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By: **Senator Della**

Introduced and read first time: January 25, 2006

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Separation from State Service - Employee Rights**

3 FOR the purpose of providing that certain employees in the State Personnel  
4 Management System who are separated from State service under certain  
5 circumstances are entitled to certain seniority and displacement rights that  
6 certain laid-off employees have under certain provisions of law; requiring the  
7 Secretary of Budget and Management to adopt certain regulations; and  
8 generally relating to the rights of employees separated from State service.

9 BY repealing and reenacting, with amendments,  
10 Article - State Personnel and Pensions  
11 Section 11-201, 11-202, 11-205, 11-206, 11-207, 11-301, and 11-302  
12 Annotated Code of Maryland  
13 (2004 Replacement Volume and 2005 Supplement)

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

16 **Article - State Personnel and Pensions**

17 11-201.

18 (a) (1) Except as otherwise provided by law, this subtitle only applies to  
19 skilled service and professional service employees in the State Personnel  
20 Management System.

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

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

23 (ii) a termination [or separation] from employment under Subtitle  
24 3 of this title; or

25 (iii) special appointees.

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

3 11-202.

4 The Secretary shall adopt regulations to provide procedures that are uniform  
5 among the principal units for:

6 (1) the layoff, AND SEPARATION UNDER § 11-302 OF THIS TITLE, of  
7 employees in the skilled service or the professional service; and

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

10 11-205.

11 (a) For purposes of a layoff, OR A SEPARATION UNDER § 11-302 OF THIS TITLE,  
12 an appointing authority shall compute the following points for each employee subject  
13 to the layoff OR SEPARATION:

14 (1) one point for each month of State employment;

15 (2) one point for each month of employment in the principal unit in  
16 which the layoff OR SEPARATION will occur; and

17 (3) one point for each month of employment in the job series in which the  
18 layoff OR SEPARATION will occur.

19 (b) An employee's seniority points are the total of the points determined under  
20 subsection (a) of this section.

21 11-206.

22 (a) Except as provided in subsections (b) and (c) of this section:

23 (1) employees in a class are to be laid off, OR SEPARATED UNDER § 11-302  
24 OF THIS TITLE, based on seniority points; and

25 (2) the employee in the class with less seniority points shall be laid off,  
26 OR SEPARATED UNDER § 11-302 OF THIS TITLE, before others in the class with higher  
27 seniority points.

28 (b) If two or more employees in the same class have an equal number of  
29 seniority points, the employee with less points for total State employment shall be  
30 laid off, OR SEPARATED UNDER § 11-302 OF THIS TITLE, first.

31 (c) If two or more employees in the same class have an equal number of  
32 seniority points and the same number of points for total State employment, the  
33 appointing authority shall:

1 (1) determine which employee to retain by making a written evaluation  
2 of the skills, knowledge, or abilities of each employee; and

3 (2) submit the evaluation to the Secretary.

4 11-207.

5 (a) An employee being laid off, OR SEPARATED UNDER § 11-302 OF THIS TITLE,  
6 may displace another employee who has the least seniority points:

7 (1) in the same class or job series as the employee being laid off OR  
8 SEPARATED; or

9 (2) in any other class in which the laid-off OR SEPARATED employee  
10 previously held satisfactory nonprobationary status within the 36 months  
11 immediately prior to the effective date of the layoff OR SEPARATION.

12 (b) Subsection (a) of this section shall apply:

13 (1) first to the employee's current appointing authority regardless of  
14 geographical area;

15 (2) if the provisions in (1) above are not available, to the employee's  
16 current principal unit; or

17 (3) a secretary or head of a State principal unit may limit the  
18 displacement within the principal unit to one or more of the established geographical  
19 areas as prescribed by the Secretary.

20 11-301.

21 [This] EXCEPT AS OTHERWISE PROVIDED, THIS subtitle applies to all  
22 nontemporary employees in the State Personnel Management System.

23 11-302.

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

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

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

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

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

1 (c) [An employee who is separated under this section is not subject to the  
2 layoff provisions of Subtitle 2 of this title with the exception that an employee who is  
3 separated shall have the same reinstatement rights as a laid-off employee.] A  
4 SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEE WHO IS SEPARATED  
5 UNDER THIS SECTION HAS THE SAME RIGHTS UNDER §§ 11-205, 11-206, 11-207, AND  
6 11-208 AS AN EMPLOYEE WHO IS LAID OFF UNDER SUBTITLE 2 OF THIS TITLE.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2006.