

HOUSE BILL 759

P4

9lr1025

By: **Delegate G. Clagett**

Introduced and read first time: February 11, 2009

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Employment Categories, Modifications, and Reports**

3 FOR the purpose of limiting the types of positions that may be classified as special
4 appointments in the State Personnel Management System; requiring the
5 Secretary of Budget and Management to designate management service
6 positions in the System that must be filled without regard to certain criteria
7 and that may be filled with regard to certain criteria; requiring the Secretary to
8 provide certain information to the Governor and the General Assembly on
9 certain management service positions; providing that certain management
10 service positions may be filled with regard to certain criteria; altering the
11 criteria for designating certain positions in the professional service; altering the
12 criteria for designating certain positions in the management service; repealing a
13 provision of law that designates individuals in certain positions in the
14 management service or the executive service as special appointments; excluding
15 from the scope of certain provisions of law governing appointments in the
16 skilled service and the professional service the recruitment for and the
17 appointment to a professional service position under certain circumstances;
18 repealing certain provisions of law that designate certain positions and
19 employees as being in the executive service or management service or as special
20 appointments in the System; altering the classification of certain positions and
21 employees; repealing a certain obsolete provision relating to certain professional
22 assistants; repealing a certain requirement that certain employees in certain
23 demonstration sites be in the management service or a special appointment in
24 the System; establishing the Joint Committee on State Employment Practices;
25 specifying the membership of the Joint Committee; specifying the duties of the
26 Joint Committee; requiring the Secretary and the Secretary of Transportation
27 to compile a list of certain employees on or before a certain date of certain years;
28 requiring the Secretary of Transportation to provide a certain list of employees
29 to the Secretary of Budget and Management on or before a certain date;
30 requiring the Secretary of Budget and Management to submit a certain report
31 on or before a certain date; repealing certain provisions of law relating to the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 Joint Committee on Fair Practices; making certain conforming changes; and
2 generally relating to State personnel, employment categories, and special
3 appointments.
- 4 BY repealing and reenacting, with amendments,
5 Article – State Personnel and Pensions
6 Section 2–302(e), 4–201, 4–302, 5–206, 5–208, 6–402, 6–403, 6–405, 7–201, and
7 7–203
8 Annotated Code of Maryland
9 (2004 Replacement Volume and 2008 Supplement)
- 10 BY repealing and reenacting, with amendments,
11 Article – Correctional Services
12 Section 3–215(b) and 4–204
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2008 Supplement)
- 15 BY repealing and reenacting, with amendments,
16 Article – Economic Development
17 Section 2–115
18 Annotated Code of Maryland
19 (2008 Volume)
- 20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 2–104(c)
23 Annotated Code of Maryland
24 (2008 Replacement Volume)
- 25 BY repealing
26 Article – Family Law
27 Section 10–119.2(f)
28 Annotated Code of Maryland
29 (2006 Replacement Volume and 2008 Supplement)
- 30 BY repealing and reenacting, with amendments,
31 Article – Family Law
32 Section 10–119.2(g) through (j)
33 Annotated Code of Maryland
34 (2006 Replacement Volume and 2008 Supplement)
- 35 BY repealing and reenacting, with amendments,
36 Article – Health – General
37 Section 19–107, 19–206, and 19–2106(d)
38 Annotated Code of Maryland
39 (2005 Replacement Volume and 2008 Supplement)
- 40 BY repealing and reenacting, with amendments,

1 Article – Health Occupations
 2 Section 14–204(d)
 3 Annotated Code of Maryland
 4 (2005 Replacement Volume and 2008 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Human Services
 7 Section 9–207(b)
 8 Annotated Code of Maryland
 9 (2007 Volume and 2008 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article – Labor and Employment
 12 Section 2–104(f) and (g)
 13 Annotated Code of Maryland
 14 (2008 Replacement Volume)

15 BY repealing and reenacting, with amendments,
 16 Article – State Finance and Procurement
 17 Section 5A–316
 18 Annotated Code of Maryland
 19 (2006 Replacement Volume and 2008 Supplement)

20 BY adding to
 21 Article – State Government
 22 Section 2–10A–08 and 8–3A–02
 23 Annotated Code of Maryland
 24 (2004 Replacement Volume and 2008 Supplement)

25 BY repealing
 26 Chapter 347 of the Acts of the General Assembly of 1996
 27 Section 7 1.

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

30 **Article – State Personnel and Pensions**

31 2–302.

