P4 8lr0765

By: Delegates G. Clagett, Barkley, DeBoy, Gaines, Proctor, and Wood

Introduced and read first time: February 6, 2008

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

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State Personnel - Employment Categories and Special Appointments

3 FOR the purpose of limiting the types of positions that may be classified as special 4 appointments in the State Personnel Management System; repealing certain 5 provisions of law that designate certain positions and employees as being in the 6 executive service or management service or as special appointments in the 7 System; altering the classification of certain positions and employees; repealing 8 certain provisions of law specifying that certain employees serve at the pleasure 9 of certain boards and commissions and the State Superintendent of Schools; 10 repealing a certain provision of law relating to the appointment and removal of 11 certain clerical assistants and nonprofessional personnel by the State Superintendent; repealing a certain exception to the designation of certain 12 employees as being in the skilled service or the professional service; repealing a 13 14 certain requirement that certain employees in certain demonstration sites be in 15 the management service or a special appointment in the System; requiring the 16 human resources management system established by the Secretary of 17 Transportation to include three permanent employment categories; specifying the types of positions included in each permanent employment category; and 18 generally relating to State personnel, employment categories, and special 19 20 appointments.

- 21 BY repealing and reenacting, with amendments,
- 22 Article State Personnel and Pensions
- 23 Section 6–405
- 24 Annotated Code of Maryland
- 25 (2004 Replacement Volume and 2007 Supplement)
- 26 BY repealing and reenacting, with amendments,
- 27 Article 83A Department of Business and Economic Development
- 28 Section 2–105(i)
- 29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1	(2003 Replacement Volume and 2007 Supplement)
2	BY repealing and reenacting, with amendments,
3	Article – Correctional Services
4	Section 3–215(b), 3–506, 4–204, and 8–206
5 6	Annotated Code of Maryland (1999 Volume and 2007 Supplement)
U	(1999 Volume and 2007 Supplement)
7	BY repealing and reenacting, with amendments,
8	Article – Education
9 10	Section 2–104, 2–105, and 24–204(c) Annotated Code of Maryland
11	(2006 Replacement Volume and 2007 Supplement)
	(2000 200 protections of the control
12	BY repealing
13	Article – Family Law
14 15	Section 10–119.2(f) Annotated Code of Maryland
16	(2006 Replacement Volume and 2007 Supplement)
	(2000 Replacement Volume and 2001 Supplement)
17	BY repealing and reenacting, with amendments,
18	Article – Family Law
19	Section 10–119.2(g) through (j)
20 21	Annotated Code of Maryland (2006 Replacement Volume and 2007 Supplement)
11	(2000 Replacement Volume and 2007 Supplement)
22	BY repealing and reenacting, with amendments,
23	Article – Financial Institutions
24	Section 10–104
25 26	Annotated Code of Maryland (2003 Replacement Volume and 2007 Supplement)
20	(2003 Replacement Volume and 2007 Supplement)
27	BY repealing and reenacting, with amendments,
28	Article – Health – General
29	Section 19–107 and 19–206
30	Annotated Code of Maryland
31	(2005 Replacement Volume and 2007 Supplement)
32	BY repealing and reenacting, with amendments,
33	Article – Health Occupations
34	Section 14–204(d)
35	Annotated Code of Maryland
36	(2005 Replacement Volume and 2007 Supplement)
37	BY repealing and reenacting, with amendments,
38	Article – Human Services
39	Section 9–207(b)
10	Annotated Code of Maryland

