
By: **Senator Middleton**

Introduced and read first time: March 6, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study the State Personnel Management System and Law**

3 FOR the purpose of creating a Task Force to Study the State Personnel Management
4 System and Law; providing for the membership, appointment of co-chairs,
5 staffing, and reporting requirements for the Task Force; requiring the Task
6 Force to undertake a thorough review of the current State Personnel
7 Management System and law and the extent to which changes to them may be
8 needed particularly with respect to at-will and special appointment positions;
9 and generally relating to the Task Force to Study the State Personnel
10 Management System and Law.

11 WHEREAS, The State personnel system has been in existence since 1920, and
12 between 1920 and 1995, had been operating with minor changes but was considered
13 to be rigid, inflexible, centralized, and overly bureaucratic; and

14 WHEREAS, In 1995, the Task Force to Reform the State Personnel
15 Management System was assigned the task of reforming the State personnel system
16 and reported its findings and recommendations to the Governor in January 1996; and

17 WHEREAS, The State enacted the "State Personnel Management Reform Act of
18 1996" to establish a decentralized personnel management system in which State
19 departments and agencies were given significant responsibility over the management
20 of their work force; and

21 WHEREAS, Personnel reform eliminated the classified and unclassified
22 services and established the skilled, professional, management, and executive
23 services; and

24 WHEREAS, The unclassified service consisted mostly of "at-will" employees,
25 and after 1996, most of these at-will employees were placed in the management or
26 executive services or were identified as "special appointments" in the State Personnel
27 Management System; and

28 WHEREAS, The intent of the General Assembly with the enactment of the 1996
29 personnel reform law was to not create a higher number of at-will employees; and

1 WHEREAS, The General Assembly recognizes that an effective State personnel
2 system is essential for effective provision of State services and that most State
3 employees should not be concerned over job security because of political changes or
4 inappropriate management practices; now, therefore,

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That:

7 (a) There is a Task Force to Study the State Personnel Management System
8 and Law.

9 (b) The Task Force consists of the following members:

10 (1) five members of the Senate of Maryland, appointed by the President
11 of the Senate, at least one of whom shall be a member of the minority party;

12 (2) five members of the House of Delegates, appointed by the Speaker of
13 the House, at least one of whom shall be a member of the minority party;

14 (3) the Attorney General or the Attorney General's designee;

15 (4) a representative of the Office of Personnel and Benefits of the
16 Maryland Department of Budget and Management, designated by the Secretary of
17 Budget and Management;

18 (5) two experts in best personnel management practices from a
19 government perspective, selected from the faculty of the State's public higher
20 education community jointly by the President and the Speaker;

21 (6) one representative of a public sector labor union in the State;

22 (7) an attorney from the private sector with experience and expertise in
23 personnel law; and

24 (8) three individuals from the general public.

25 (c) The President and the Speaker shall each designate a co-chair of the Task
26 Force.

27 (d) The Department of Legislative Services shall provide staff for the Task
28 Force.

29 (e) A member of the Task Force:

30 (1) may not receive compensation as a member of the Task Force; but

31 (2) is entitled to reimbursement for expenses under the Standard State
32 Travel Regulations, as provided in the State budget.

33 (f) The Task Force shall:

1 (1) review the State Personnel Management System law and
2 regulations, particularly as they relate to special appointment positions and the
3 procedure for the creation of special appointment procedures;

4 (2) review and build on the information and data provided to the Special
5 Committee on State Employee Rights and Protections by the Department of
6 Legislative Services in background briefings on the State Personnel Management
7 System and other personnel systems in the State during the 2005 legislative interim;

8 (3) thoroughly review the extent to which the 1996 repeal of the State's
9 former Merit System Law and replacement with the State Personnel Management
10 System that also allowed for the creation of special appointments created a confusing
11 and perhaps counterproductive system that, over the years, has resulted in
12 unintended results that the 1996 reform law never contemplated and ultimately may
13 have led to inequities and abuses; and

14 (4) make recommendations as to appropriate and effective legislative
15 and administrative changes in the State's personnel systems that will help strike a
16 better balance between the need to provide flexibility in hiring and terminating
17 employees and maintaining the dignity, worth, and morale of the State's workforce.

18 (g) On or before December 31, 2006, the Task Force shall report its findings
19 and recommendations to the President of the Senate and the Speaker of the House of
20 Delegates.

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