

---

By: **Senator Middleton**  
 Introduced and read first time: March 6, 2006  
 Assigned to: Rules  
 Re-referred to: Finance, March 8, 2006

---

Committee Report: Favorable with amendments  
 Senate action: Adopted  
 Read second time: April 3, 2006

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2                   ~~State Agencies – Written Personnel Policies and Practices – Job Descriptions~~  
 3                   ~~– Employee Appraisals – Additional Requirements~~  
 4                   State Personnel Management System - Employment - Clarifications

5 FOR the purpose of ~~requiring State departments, agencies, and units to develop and~~  
 6 ~~maintain written personnel policies and practices with respect to recruitment,~~  
 7 ~~retention, supervision, evaluation, and termination for all employees in those~~  
 8 ~~departments, agencies, and units, including special appointees in the skilled,~~  
 9 ~~professional, and management services; providing for the specific provisions~~  
 10 ~~that must be included in the written personnel policies and practices required by~~  
 11 ~~this Act; extending current provisions to require special appointees in the~~  
 12 ~~skilled, professional, and management services to be given a certain written job~~  
 13 ~~description and an annual performance evaluation; requiring the Secretary of~~  
 14 ~~Budget and Management to develop certain regulations that provide~~  
 15 ~~notification to certain employees; clarifying that only employees in the executive~~  
 16 ~~or management services or under a special appointment in the State Personnel~~  
 17 ~~Management System may be terminated for any reason that is not illegal or~~  
 18 ~~unconstitutional, solely within the discretion of the employee's appointing~~  
 19 ~~authority; specifying that this Act does not alter the at will status of special~~  
 20 ~~appointments in certain services; requiring the Secretary of Budget and~~  
 21 ~~Management to notify certain employees of a certain status; and generally~~  
 22 relating to State personnel in the Executive Branch of the State government.

23 ~~BY repealing and reenacting, without amendments,~~  
 24 ~~Article – State Personnel and Pensions~~  
 25 ~~Section 1-101(k)(1)~~  
 26 ~~Annotated Code of Maryland~~

1 ~~(2004 Replacement Volume and 2005 Supplement)~~

2 ~~BY adding to~~

3 ~~Article State Personnel and Pensions~~

4 ~~Section 7-101.1~~

5 ~~Annotated Code of Maryland~~

6 ~~(2004 Replacement Volume and 2005 Supplement)~~

7 BY repealing and reenacting, with amendments,

8 Article - State Personnel and Pensions

9 Section 7-102 ~~and 7-501, 7-501, and 11-305~~

10 Annotated Code of Maryland

11 (2004 Replacement Volume and 2005 Supplement)

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

14 **Article - State Personnel and Pensions**

15 ~~1-101.~~

16 ~~(k) "Principal unit" means:~~

17 ~~(1) a principal department or other principal independent unit of State~~

18 ~~government; or~~

19 ~~7-101.1.~~

20 ~~(A) EACH PRINCIPAL UNIT SHALL DEVELOP AND MAINTAIN WRITTEN~~  
21 ~~PERSONNEL POLICIES AND PRACTICES WITH RESPECT TO RECRUITMENT,~~  
22 ~~RETENTION, TRAINING, SUPERVISION, AND EVALUATION OF ALL EMPLOYEES,~~  
23 ~~INCLUDING SPECIAL APPOINTMENTS IN THE SKILLED, PROFESSIONAL, AND~~  
24 ~~MANAGEMENT SERVICES, IN THE PRINCIPAL UNIT.~~

25 ~~(B) THE POLICIES AND PRACTICES SHALL INCLUDE:~~

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

28 ~~(2) SALARY SCALES AND INFORMATION RELATING TO SALARY~~  
29 ~~INCREASES;~~

30 ~~(3) A DESCRIPTION OF EMPLOYEE BENEFITS, INCLUDING PROVISION~~  
31 ~~FOR PAID ANNUAL LEAVE, SICK LEAVE, HOLIDAYS, AND SPECIAL LEAVE OR~~  
32 ~~BENEFITS;~~

1           (4)     ~~CONSISTENT WITH THE PROVISIONS OF § 7-105 OF THIS SUBTITLE,~~  
2 ~~AT LEAST AN ANNUAL EVALUATION OF THE WORK AND PERFORMANCE OF EACH~~  
3 ~~EMPLOYEE;~~

4           (5)     ~~PROVISIONS THAT ENCOURAGE PROFESSIONAL GROWTH THROUGH~~  
5 ~~SUPERVISION, ORIENTATION, IN SERVICE TRAINING, AND EMPLOYEE~~  
6 ~~DEVELOPMENT;~~

7           (6)     ~~FAIR AND RESPECTFUL PROCEDURES FOR RESIGNATION,~~  
8 ~~RETIREMENT, AND TERMINATION;~~

9           (7)     ~~A GRIEVANCE PROCEDURE FOR EMPLOYEES;~~

10          (8)     ~~WRITTEN CONFIDENTIALITY PROCEDURES FOR MAINTAINING~~  
11 ~~PERSONNEL RECORDS;~~

12          (9)     ~~AT LEAST ANNUAL REVIEW, NECESSARY REVISIONS, AND~~  
13 ~~REISSUANCE OF THE PERSONNEL POLICIES AND PRACTICES TO KEEP THE~~  
14 ~~EMPLOYEES INFORMED OF CHANGES;~~

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

17          (11)    ~~THE MAINTAINING OF A NONDISCRIMINATORY, NONHOSTILE, AND~~  
18 ~~NONTHREATENING WORK ENVIRONMENT IN THE PRINCIPAL UNIT CONSISTENT~~  
19 ~~WITH THE STATE'S FAIR EMPLOYMENT PRACTICES.~~

20 7-102.

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

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

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

31       (c)     (1)     A supervisor shall:

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

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

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

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

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

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

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

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

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

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

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

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

19 7-501.

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

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

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

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

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

32 (2) adherence to established methods and procedures in conducting  
33 performance appraisals;

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

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

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

9 11-305.

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

11 (1) under a special appointment;

12 (2) in the management service; or

13 (3) in the executive service.

14 (b) Each employee subject to this section:

15 (1) serves at the pleasure of the employee's appointing authority; and

16 (2) may be terminated from employment for any reason THAT IS NOT  
17 ILLEGAL OR UNCONSTITUTIONAL, solely in the discretion of the appointing authority.

18 (c) An employee or an employee's representative may file a written appeal of  
19 an employment termination under this section as described under § 11-113 of this  
20 title.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act  
22 do not alter the at will status of Special Appointments in the skilled service,  
23 professional service, and management service in the State Personnel Management  
24 System.

25 SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of the  
26 Department of Budget and Management shall develop a process through regulation  
27 that provides that all at-will employees be periodically notified of their at-will  
28 employment status in State government.

29 SECTION ~~2.4~~. AND BE IT FURTHER ENACTED, That this Act shall take  
30 effect June 1, 2006.

