(1)] The Governor may appoint a chief of staff and aides.

26 [(2) The chief of staff and aides serve at the pleasure of the Governor.]

27 **Article - Public Utility Companies**

28 2-106.

29 (a) The Commission shall appoint a General Counsel.

30 (b) [The General Counsel shall have been admitted to practice law in the
31 State.]

1 (c) The General Counsel serves at the pleasure of the Commission.

2 [(d)] (C) As the Commission directs, the General Counsel shall:

3 (1) represent the Commission in a proceeding if the Commission is a
4 party to or desires to intervene in the proceeding, if the proceeding involves a
5 question under this Article, or if the proceeding involves an act or order of the
6 Commission;

7 (2) advise the Commission, on request, on any legal question that
8 requires interpretation of a provision of law about the jurisdiction, rights, duties, or
9 powers of the Commission; and

10 (3) act as attorney to the Commission as the Commission reasonably
11 requires.

12 [(e)] (D) The Commission may substitute any other agent for the General
13 Counsel.

14 2-108.

15 (d) (8) (i) Except as provided in [paragraph] SUBPARAGRAPH (ii) of this
16 [item] PARAGRAPH or otherwise by law, all personnel of the Commission are subject
17 to the provisions of the State Personnel and Pensions Article.

18 (ii) The following are in the executive [service,] SERVICE OR
19 management service[, or are special appointments] in the State Personnel
20 Management System:

- 21 1. each commissioner of the Commission;
- 22 2. the Executive Director;
- 23 3. the General Counsel and each assistant general counsel;
- 24 4. the Executive Secretary;
- 25 5. the commissioners' personal staff members;
- 26 6. the chief hearing examiner; and
- 27 7. each license hearing officer.

28 2-203.

29 (b) (1) Except as provided in paragraph (2) of this subsection or otherwise by
30 law, all personnel of the Office of People's Counsel are subject to the provisions of the
31 State Personnel and Pensions Article.

1 (2) The following are in the executive [service,] SERVICE OR
2 management service[, or are special appointments] in the State Personnel
3 Management System:

4 (i) the People's Counsel;

5 (ii) the deputy People's Counsel; and

6 (iii) attorneys that are in the management service or are special
7 appointments.

8 10-110.

9 (a) (1) There is a position of license hearing officer.

10 (2) The license hearing officer shall be appointed by the Commission.

11 (3) [The license hearing officer serves at the pleasure of the
12 Commission.

13 (4)] The license hearing officer is entitled to compensation in accordance
14 with the State budget.

15 **Article - State Finance and Procurement**

16 3-203.

17 (c) (1) The Secretary may employ a staff in accordance with the State
18 budget.

19 (2) Each assistant secretary and professional consultant is in the
20 executive [service,] SERVICE OR management service[, or is a special appointment in
21 the State Personnel Management System] and is appointed by [and serves at the
22 pleasure of] the Secretary.

23 (3) Except as provided in this section or otherwise by law, the Secretary
24 shall appoint and remove all other staff in accordance with the provisions of the State
25 Personnel and Pensions Article.

26 (4) The appointment or removal of staff of any unit in the Department is
27 subject to the approval of the Secretary.

28 3-301.

29 (b) (1) All employees and personnel of the Central Collection Unit shall:

30 (i) except for assistant Attorneys General assigned to the Central
31 Collection Unit, be in the management service [or special appointments] in the State
32 Personnel Management System who are appointed by [and serve at the pleasure of]
33 the Secretary and are not subject to Title 11, Subtitle 2 of the State Personnel and
34 Pensions Article; and

1 (ii) receive such compensation as provided in the State budget.

2 (2) Except for employees in the Executive Pay Plan and any assistant
3 Attorneys General assigned to the Central Collection Unit, a management [service or
4 special appointment of the skilled service or the professional] SERVICE, SKILLED
5 SERVICE, OR PROFESSIONAL service employee of the Central Collection Unit may not
6 be permanently removed except for cause and until written charges have been filed
7 and a hearing has been conducted in accordance with Title 10, Subtitle 2 of the State
8 Government Article. This paragraph does not apply to the removal of a management
9 service [or special appointment] employee because of a layoff that resulted from:

10 (i) a lack of work; or

11 (ii) the lack of an appropriation.

12 4-203.

13 (b) (1) The Secretary may employ a staff attached to the Office of the
14 Secretary in accordance with the Code or the State budget.

15 (2) Each staff assistant in the Office of the Secretary in charge of a
16 particular area of responsibility and each professional consultant is in the executive
17 [service,] SERVICE OR management service[, or is a special appointment] in the
18 State Personnel Management System and is appointed by [and serves at the pleasure
19 of] the Secretary.

20 (3) Except as provided in this section or otherwise by law, the Secretary
21 shall appoint and remove all other staff in the Office of the Secretary in accordance
22 with the provisions of the State Personnel and Pensions Article.