1	(2007 Volume)
2 3 4 5 6	BY repealing and reenacting, with amendments, Article – Insurance Section 2–105 Annotated Code of Maryland (2003 Replacement Volume and 2007 Supplement)
7 8 9 10 11	BY repealing and reenacting, with amendments, Article – Labor and Employment Section 2–104(e), (f), and (g) Annotated Code of Maryland (1999 Replacement Volume and 2007 Supplement)
12 13 14 15 16	BY repealing and reenacting, with amendments, Article – Public Safety Section 3–206 Annotated Code of Maryland (2003 Volume and 2007 Supplement)
17 18 19 20 21	BY repealing and reenacting, with amendments, Article – Public Utility Companies Section 2–108(d) Annotated Code of Maryland (1998 Volume and 2007 Supplement)
22 23 24 25 26	BY repealing and reenacting, with amendments, Article – State Finance and Procurement Section 3–301(b) and 5A–316 Annotated Code of Maryland (2006 Replacement Volume and 2007 Supplement)
27 28 29 30 31	BY repealing and reenacting, with amendments, Article – Transportation Section 2–103.4(a) Annotated Code of Maryland (2001 Replacement Volume and 2007 Supplement)
32 33	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
34	Article - State Personnel and Pensions
35	6-405.
36	(a) Except as otherwise provided by law, individuals in the following

positions in the skilled service, professional service, management service, or executive

service are considered special appointments:

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$\frac{1}{2}$	(1) a position to which an individual is directly appointed by the Governor by an appointment that is not provided for by the Maryland Constitution;				
$\frac{3}{4}$	(2) a position to which an individual is directly appointed by the Board of Public Works;				
5 6	(3) [as determined by the Secretary, a position which performs a significant policy role or provides direct support to a member of the executive service;				
7	(4)] a position that is assigned to the Government House;				
8	[(5)] (4) a position that is assigned to the Governor's Office; and				
9 10	[(6)] (5) any other position that is specified by law to be a special appointment.				
11 12	(b) A position that is a special appointment may be filled with regard to political affiliation, belief, or opinion if the Secretary determines that the position:				
13 14	(1) relates to political interests or concerns so as to warrant that political affiliation be a requirement for the position; and				
15 16	(2) (i) requires the provision of meaningful direct or indirect input into the policy–making process; or				
17	(ii) provides access to confidential information and:				
18 19	1. requires substantial intervention or collaboration in the formulation of public policy; or				
20 21	2. requires the provision of direct advice or the rendering of direct services to an appointing authority.				
22	Article 83A - Department of Business and Economic Development				
23	2–105.				
24 25 26	(i) [(1) Department employees hired after June 30, 1995, shall be in the executive service, management service, or special appointments in the State Personnel Management System.				
27 28	(2) If a position is held by a classified service employee on June 30, 1995, the position remains a classified service position or its equivalent in the State				

Personnel Management System until the position becomes vacant.

$\frac{1}{2}$	(3)] compensation of D	In accordance with the State budget, the Secretary shall set the epartment employees.
3		Article - Correctional Services
4	3–215.	
5 6 7		Except as otherwise provided in this subtitle, all officers and other Division shall be appointed and removed in accordance with the tate Personnel and Pensions Article.
8 9 10		The following positions are in the executive service, the vice, or are special appointments of the skilled service or the se in the State Personnel Management System:
11		(i) Commissioner;
12		(ii) Deputy Commissioner;
13		(iii) Assistant Commissioner;
14		(iv) industries general manager;
15		(v) [chaplain;
16		(vi)] warden;
17		[(vii)] (VI) facility administrator; and
18		[(viii)] (VII) assistant warden.
19 20	(3) for the officers and	(i) The warden of a correctional facility is the appointing officer other employees of that facility.
21 22	officers and emplo	(ii) The Commissioner is the appointing officer for the other yees in the Division.
23	3–506.	
24	(a) [(1)]	The Chief Executive Officer:
25 26	Maryland Correcti	[(i)] (1) shall determine the personnel requirements of onal Enterprises; and
27 28	Maryland Correcti	[(ii)] (2) is the appointing authority for all personnel of onal Enterprises.

