
By: **Senator Middleton**

Introduced and read first time: March 6, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Agencies - Written Personnel Policies and Practices - Job Descriptions**
3 **- Employee Appraisals - Additional Requirements**

4 FOR the purpose of requiring State departments, agencies, and units to develop and
5 maintain written personnel policies and practices with respect to recruitment,
6 retention, supervision, evaluation, and termination for all employees in those
7 departments, agencies, and units, including special appointees in the skilled,
8 professional, and management services; providing for the specific provisions
9 that must be included in the written personnel policies and practices required by
10 this Act; extending current provisions to require special appointees in the
11 skilled, professional, and management services to be given a certain written job
12 description and an annual performance evaluation; and generally relating to
13 State personnel in the Executive Branch of the State government.

14 BY repealing and reenacting, without amendments,
15 Article - State Personnel and Pensions
16 Section 1-101(k)(1)
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2005 Supplement)

19 BY adding to
20 Article - State Personnel and Pensions
21 Section 7-101.1
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2005 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - State Personnel and Pensions
26 Section 7-102 and 7-501
27 Annotated Code of Maryland
28 (2004 Replacement Volume and 2005 Supplement)

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

3 **Article - State Personnel and Pensions**

4 1-101.

5 (k) "Principal unit" means:

6 (1) a principal department or other principal independent unit of State
7 government; or

8 7-101.1.

9 (A) EACH PRINCIPAL UNIT SHALL DEVELOP AND MAINTAIN WRITTEN
10 PERSONNEL POLICIES AND PRACTICES WITH RESPECT TO RECRUITMENT,
11 RETENTION, TRAINING, SUPERVISION, AND EVALUATION OF ALL EMPLOYEES,
12 INCLUDING SPECIAL APPOINTMENTS IN THE SKILLED, PROFESSIONAL, AND
13 MANAGEMENT SERVICES, IN THE PRINCIPAL UNIT.

14 (B) THE POLICIES AND PRACTICES SHALL INCLUDE:

15 (1) CONSISTENT WITH THE PROVISIONS OF § 7-102 OF THIS SUBTITLE,
16 WRITTEN JOB DESCRIPTIONS AND TITLES FOR EACH POSITION;

17 (2) SALARY SCALES AND INFORMATION RELATING TO SALARY
18 INCREASES;

19 (3) A DESCRIPTION OF EMPLOYEE BENEFITS, INCLUDING PROVISION
20 FOR PAID ANNUAL LEAVE, SICK LEAVE, HOLIDAYS, AND SPECIAL LEAVE OR
21 BENEFITS;

22 (4) CONSISTENT WITH THE PROVISIONS OF § 7-105 OF THIS SUBTITLE,
23 AT LEAST AN ANNUAL EVALUATION OF THE WORK AND PERFORMANCE OF EACH
24 EMPLOYEE;

25 (5) PROVISIONS THAT ENCOURAGE PROFESSIONAL GROWTH THROUGH
26 SUPERVISION, ORIENTATION, IN-SERVICE TRAINING, AND EMPLOYEE
27 DEVELOPMENT;

28 (6) FAIR AND RESPECTFUL PROCEDURES FOR RESIGNATION,
29 RETIREMENT, AND TERMINATION;

30 (7) A GRIEVANCE PROCEDURE FOR EMPLOYEES;

31 (8) WRITTEN CONFIDENTIALITY PROCEDURES FOR MAINTAINING
32 PERSONNEL RECORDS;

1 (9) AT LEAST ANNUAL REVIEW, NECESSARY REVISIONS, AND
2 REISSUANCE OF THE PERSONNEL POLICIES AND PRACTICES TO KEEP THE
3 EMPLOYEES INFORMED OF CHANGES;

4 (10) A 5-YEAR RETENTION OF PERSONNEL FILES AFTER THE
5 TERMINATION OF AN EMPLOYEE; AND

6 (11) THE MAINTAINING OF A NONDISCRIMINATORY, NONHOSTILE, AND
7 NONTHREATENING WORK ENVIRONMENT IN THE PRINCIPAL UNIT CONSISTENT
8 WITH THE STATE'S FAIR EMPLOYMENT PRACTICES.

9 7-102.

10 (a) (1) Each employee in the skilled service, professional service, and
11 management service, INCLUDING SPECIAL APPOINTEES IN EACH OF THOSE
12 SERVICES, shall be provided with a written position description which describes the
13 essential duties and responsibilities the employee is expected to perform and the
14 standards for satisfactory performance on a form approved by the Secretary.

15 (2) A successful applicant for a position in the skilled service,
16 professional service, or management service shall be provided with a position
17 description for review before accepting appointment to the position.

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

20 (c) (1) A supervisor shall:

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

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

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

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

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

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

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

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

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

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

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

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

8 7-501.

9 (a) The performance of each employee in the skilled service, professional
10 service, and management service, INCLUDING SPECIAL APPOINTEES IN EACH OF
11 THOSE SERVICES, shall be evaluated in accordance with this subtitle.

12 (b) The appointing authority shall ensure that each of the unit's employees
13 who is subject to this subtitle has performance evaluations in accordance with this
14 subtitle and procedures established by the Secretary.

15 (c) Each supervisor of an employee subject to this subtitle shall attend
16 mandatory training by the Department on the methods and procedures required in
17 the performance appraisal process.

18 (d) Factors in evaluating a manager's or supervisor's performance shall
19 include:

20 (1) attendance at any required performance appraisal training;

21 (2) adherence to established methods and procedures in conducting
22 performance appraisals;

23 (3) the timely completion of performance appraisals for employees
24 assigned to the supervisor; and

25 (4) except as provided in subsection (e) of this section, the results of an
26 anonymous survey of employees assigned to the supervisor in accordance with
27 procedures established by the Secretary.

28 (e) The anonymous survey requirement under subsection (d)(4) of this section
29 shall not be a factor in evaluating a manager's or supervisor's performance if fewer
30 than five employees are assigned to the manager or supervisor.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 June 1, 2006.