32 (e) (1) At least annually, the Secretary shall report on the Equal
 33 Employment Opportunity Program established in § 5–202 of this article to the
 34 Legislative Joint Committee on [Fair Practices] **STATE EMPLOYMENT PRACTICES.**

35 (2) The head of a personnel system in the Legislative and Judicial
 36 branches may report periodically on equal employment opportunity programs and

1 policies in effect in that personnel system to the Legislative Joint Committee on [Fair
2 Practices] **STATE EMPLOYMENT PRACTICES.**

3 4–201.

4 (a) This section does not apply to those units of State government with an
5 independent personnel system.

6 (b) In the State Personnel Management System the Secretary shall:

7 (1) establish classes;

8 (2) assign a rate of pay to each class;

9 (3) ensure that each class comprises one or more positions:

10 (i) that are similar in their duties and responsibilities;

11 (ii) that are similar in the general qualifications required to
12 perform those duties and responsibilities;

13 (iii) to which the same standards and, if required, tests of fitness
14 can be applied; and

15 (iv) to which the same rates of pay can be applied;

16 (4) give each class a descriptive classification title;

17 (5) prepare a description of each class; and

18 (6) (i) create additional classes; and

19 (ii) abolish, combine, or modify existing classes.

20 (c) The Secretary shall:

21 (1) assign a class to the skilled service, professional service,
22 management service, or executive service, as appropriate; [and]

23 **(2) DESIGNATE MANAGEMENT SERVICE POSITIONS IN THE STATE**
24 **PERSONNEL MANAGEMENT SYSTEM THAT:**

25 **(I) MUST BE FILLED WITHOUT REGARD TO POLITICAL**
26 **AFFILIATION, BELIEF, OR OPINION; OR**

1 **(II) IN ACCORDANCE WITH § 6-403(B) OF THIS ARTICLE,**
2 **MAY BE FILLED WITH REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION;**
3 **AND**

4 **[(2)] (3)** designate special appointment positions in the State
5 Personnel Management System that:

6 (i) must be filled without regard to political affiliation, belief, or
7 opinion; or

8 (ii) in accordance with § 6-405(b) of this article, may be filled
9 with regard to political affiliation, belief, or opinion.

10 4-302.

11 (a) The Secretary shall submit to the Governor and, subject to § 2-1246 of
12 the State Government Article, to the General Assembly an annual report for each
13 fiscal year that:

14 (1) provides information about the various personnel areas under the
15 Secretary's jurisdiction, including:

16 (i) employee performance and efficiency;

17 (ii) use of leave by State employees;

18 (iii) incentive awards;

19 (iv) whistleblower proceedings;

20 (v) each denial of a pay increase, each disciplinary suspension,
21 each grievance, each involuntary demotion, and each rejection on probation; and

22 (vi) a summary of the equal employment opportunity report
23 required under § 5-204 of this article, including hiring, firing, promotions,
24 terminations, and rejections on probation, by race, sex, and age;

25 (2) provides statistics and rankings that compare minority group State
26 employees to all State employees in all job categories;

27 (3) provides information about part-time work and, in the Secretary's
28 discretion, alternate work schedules, work days, and work locations;

29 (4) provides information on the total number of:

30 **(I) MANAGEMENT SERVICE POSITIONS DESIGNATED WITH**
31 **REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION; AND**

1 (II) positions designated as special appointments, including
2 special appointments designated with regard to political affiliation, belief, or opinion;
3 and

4 (5) makes any recommendations about conditions in State
5 employment that the Secretary considers advisable.

6 (b) The report required by this section shall be submitted on or before
7 January 1 following the fiscal year to which it applies.

8 5-206.

9 (a) The Governor, with the advice of the Joint Committee on [Fair Practices,]
10 **STATE EMPLOYMENT PRACTICES**, shall appoint an Equal Employment Opportunity
11 Coordinator.

12 (b) The Coordinator shall:

13 (1) administer and enforce the Program; and

14 (2) investigate and, as appropriate, resolve complaints that involve
15 allegations of violations of this subtitle.