(d)

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(1)

- 6 1 [(2)] (B) The number of positions for Maryland Correctional 2 Enterprises shall be included within the total personnel allocations provided for the 3 Department. 4 Except as provided in subsection (c) of this section or any other law, each (b)5 position in Maryland Correctional Enterprises is a special appointment in the State Personnel Management System. 6 7 (c) Unless the employee is a special appointment, each office clerk and office secretary position in Maryland Correctional Enterprises is in the skilled service 8 9 employment category of the State Personnel Management System.] 10 4-204.11 The Institution shall have the following staff: (a) 12 **(1)** two associate directors, one of whom is a competent psychiatrist with at least 3 years of experience in the practice or teaching of psychiatry and one of 13 whom is a competent behavioral scientist with at least 3 years of experience in the 14 practice or teaching of the individual's specialty in behavioral science; 15 16 a warden: (2)17 (3)at least three additional psychiatrists or clinical psychologists: 18 (4) at least four State licensed certified social workers-clinical; and 19 other professional and nonprofessional staff, as provided in the (5)20 State budget. 21 (b) (1)The associate directors shall assist primarily in discharging the diagnostic and remediation functions of the Institution. 22 23 The warden shall assist primarily in discharging the custodial (2)24 function of the Institution. 25 The staff members of the Institution are entitled to compensation as 26 provided in the State budget.
- 27 Except as provided in paragraph (3) of this subsection or any other 28 law, the staff members of the Institution are in the skilled service or professional service in the State Personnel Management System. 29
 - (2)With the approval of the Secretary, the Director shall appoint an individual to any position that the Secretary determines to be professional, including:
 - (i) each associate director;

1	1 (ii) each social worker;	
2	2 (iii) each sociologist;	
3	3 (iv) each physician; and	
4	4 (v) each psychologist.	
5 6 7	6 (2)(I), (IV), OR (V) of this subsection are in the ex	,
8	8 8–206.	
9 10	11	tary, the Commission shall appoint
11 12	· ·	l perform general administrative
13	13 (3) The Executive Director serves a	t the pleasure of the Commission.
14 15 16	15 Deputy Director and any other employees that the	· ·
17 18	(,	ther employees] appointed under leasure of the Commission.
19 20		the Commission shall employ other
21 22 23	22 Commission are entitled to receive compensation a	,
24	24 Article – Educat	ion
25	25 2–104.	
26 27	8 1	nts shall be appointed to the
28	28 (1) No more than three Deputy Sta	te Superintendents of Schools;

- 1 (2) Any assistant State superintendents and directors authorized by 2 the State Board and provided in the State budget; and
- 3 (3) Any other professional assistants and agents authorized by the 4 State Board and provided in the State budget.
- 5 (b) (1) From the nominees proposed by the State Superintendent, the State Board shall appoint all professional assistants to the Department[, who shall be in the executive service, management service, or special appointments in the State Personnel Management System].
- 9 (2) With the advice of the State Superintendent, the State Board shall set the qualifications for each professional position.
- 11 (3) The State Superintendent may transfer professional assistants within the Department as necessary.
- 13 (c) [(1) All professional assistants, grade 31 and above, shall serve at the 14 pleasure of the State Board and the State Superintendent.
- 15 (2) All other professional assistants shall be removed in accordance with procedures set by the State Board.
- 17 (d)] (1) In addition to the other duties specified in this section, each professional assistant to the Department has the duties assigned to him by the State Superintendent.
- 20 (2) The Deputy State Superintendent designated by the State Superintendent or by the State Board is the acting State Superintendent when the State Superintendent is absent or disabled.
- 23 (3) Assistant State superintendents and directors have charge of the 24 various divisions of the Department.
- 25 2–105.
- [(a) Unless otherwise provided by law, the State Superintendent shall appoint and remove all clerical assistants and other nonprofessional personnel of the Department in accordance with the provisions of the State Personnel and Pensions Article that govern the skilled service, with the exception of special appointments.
- 30 (b)] The credential secretary and statistician of the Department are special appointments in the State Personnel Management System.
- 32 24–204.