23 (4) The Secretary may review any personnel action taken by any unit in
24 the Department. The Secretary may delegate the power to approve any appointment
25 or removal to the head or governing body of any unit in the Department.

26 4-413.

27 (a) The head of the Division is the Chief of the Land Acquisition Division, who
28 shall be appointed by the Secretary with the approval of the Governor.

29 (b) [The Chief serves at the pleasure of the Secretary.

30 (c)] The Chief must be experienced and skilled in the field of land acquisition.

31 [(d)] (C) The Chief is entitled to the salary provided in the State budget.

32 5-202.

33 (b) Each staff assistant in charge of a particular area of responsibility and
34 each professional consultant is in the executive [service,] SERVICE OR management
35 service[, or is a special appointment] in the State Personnel Management System
36 and is appointed by [and serves at the pleasure of] the Secretary.

1 12-102.

2 (a) (1) The Board shall appoint a Procurement Advisor[, who serves at the
3 pleasure of the Board].

4 (b) (1) (i) The Board shall appoint a General Counsel[, who serves at the
5 pleasure of the Board].

6 **Article - State Government**

7 8-201.

8 (b) The principal departments of the Executive Branch of the State
9 government are:

- 10 (1) Aging;
- 11 (2) Agriculture;
- 12 (3) Budget and Management;
- 13 (4) Business and Economic Development;
- 14 (5) Disabilities;
- 15 (6) the Environment;
- 16 (7) General Services;
- 17 (8) Health and Mental Hygiene;
- 18 (9) Housing and Community Development;
- 19 (10) Human Resources;
- 20 (11) Juvenile Services;
- 21 (12) Labor, Licensing, and Regulation;
- 22 (13) Natural Resources;
- 23 (14) PERSONNEL;
- 24 (15) Planning;
- 25 [(15)] (16) Public Safety and Correctional Services;
- 26 [(16)] (17) State Police;
- 27 [(17)] (18) Transportation; and
- 28 [(18)] (19) Veterans Affairs.

1 SECTION 3. AND BE IT FURTHER ENACTED, That, on July 1, 2006, all the
2 functions, powers, duties, equipment, assets, liabilities, and employees of the Office of
3 Personnel Services and Benefits of the Department of Budget and Management shall
4 be transferred to the Department of Personnel.

5 SECTION 4. AND BE IT FURTHER ENACTED, That:

6 (1) Except for the Director, employees of the Office of Personnel Services
7 and Benefits shall be in the State classified service and shall be appointed in the
8 manner provided in the State Personnel and Pensions Article.

9 (2) (i) An employee transferred under this Act shall be appointed
10 without further examination or qualification.

11 (ii) The employee shall be placed in a classification that is
12 comparable in duties and responsibilities to the employee's former position.

13 (iii) The employee may not suffer a diminution of salary or wages,
14 accrued leave, whether earned or granted, or seniority rights.

15 (3) (i) Any increase in salary or wages granted after May 1, 2006, may
16 be retained on appointment to the classified service only if approved by the
17 appointing authority.

18 (ii) When establishing the rate of salary on appointment, the
19 monetary value of any and all other benefits, entitlements, services, or prerogatives
20 may be considered.

21 (4) After appointment, the employee is entitled to the same benefits
22 provided to any employee who is subject to the State Personnel Management System.

23 SECTION 5. AND BE IT FURTHER ENACTED, That:

24 (1) (i) On July 1, 2007, employees of the Department of
25 Transportation shall be transferred into the State Personnel Management System.

26 (ii) Employees shall be appointed in the manner provided for other
27 employees in the State Personnel Management System.

28 (2) (i) An employee transferred under this Act shall be appointed
29 without further examination or qualification.

30 (ii) The employee shall be placed in a classification that is
31 comparable in duties and responsibilities to the employee's former position.

32 (iii) The employee may not suffer a diminution of salary or wages,
33 accrued leave, whether earned or granted, or seniority rights.

34 (3) (i) Any increase in salary or wages granted after May 1, 2006, may
35 be retained on appointment to the State Personnel Management System only if
36 approved by the appointing authority.

1 (ii) When establishing the rate of salary on appointment, the
2 monetary value of any and all other benefits, entitlements, services, or prerogatives
3 may be considered.

4 (4) After appointment, the employee is entitled to the same benefits
5 provided to any employee who is subject to the State Personnel Management System.

6 SECTION 6. AND BE IT FURTHER ENACTED, That this Act may not be
7 construed to affect the collective bargaining rights of members of the transit workers
8 union, the rights of employees hired at any time to join an employee organization, or
9 the rights of Maryland Transit Administration employees eligible under § 7-601 of
10 the Transportation Article to be included in a collective bargaining unit.

11 SECTION 7. AND BE IT FURTHER ENACTED, That Sections 2, 3, 4, 5, and 6
12 of this Act shall take effect July 1, 2007.

13 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in
14 Section 7 of this Act, this Act shall take effect July 1, 2006.