16 5-208.

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

19 (b) Personnel actions concerning an employee or applicant for employment in
20 the skilled service or professional service of the State Personnel Management System
21 or comparable position in an independent personnel system in the Executive Branch of
22 State government shall also be made without regard to:

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

24 (2) any other nonmerit factor.

25 (c) **(1) [All] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
26 **SUBSECTION**, personnel actions concerning an employee or applicant in the
27 management service shall also be made without regard to the employee's political
28 affiliation, belief, or opinion.

29 [(d) (1)] **(2)** Except as provided in paragraph [(2)] **(3)** of this subsection,
30 personnel actions concerning special appointments or applicants for special
31 appointment in the State Personnel Management System or comparable positions in

1 an independent personnel system in the Executive Branch of State government shall
2 be made without regard to political affiliation, belief, or opinion.

3 [(2)] (3) For the positions that are designated by the Secretary under
4 § 4–201(c)(2)(ii) AND (3)(II) of this article or by the Secretary of Transportation under
5 § 2–103.4(b)(2) of the Transportation Article, personnel actions concerning special
6 appointments or applicants for special appointment in the State Personnel
7 Management System or comparable positions in an independent personnel system in
8 the Executive Branch of State government may be made with regard to political
9 affiliation, belief, or opinion.

10 [(e)] (D) The protections of this section are in addition to whatever legal or
11 constitutional protections an employee or applicant has.

12 6–402.

13 (a) Except as otherwise provided by law, a position in the Executive Branch
14 of State government is in the professional service if the position:

15 (1) (I) **PRIMARYLY INVOLVES DIRECT RESPONSIBILITY FOR**
16 **THE OVERSIGHT OF PERSONNEL; AND**

17 (II) **DOES NOT INVOLVE A SIGNIFICANT POLICY ROLE OR**
18 **PROVIDE DIRECT SUPPORT TO A MEMBER OF THE EXECUTIVE SERVICE; OR**

19 (2) (I) requires knowledge of an advanced type in a field of science
20 or learning customarily acquired by a course of specialized intellectual instruction and
21 study; and

22 [(2)] (II) normally requires a professional license, advanced degree, or
23 both.

24 (b) The professional service includes any other position that is determined by
25 the Secretary to be in the professional service.

26 6–403.

27 (a) Except as otherwise provided by law, a position in the Executive Branch
28 of State government is in the management service if the position:

29 (1) (I) primarily involves direct responsibility for the oversight and
30 management of personnel and financial resources;

31 [(2)] (II) requires the exercise of discretion and independent
32 judgment; and

1 ~~[(3)]~~ (III) is not in the executive service; OR

2 (2) INVOLVES A SIGNIFICANT POLICY ROLE OR PROVIDES DIRECT
3 SUPPORT TO A MEMBER OF THE EXECUTIVE SERVICE.

4 (B) A MANAGEMENT SERVICE POSITION MAY BE FILLED WITH REGARD
5 TO POLITICAL AFFILIATION, BELIEF, OR OPINION IF THE SECRETARY
6 DETERMINES THAT THE POSITION:

7 (1) RELATES TO POLITICAL INTERESTS OR CONCERNS SO AS TO
8 WARRANT THAT POLITICAL AFFILIATION BE A REQUIREMENT FOR THE
9 POSITION; AND

10 (2) (I) REQUIRES THE PROVISION OF MEANINGFUL DIRECT OR
11 INDIRECT INPUT INTO THE POLICY-MAKING PROCESS; OR

12 (II) PROVIDES ACCESS TO CONFIDENTIAL INFORMATION
13 AND:

14 1. REQUIRES SUBSTANTIAL INTERVENTION OR
15 COLLABORATION IN THE FORMULATION OF PUBLIC POLICY; OR

16 2. REQUIRES THE PROVISION OF DIRECT ADVICE OR
17 THE RENDERING OF DIRECT SERVICES TO AN APPOINTING AUTHORITY.

18 ~~[(b)]~~ (C) The management service includes any other position that is
19 determined by the Secretary to be in the management service.

20 6-405.