1 2 3	(c) (1) The secretarial, stenographic, clerical, and custodial employees of the Commission are in the skilled service[, with the exception of special appointments,] in the State Personnel Management System.
4 5 6	(2) All other employees of the Commission are in the executive service, management service, or are special appointments in the State Personnel Management System.
7 8 9	(3) Notwithstanding § 4–201 of the State Personnel and Pensions Article, the Commission shall fix the compensation of the executive service, management service, and special appointment employees:
10	(i) Upon the recommendation of the President; and
11	(ii) When possible, in accordance with the State pay plan.
12 13 14 15 16	(4) (i) At least 45 days before the effective date of the change, the President shall submit to the Secretary of Budget and Management each change to the Commission's salary plan that involves increases or decreases in salary ranges other than those associated with routine reclassifications and promotions or general salary increases approved by the General Assembly.
17	(ii) The Secretary of Budget and Management shall:
18	1. Review the proposed changes; and
19 20 21	2. At least 15 days before the effective date of the proposed changes, advise the Commission whether the changes would have an adverse effect on comparable State jobs.
22 23 24	(iii) Failure of the Secretary of Budget and Management to respond in a timely manner is deemed to be a statement that the change will have no adverse effect.
25 26 27	(5) The budget submitted by the Governor to the General Assembly shall include personnel detail for the Commission in such form and manner as provided for any agency in the State Personnel Management System.
28	Article - Family Law
29	10–119.2.
30 31 32	[(f) (1) Notwithstanding any other provision of law, all employees hired in a demonstration site after its designation as a demonstration site shall be in the management service or special appointments in the State Personnel Management

System.

- 1 (2) If a position in a demonstration site is held by a classified service 2 employee prior to its designation as a demonstration site, the position remains a 3 classified service position or its equivalent in the State Personnel Management 4 System until the position becomes vacant, at which time the position shall become a 5 management service or special appointment position.]
- 6 [(g)] **(F)** The Secretary shall establish a performance incentive program to provide pay incentives for employees in a demonstration site.
- 8 [(h)] (G) In accordance with subsection [(i)] (H) of this section, a demonstration site may conduct a conciliation conference.
- [(i)] **(H)** (1) If a complaint is filed to modify or enforce a duty of support in the circuit court of a jurisdiction in which a demonstration site is located, the court may issue a writ of summons to order the parties to appear and to produce documents at a conciliation conference.
 - (2) If a party fails to appear or fails to produce the documents required under this subsection, a representative of the demonstration site may apply, upon affidavit, to the court for a body attachment.
- 17 (3) If a party fails or refuses to obey a court order to appear or produce 18 the documents required under this subsection at a conciliation conference, the court 19 may issue a body attachment or compel compliance in any other manner available to 20 the court to enforce its order.
- 21 [(j)] (I) The powers of the Secretary to carry out the provisions of this 22 section shall be construed liberally.

Article - Financial Institutions

24 10–104.

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- [(a)] The Fund Director may employ a staff in accordance with the State budget. The Fund Director and staff of the Fund are entitled to the salaries provided in the State budget. These salaries are not subject to the authority of the Secretary of Budget and Management.
- [(b) Technical and professional employees are special appointments in the State Personnel Management System.]

31 Article - Health - General

32 19–107.

33 (a) (1) A majority of the full authorized membership of the Commission is 34 a quorum.

