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By: **Senator Middleton**

Introduced and read first time: March 6, 2006

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Appointing Authorities - Exclusive Powers and Duties**

3 FOR the purpose of providing that appointing authorities in the Executive Branch of  
4 the State government have certain exclusive powers and duties, including the  
5 power to appoint, transfer, reassign, discipline, and terminate employees under  
6 their jurisdiction; prohibiting an appointing authority from delegating final  
7 decisions on the termination of an employee; and generally relating to  
8 appointing authorities in the Executive Branch of the State government.

9 BY adding to

10 Article - State Personnel and Pensions

11 Section 6-204

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 6-204.

18 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN APPOINTING  
19 AUTHORITY EXCLUSIVELY HAS THE POWERS SET FORTH IN SUBSECTION (B) OF THIS  
20 SECTION AND SHALL EXERCISE THOSE POWERS CONSISTENT WITH THE PROVISIONS  
21 OF DIVISION I OF THIS ARTICLE.

22 (B) ONLY AN APPOINTING AUTHORITY MAY:

23 (1) APPOINT, PROMOTE, TRANSFER, REASSIGN, DISCIPLINE, AND  
24 TERMINATE EMPLOYEES UNDER THE JURISDICTION OF THE APPOINTING  
25 AUTHORITY;

26 (2) DIRECT AND ASSIGN WORK;

1           (3)     DETERMINE AND REDETERMINE, WITHIN THE SCOPE OF  
2 BUDGETARY LIMITATIONS, THE METHODS, MEANS, PERSONNEL, AND FUNDING  
3 NECESSARY TO MAINTAIN EFFICIENT AND EFFECTIVE GOVERNMENT OPERATIONS  
4 AND PROPERLY CARRY OUT THE DUTIES AND FUNCTIONS OF THE APPOINTING  
5 AUTHORITY'S DEPARTMENT, AGENCY, OR UNIT;

6           (4)     ASSIGN EACH EMPLOYEE TO A POSITION WITHIN A CLASS AND  
7 SERVICE THAT HAS BEEN DESIGNATED BY THE SECRETARY; AND

8           (5)     DELEGATE IN WRITING THE AUTHORITY TO ACT ON THE  
9 APPOINTING AUTHORITY'S BEHALF, BUT ONLY TO ANY OTHER EMPLOYEE OR  
10 OFFICER UNDER THE JURISDICTION OF THE APPOINTING AUTHORITY.

11       (C)     AN APPOINTING AUTHORITY MAY NOT DELEGATE THE AUTHORITY TO  
12 MAKE THE FINAL DECISION ON THE TERMINATION OF AN EMPLOYEE.

13       (D)     AN APPOINTING AUTHORITY SHALL NOTIFY THE SECRETARY OF ANY  
14 DELEGATION OF AUTHORITY AUTHORIZED UNDER THIS SECTION BY PROVIDING THE  
15 SECRETARY A COPY OF THE DELEGATION.

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