21 (a) Except as otherwise provided by law, individuals in the following
22 positions in the skilled service[,] AND professional service[, management service, or
23 executive service] are considered special appointments:

24 (1) a position to which an individual is directly appointed by the
25 Governor by an appointment that is not provided for by the Maryland Constitution;

26 (2) a position to which an individual is directly appointed by the Board
27 of Public Works;

28 (3) [as determined by the Secretary, a position which performs a
29 significant policy role or provides direct support to a member of the executive service;

30 (4)] a position that is assigned to the Government House;

- 1 [(5)] (4) a position that is assigned to the Governor's Office; and
- 2 [(6)] (5) any other position that is specified by law to be a special
- 3 appointment.

4 (b) A position that is a special appointment may be filled with regard to

5 political affiliation, belief, or opinion if the Secretary determines that the position:

6 (1) relates to political interests or concerns so as to warrant that

7 political affiliation be a requirement for the position; and

8 (2) (i) requires the provision of meaningful direct or indirect input

9 into the policy-making process; or

10 (ii) provides access to confidential information and:

11 1. requires substantial intervention or collaboration in

12 the formulation of public policy; or

13 2. requires the provision of direct advice or the

14 rendering of direct services to an appointing authority.

15 7-201.

16 (a) (1) This subtitle does not apply to a special appointment position in

17 the skilled service or professional service.

18 (2) (I) **THIS SUBTITLE DOES NOT APPLY TO THE RECRUITMENT**

19 **FOR OR THE APPOINTMENT TO A PROFESSIONAL SERVICE POSITION IF THE**

20 **APPOINTING AUTHORITY:**

21 1. **DECIDES TO RECRUIT FOR THE POSITION UNDER §**

22 **7-203(2) OF THIS SUBTITLE;**

23 2. **DEMONSTRATES THAT THE POSITION, BASED ON**

24 **THE POSITION DESCRIPTION, IS DIFFICULT TO FILL FROM A LIST OF ELIGIBLE**

25 **CANDIDATES;**

26 3. **DEMONSTRATES THAT THE RECRUITMENT MUST**

27 **OCCUR IN A TIMELY MANNER; AND**

28 4. **NOTIFIES THE DEPARTMENT OF THE**

29 **RECRUITMENT.**

30 (II) **A RECRUITMENT AND APPOINTMENT UNDER THIS**

31 **PARAGRAPH SHALL OCCUR UNDER GUIDELINES ISSUED BY THE SECRETARY.**

1 (b) Each unit shall fill vacant skilled service and professional service
2 positions in accordance with a position selection plan.

3 (c) To ensure compliance with State and federal employment laws and to
4 ensure consistency in recruitment and hiring practices in the State Personnel
5 Management System, the Department shall:

6 (1) assist units in developing application forms, position selection
7 plans, selection tests, and announcement forms; and

8 (2) review and audit recruitment and hiring practices of all appointing
9 authorities at least once every 3 years.

10 (d) On request of a unit that is not able to conduct all or part of its own
11 recruitment or selection testing for a position because it lacks the appropriate
12 resources, the Department, consistent with its resources, shall assist the unit in
13 conducting the requested recruitment and selection testing.

14 7-203.

15 An appointing authority may select candidates for a position:

16 (1) from an existing list of eligible candidates;

17 (2) [if no existing list of eligible candidates exists or] if the appointing
18 authority decides to recruit for the position, by recruitment; or

19 (3) from a special list of eligible candidates whom the Division of
20 Rehabilitation Services of the Department of Education certifies as being physically
21 capable and adequately trained to qualify for the position.

22 **Article – Correctional Services**

23 3-215.

24 (b) (1) Except as otherwise provided in this subtitle, all officers and other
25 employees of the Division shall be appointed and removed in accordance with the
26 provisions of the State Personnel and Pensions Article.

27 (2) The following positions are in the executive service, the
28 management service, or are special appointments of the skilled service or the
29 professional service in the State Personnel Management System:

30 (i) Commissioner;

31 (ii) Deputy Commissioner;

- 1 (iii) Assistant Commissioner;
- 2 (iv) industries general manager;
- 3 (v) [chaplain;
- 4 (vi)] warden;
- 5 [(vii)] (VI) facility administrator; and
- 6 [(viii)] (VII) assistant warden.