The decision of the Commission shall be by a majority of the 1 (2)2 quorum present and voting. 3 (b) The Commission shall meet at least six times each year, at the times and places that it determines. 4 Each member of the Commission is entitled to: 5 (c) 6 **(1)** Compensation in accordance with the State budget; and 7 (2)Reimbursement for expenses under the Standard State Travel 8 Regulations, as provided in the State budget. 9 (d) (1) The Commission may employ a staff in accordance with the State budget. 10 11 (2)Staff hired after September 30, 1999, are in the executive I(i)12service, management service, or are special appointments in the State Personnel 13 Management System. 14 (ii)The Commission, in consultation with the Secretary, shall determine the appropriate job classifications and grades for all staff. 15 19–206. 16 17 A majority of the full authorized membership of the Commission is a 18 quorum. However, the Commission may not act on any matter unless at least 4 19 members in attendance concur. 20 (b) The Commission shall meet at least 6 times a year, at the times and places that it determines. 2122 Each member of the Commission is entitled to: (c) 23 (1) Compensation in accordance with the State budget; and 24Reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget. 2526(d) (1) The Commission may employ a staff in accordance with the State budget. 27 28 (2)I(i)Staff hired after September 30, 1999, are in the executive 29 service, management service, or are special appointments in the State Personnel

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Management System.

$1\\2$	(ii)] The Commission, in consultation with the Secretary, shall determine the appropriate job classifications and grades for all staff.
$\frac{3}{4}$	(3) The Deputy Director and each principal section chief of the Commission serve at the pleasure of the Commission.
5 6 7 8	(4) The Commission, in consultation with the Secretary, may determine the appropriate job classifications and, subject to the State budget, the compensation for the Executive Director, Deputy Director, and each principal section chief of the Commission.
9	Article - Health Occupations
10	14–204.
11 12 13	(d) (1) The Secretary may employ a staff for the Board in accordance with the State budget. The Secretary may designate one of the staff as an executive director.
14 15 16	(2) [Staff hired after September 30, 1992, are in the executive service, management service, or are special appointments in the State Personnel Management System.
17 18	(3)] The Secretary shall determine the appropriate job classifications and grades for all staff.
19	Article - Human Services
20	9–207.
21	(b) (1) (i) The Secretary shall appoint:
22	1. any assistant secretary;
23	2. any director of an institution;
24	3. the superintendent of the youth centers; and
25 26	4. the managing director, deputy director, and director of detention at the Baltimore City Juvenile Justice Center.
27 28	(ii) An employee of the Department specified in subparagraph (i) of this paragraph:
29 30	1. is in the executive service or management service of the State Personnel Management System; and

1	2. serves at the pleasure of the Secretary.
2 3 4 5 6	(2) Each [teacher who does not hold a certificate under Title 6, Subtitle 1 of the Education Article,] principal, director of education, and supervisor of vocational education who is employed by an institution managed by the Department is in the management service of, or is a special appointment in, the State Personnel Management System.
7 8	(3) Unless otherwise provided by law, the Secretary shall appoint and remove all staff in accordance with the State Personnel and Pensions Article.
9	Article - Insurance
10	2–105.
11 12	(a) In this section, "Secretary" means the Secretary of Budget and Management.
13 14 15 16	(b) All employees of the Administration that serve in a management[, professional, or technical] capacity are in the executive service, management service, or are special appointments in the State Personnel Management System and serve at the pleasure of the Commissioner.
17 18 19	(c) The compensation of personnel under subsection (b) of this section shall be determined by the Commissioner and, if possible, in accordance with the State pay plan.
20 21 22 23 24	(d) (1) At least 45 days before the effective date of the change, the Commissioner shall submit to the Secretary each change to salary plans that involves increases or decreases in salary ranges other than those associated with routine reclassifications and promotions or general salary increases approved by the General Assembly.
25 26 27	(2) Reportable changes include creation or abolition of classes, regrading the classes from one established range to another, or creation of new pay schedules or ranges.
28	(3) The Secretary shall:
29	(i) review the proposed changes; and
30 31 32	(ii) at least 15 days before the effective date of the proposed changes, advise the Commissioner whether the changes would have an adverse effect on comparable State jobs.
33 34	(4) Failure of the Secretary to respond in a timely manner is not considered a statement of adverse effect.

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(a)

an executive director.

