
By: **Senator Middleton**

Introduced and read first time: March 6, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel in Executive Branch - Termination for Political Affiliation -**
3 **Clarification**

4 FOR the purpose of clarifying that all personnel actions concerning employees or
5 applicants for employment in the management service of the State Personnel
6 Management System and independent personnel systems in the Executive
7 Branch of the State government shall be made without regard to political
8 affiliation, belief, or opinion or any other nonmerit factor; clarifying that only
9 employees in the executive service or under a special appointment in the State
10 Personnel Management System may be terminated for any reason that is not
11 illegal or unconstitutional, solely within the discretion of the employee's
12 appointing authority; and generally relating to the termination of State
13 personnel in the Executive Branch.

14 BY repealing and reenacting, with amendments,
15 Article - State Personnel and Pensions
16 Section 5-208 and 11-305
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2005 Supplement)

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

21 **Article - State Personnel and Pensions**

22 5-208.

23 (a) All personnel actions concerning an employee in the Executive Branch of
24 State government shall be made in accordance with § 2-302 of this article.

25 (b) Except for special appointments or applicants for special appointment,
26 personnel actions concerning an employee or applicant for employment in the skilled
27 service [or], professional service, OR MANAGEMENT SERVICE of the State Personnel
28 Management System or comparable position in an independent personnel system in
29 the Executive Branch of State government shall also be made without regard to:

1 (1) political affiliation, belief, or opinion; or

2 (2) any other nonmerit factor.

3 (c) [All personnel actions concerning an employee or applicant in the
4 management service shall also be made without regard to the employee's political
5 affiliation, belief, or opinion.

6 (d)] The protections of this section are in addition to whatever legal or
7 constitutional protections an employee or applicant has.

8 11-305.

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

10 (1) under a special appointment; OR

11 (2) [in the management service; or

12 (3)] in the executive service.

13 (b) Each employee subject to this section:

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

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

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

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