7 (3) (i) The warden of a correctional facility is the appointing officer
8 for the officers and other employees of that facility.

9 (ii) The Commissioner is the appointing officer for the other
10 officers and employees in the Division.

11 4–204.

12 (a) The Institution shall have the following staff:

13 (1) two associate directors, one of whom is a competent psychiatrist
14 with at least 3 years of experience in the practice or teaching of psychiatry and one of
15 whom is a competent behavioral scientist with at least 3 years of experience in the
16 practice or teaching of the individual’s specialty in behavioral science;

17 (2) a warden;

18 (3) at least three additional psychiatrists or clinical psychologists;

19 (4) at least four State licensed certified social workers—clinical; and

20 (5) other professional and nonprofessional staff, as provided in the
21 State budget.

22 (b) (1) The associate directors shall assist primarily in discharging the
23 diagnostic and remediation functions of the Institution.

24 (2) The warden shall assist primarily in discharging the custodial
25 function of the Institution.

26 (c) The staff members of the Institution are entitled to compensation as
27 provided in the State budget.

1 (d) (1) Except as provided in paragraph (3) of this subsection or any other
2 law, the staff members of the Institution are in the skilled service or professional
3 service in the State Personnel Management System.

4 (2) With the approval of the Secretary, the Director shall appoint an
5 individual to any position that the Secretary determines to be professional, including:

6 (i) each associate director;

7 (ii) each social worker;

8 (iii) each sociologist;

9 (iv) each physician; and

10 (v) each psychologist.

11 (3) The Director and each individual appointed under paragraph (2)(I)
12 of this subsection are in the executive service, in the management service, or a special
13 appointment in the State Personnel Management System.

14 **Article – Economic Development**

15 2–115.

16 [(a) An employee of the Department who is hired on or after July 1, 1995, is
17 in the executive service or management service in the State Personnel Management
18 System, or is a special appointment.

19 (b) A position held by a classified service employee on June 30, 1995,
20 remains a classified service position or its equivalent in the State Personnel
21 Management System until the position becomes vacant.

22 (c)] In accordance with the State budget, the Secretary shall set the
23 compensation of Department employees.

24 **Article – Education**

25 2–104.

26 (c) (1) All professional assistants[, grade 31 and above,] shall serve at the
27 pleasure of the State Board and the State Superintendent.

28 (2) All other professional assistants shall be removed in accordance
29 with procedures set by the State Board.

30 **Article – Family Law**

1 10-119.2.

2 [(f) (1) Notwithstanding any other provision of law, all employees hired in
3 a demonstration site after its designation as a demonstration site shall be in the
4 management service or special appointments in the State Personnel Management
5 System.

6 (2) If a position in a demonstration site is held by a classified service
7 employee prior to its designation as a demonstration site, the position remains a
8 classified service position or its equivalent in the State Personnel Management
9 System until the position becomes vacant, at which time the position shall become a
10 management service or special appointment position.]

11 [(g) (F) The Secretary shall establish a performance incentive program to
12 provide pay incentives for employees in a demonstration site.

13 [(h) (G) In accordance with subsection [(i) (H) of this section, a
14 demonstration site may conduct a conciliation conference.

15 [(i) (H) (1) If a complaint is filed to modify or enforce a duty of support
16 in the circuit court of a jurisdiction in which a demonstration site is located, the court
17 may issue a writ of summons to order the parties to appear and to produce documents
18 at a conciliation conference.

19 (2) If a party fails to appear or fails to produce the documents required
20 under this subsection, a representative of the demonstration site may apply, upon
21 affidavit, to the court for a body attachment.

22 (3) If a party fails or refuses to obey a court order to appear or produce
23 the documents required under this subsection at a conciliation conference, the court
24 may issue a body attachment or compel compliance in any other manner available to
25 the court to enforce its order.

26 [(j) (I) The powers of the Secretary to carry out the provisions of this
27 section shall be construed liberally.

28 **Article - Health - General**

29 19-107.

30 (a) (1) A majority of the full authorized membership of the Commission is
31 a quorum.

32 (2) The decision of the Commission shall be by a majority of the
33 quorum present and voting.

1 (b) The Commission shall meet at least six times each year, at the times and
2 places that it determines.