(1)

1	Article - Labor and Employment
2	2–104.
3 4 5	(e) (1) Subject to the approval of the Governor, the Commissioner may appoint a Chief Mediator [who shall be a special appointment in the State Personnel Management System].
6	(2) The Chief Mediator:
7	(i) is entitled to the salary provided in the State budget; but
8 9	(ii) may not receive additional compensation for serving on a board of arbitration.
10	(f) (1) The Commissioner shall appoint:
11 12	(i) safety inspectors who are qualified and trained in occupational safety; and
13 14 15	(ii) safety inspectors who are qualified technically to inspect amusement rides and amusement attractions, elevators, and worker and material hoists on construction projects and who shall be responsible for those inspections.
16	(2) Each safety inspector:
17	(i) is entitled to the salary provided in the State budget; and
18 19 20	(ii) is subject to the provisions of the State Personnel and Pensions Article that govern skilled service employees[, with the exception of special appointments].
21 22 23	(g) (1) Subject to the approval of the Governor and the Secretary, the Commissioner may employ, in accordance with the State budget, other staff needed to perform the duties of the Commissioner.
24 25 26	(2) Except as provided in this section or otherwise by law, all other staff is in the skilled service or professional service[, with the exception of special appointments,] in the State Personnel Management System.
27	Article - Public Safety
28	3–206.

With the approval of the Secretary, the Commission shall appoint

- The executive director shall perform general administrative and 1 (2)2 training management functions. 3 (3)The executive director serves at the pleasure of the Commission. 4 (b) (1) With the approval of the Secretary, the Commission shall appoint a deputy director and any other employees that the Commission considers necessary to 5 perform general administrative and training management functions. 6 7 The deputy director [and other employees] appointed under (2)8 paragraph (1) of this subsection shall serve at the pleasure of the Commission. 9 (c) With the approval of the Secretary, the Commission shall employ other 10 individuals as necessary to carry out this subtitle. 11 The executive director, deputy director, and other employees of the (d) Commission are entitled to receive compensation as established by the Commission in 12 13 accordance with the State budget. 14 **Article - Public Utility Companies** 15 2-108.16 The State budget shall provide sufficient money for the (d) (1)Commission to hire, develop, and organize a staff to perform the functions of the 17 18 Commission, including analyzing data submitted to the Commission and participating in proceedings as provided in $\S 3-104$ of this article. 19 20 (2)As the Commission considers necessary, the Commission 21shall hire experts including economists, cost of capital experts, rate design experts, 22accountants, engineers, transportation specialists, and lawyers. 23 To assist in the regulation of intrastate hazardous liquid (ii) pipelines under Title 11, Subtitle 2 of this article, the Commission shall include on its 24staff at least one engineer who specializes in the storage of and the transportation of 25hazardous liquid materials by pipeline. 2627 (3)The Commission may retain on a case by case basis additional 28experts as required for a particular matter. 29 The lawyers who represent the Commission staff in proceedings before the Commission shall be appointed by the Commission and shall be organized 30 and operate independently of the office of General Counsel. 31
 - (5) (i) As required, the Commission shall hire hearing examiners.

$\frac{1}{2}$	(ii) Hearing examiners are a separate organizational unit and shall report directly to the Commission.			
3 4 5	(6) The Commission shall hire personal staff members for each commissioner as required to provide advice, draft proposed orders and rulings, and perform other personal staff functions.			
6 7 8	(7) Subject to § 3–104 of this article, the Commission may delegate to a commissioner or personnel the authority to perform an administrative function necessary to carry out a duty of the Commission.			
9 10 11	(8) (i) Except as provided in subparagraph (ii) of this paragraph or otherwise by law, all personnel of the Commission are subject to the provisions of the State Personnel and Pensions Article.			
12 13	(ii) The following are in the executive service, management service, or are special appointments in the State Personnel Management System:			
14	1. each commissioner of the Commission;			
15	2. the Executive Director;			
16 17	3. the General Counsel and each assistant general counsel;			
18	4. the Executive Secretary;			
19	5. [the commissioners' personal staff members;			
20	6.] the chief hearing examiner; and			
21	[7.] 6. each license hearing officer.			
22	Article - State Finance and Procurement			
23	3–301.			
24	(b) [(1)] All employees and personnel of the Central Collection Unit shall[:			
25 26 27 28 29	(i) except for assistant Attorneys General assigned to the Central Collection Unit, be in the management service or special appointments in the State Personnel Management System who are appointed by and serve at the pleasure of the Secretary and are not subject to Title 11, Subtitle 2 of the State Personnel and Pensions Article; and			
30	(ii)] receive such compensation as provided in the State budget.			

