

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 1072  
Finance

(Senator Middleton)

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State Personnel - Appointing Authorities - Exclusive Powers and Duties

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This bill specifies the powers and duties that are within the exclusive authority of appointing authorities in the State Personnel Management System (SPMS); including the authority to appoint, promote, transfer, reassign, discipline, and terminate employees under the appointing authority's jurisdiction. Except for making the final decision on the termination of an employee, the appointing authority may delegate in writing the authority to act on his/her behalf to any other employee or officer under the appointing authority's jurisdiction. An appointing authority must notify the Secretary of Budget and Management of any authorized delegation of authority.

The bill takes effect June 1, 2006.

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Fiscal Summary

**State Effect:** Specifying the powers and duties within the exclusive authority of an appointing authority in SPMS would not directly affect State finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** Statute defines "appointing authority" as an individual or unit of government that has the power to make appointments and terminate employment. An appointing authority is authorized to take any personnel action consistent with the provisions of Division I of the State Personnel and Pensions Article, and the regulations,

guidelines, policies, and procedures adopted under it. An appointing authority is required to cooperate with the Secretary of Budget and Management to ensure that Division I is properly enforced. Division I of the State Personnel and Pensions Article generally sets forth provisions governing State personnel.

Regulations provide that pursuant to the State Personnel and Pensions Article, the Annotated Code, and any personnel policies issued accordingly, an appointing authority, head of a principal unit, and management have exclusive authority to:

- appoint, promote, transfer, reassign, discipline, and terminate employees under the appointing authority's jurisdiction;
- direct and assign work;
- determine and redetermine, within the scope of budgetary limitations, the methods, means, personnel, and funding necessary to maintain efficient and effective government operations and properly effectuate the mission and objectives of the appointing authority's agency;
- assign each nontemporary employee to a position within a class and service designated by the Secretary of Budget and Management; and
- delegate, in writing, the authority to act on the appointing authority's behalf to any other employee or officer under the appointing authority's jurisdiction.

Regulations further provide that, unless otherwise provided by law, an appointing authority may not delegate the authority to make the final decision regarding disciplinary termination of a nontemporary employee. An appointing authority must notify the Secretary of Budget and Management of any delegation of authority by providing a copy of the delegation.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Transportation, Department of Budget and Management, Department of Legislative Services

**Fiscal Note History:** First Reader - March 21, 2006  
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