3 (c) Each member of the Commission is entitled to:

4 (1) Compensation in accordance with the State budget; and

5 (2) Reimbursement for expenses under the Standard State Travel
6 Regulations, as provided in the State budget.

7 (d) (1) The Commission may employ a staff in accordance with the State
8 budget.

9 (2) [(i) Staff hired after September 30, 1999, are in the executive
10 service, management service, or are special appointments in the State Personnel
11 Management System.

12 (ii)] The Commission, in consultation with the Secretary, shall
13 determine the appropriate job classifications and grades for all staff.

14 19–206.

15 (a) A majority of the full authorized membership of the Commission is a
16 quorum. However, the Commission may not act on any matter unless at least 4
17 members in attendance concur.

18 (b) The Commission shall meet at least 6 times a year, at the times and
19 places that it determines.

20 (c) Each member of the Commission is entitled to:

21 (1) Compensation in accordance with the State budget; and

22 (2) Reimbursement for expenses under the Standard State Travel
23 Regulations, as provided in the State budget.

24 (d) (1) The Commission may employ a staff in accordance with the State
25 budget.

26 (2) [(i) Staff hired after September 30, 1999, are in the executive
27 service, management service, or are special appointments in the State Personnel
28 Management System.

29 (ii)] The Commission, in consultation with the Secretary, shall
30 determine the appropriate job classifications and grades for all staff.

1 (3) The Deputy Director and each principal section chief of the
2 Commission serve at the pleasure of the Commission.

3 (4) The Commission, in consultation with the Secretary, may
4 determine the appropriate job classifications and, subject to the State budget, the
5 compensation for the Executive Director, Deputy Director, and each principal section
6 chief of the Commission.

7 19–2106.

8 (d) (1) The Commission may employ a staff in accordance with the State
9 budget.

10 (2) [(i) Staff hired after June 30, 2005, are in the executive service
11 or management service or are special appointments in the State Personnel
12 Management System.

13 (ii)] The Commission, in consultation with the Secretary, shall
14 determine the appropriate job classifications and grades for all staff.

15 **Article – Health Occupations**

16 14–204.

17 (d) (1) The Secretary may employ a staff for the Board in accordance with
18 the State budget. The Secretary may designate one of the staff as an executive
19 director.

20 (2) [Staff hired after September 30, 1992, are in the executive service,
21 management service, or are special appointments in the State Personnel Management
22 System.

23 (3)] The Secretary shall determine the appropriate job classifications
24 and grades for all staff.

25 **Article – Human Services**

26 9–207.

27 (b) (1) (i) The Secretary shall appoint:

28 1. any assistant secretary;

29 2. any director of an institution;

30 3. the superintendent of the youth centers; and

1 4. the managing director, deputy director, and director
2 of detention at the Baltimore City Juvenile Justice Center.

3 (ii) An employee of the Department specified in subparagraph
4 (i) of this paragraph:

5 1. is in the executive service or management service of
6 the State Personnel Management System; and

7 2. serves at the pleasure of the Secretary.

8 (2) Each [teacher who does not hold a certificate under Title 6,
9 Subtitle 1 of the Education Article,] principal, director of education, and supervisor of
10 vocational education who is employed by an institution managed by the Department is
11 in the management service of, or is a special appointment in, the State Personnel
12 Management System.

13 (3) Unless otherwise provided by law, the Secretary shall appoint and
14 remove all staff in accordance with the State Personnel and Pensions Article.

15 **Article – Labor and Employment**

16 2–104.

17 (f) (1) The Commissioner shall appoint:

18 (i) safety inspectors who are qualified and trained in
19 occupational safety; and

20 (ii) safety inspectors who are qualified technically to inspect
21 amusement rides and amusement attractions, elevators, and worker and material
22 hoists on construction projects and who shall be responsible for those inspections.

23 (2) Each safety inspector:

24 (i) is entitled to the salary provided in the State budget; and

25 (ii) is subject to the provisions of the State Personnel and
26 Pensions Article that govern skilled service employees[, with the exception of special
27 appointments].

28 (g) (1) Subject to the approval of the Governor and the Secretary, the
29 Commissioner may employ, in accordance with the State budget, other staff needed to
30 perform the duties of the Commissioner.