$\frac{1}{2}$		General a	assign	t for employees in the Executive Pay Plan and any assistant ed to the Central Collection Unit, a management service or	
3 4	special appointment of the skilled service or the professional service employee of the Central Collection Unit may not be permanently removed except for cause and until				
5 6	Title 10, Su	ıbtitle 2	of the	n filed and a hearing has been conducted in accordance with State Government Article. This paragraph does not apply to	
7 8	the remova layoff that		_	ment service or special appointment employee because of a	
9		((i)	a lack of work; or	
10		((ii)	the lack of an appropriation.]	
11	5A–316.				
12 13	(a) Governor.	(1)	The t	rustees shall appoint a Director, with the approval of the	
14		(2)	The D	irector is the chief administrative officer of the Trust.	
15	(b)	The Di	rector	shall have:	
16 17	appropriate			edge in architecture, history, archeology, or another ating to historic preservation; and	
18		(2)	experi	ence in historic preservation or related fields.	
19 20	(c) with the con			e serves at the pleasure of the Board and may be removed the Governor.	
21	(d)	(1)	The D	irector is entitled to the salary provided in the State budget.	
22 23	budget.	(2)	The D	Director may employ a staff in accordance with the State	
24 25	(e) Personnel M		-	on with the Trust is a special appointment in the State ystem.	
26 27	(f)] and functio			irection of the Board, the Director shall perform the duties ard prescribes.	
28				Article - Transportation	
29	2-103.4.				

30 (a) Without regard to the laws of this State relating to other State 31 employees, the Secretary of Transportation may establish a human resources

$\frac{1}{2}$	management system for employees of the Department and its units. Any human resources management system that the Secretary establishes under this section shall:		
3	(1) Be based on merit;		
4 5	(2) INCLUDE THE FOLLOWING THREE PERMANENT EMPLOYMENT CATEGORIES:		
6 7 8 9	(I) THE CAREER SERVICE THAT, EXCEPT AS OTHERWISE PROVIDED BY LAW, INCLUDES ALL POSITIONS IN THE DEPARTMENT IN WHICH INDIVIDUALS ARE COMPETITIVELY SELECTED AND, AFTER A PROBATION PERIOD IS SERVED, MAY ONLY BE DISMISSED FOR CAUSE;		
10 11	(II) THE EXECUTIVE SERVICE THAT INCLUDES POSITIONS IN WHICH INDIVIDUALS:		
12 13	1. SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY; AND		
14	2. STAFF A SIGNIFICANT POLICY ROLE; OR		
15 16	(III) THE COMMISSION PLAN SERVICE THAT INCLUDES POSITIONS IN WHICH INDIVIDUALS:		
17 18	1. SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY; AND		
19 20 21	2. ARE ENGAGED IN A MARKETING OR SALES ACTIVITY WHOSE COMPENSATION METHOD IS BASED ON PRIVATE SECTOR PRACTICES FOR SALES AND MARKETING POSITIONS;		
22 23 24	[(2)] (3) Include fair and equitable procedures for appointment, hiring, promotion, layoff, removal, termination, redress of grievances, and reinstatement of employees; and		
25 26 27 28	[(3)] (4) Permit employees to participate in the pension and retirement systems for employees of the State of Maryland authorized under Division II of the State Personnel and Pensions Article or any other pension and retirement systems authorized by law.		
29 30	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.		