1 (2) Except as provided in this section or otherwise by law, all other
2 staff is in the skilled service or professional service[, with the exception of special
3 appointments,] in the State Personnel Management System.

4 **Article – State Finance and Procurement**

5 5A–316.

6 (a) (1) The trustees shall appoint a Director, with the approval of the
7 Governor.

8 (2) The Director is the chief administrative officer of the Trust.

9 (b) The Director shall have:

10 (1) knowledge in architecture, history, archeology, or another
11 appropriate discipline relating to historic preservation; and

12 (2) experience in historic preservation or related fields.

13 (c) The Director serves at the pleasure of the Board and may be removed
14 with the concurrence of the Governor.

15 (d) (1) The Director is entitled to the salary provided in the State budget.

16 (2) The Director may employ a staff in accordance with the State
17 budget.

18 (e) [Each position with the Trust is a special appointment in the State
19 Personnel Management System.

20 (f)] Under the direction of the Board, the Director shall perform the duties
21 and functions that the Board prescribes.

22 **Article – State Government**

23 **2–10A–08.**

24 **(A) THERE IS A JOINT COMMITTEE ON STATE EMPLOYMENT**
25 **PRACTICES.**

26 **(B) (1) THE JOINT COMMITTEE CONSISTS OF EIGHT MEMBERS.**

27 **(2) OF THE EIGHT MEMBERS:**

1 (I) FOUR SHALL BE MEMBERS OF THE SENATE, APPOINTED
2 BY THE PRESIDENT OF THE SENATE; AND

3 (II) FOUR SHALL BE MEMBERS OF THE HOUSE OF
4 DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE.

5 (C) THE MEMBERS OF THE JOINT COMMITTEE SERVE AT THE
6 PLEASURE OF THE PRESIDING OFFICER WHO APPOINTED THEM.

7 (D) THE PRESIDENT AND THE SPEAKER JOINTLY SHALL APPOINT A
8 SENATOR AND A DELEGATE TO SERVE AS COCHAIRS.

9 (E) THE JOINT COMMITTEE SHALL HAVE OVERSIGHT OVER:

10 (1) EMPLOYMENT POLICIES AND PERSONNEL SYSTEMS IN THE
11 EXECUTIVE BRANCH OF STATE GOVERNMENT, INCLUDING:

12 (I) THE STATE PERSONNEL MANAGEMENT SYSTEM;

13 (II) THE MARYLAND DEPARTMENT OF TRANSPORTATION'S
14 HUMAN RESOURCES MANAGEMENT SYSTEM; AND

15 (III) THE PERSONNEL SYSTEMS OF STATE INSTITUTIONS OF
16 HIGHER EDUCATION; AND

17 (2) MATTERS IN STATE GOVERNMENT OF EQUAL EMPLOYMENT
18 OPPORTUNITY POLICIES AND PRACTICES.

19 (F) THE PURPOSE OF THE JOINT COMMITTEE IS TO:

20 (1) REVIEW REPORTS;

21 (2) EVALUATE THE EFFECTIVENESS OF PROGRAMS, POLICIES,
22 AND PRACTICES; AND

23 (3) IDENTIFY AREAS OF CONCERN AND, AS APPROPRIATE,
24 RECOMMEND CORRECTIVE MEASURES TO THE GOVERNOR AND THE GENERAL
25 ASSEMBLY.

26 **8-3A-02.**

27 (A) ON OR BEFORE DECEMBER 1 OF EACH GUBERNATORIAL ELECTION
28 YEAR:

1 (1) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL
2 COMPILE A LIST OF THE POSITION, PAY GRADE, TITLE, AND NAME OF EACH
3 EMPLOYEE IN THE STATE PERSONNEL MANAGEMENT SYSTEM WHO IS
4 EMPLOYED WITH REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION
5 UNDER § 4-201(C)(2)(II) AND (3)(II) OF THE STATE PERSONNEL AND PENSIONS
6 ARTICLE; AND

7 (2) THE SECRETARY OF TRANSPORTATION SHALL COMPILE A
8 LIST OF THE POSITION, PAY GRADE, TITLE, AND NAME OF EACH EMPLOYEE IN
9 THE MARYLAND DEPARTMENT OF TRANSPORTATION'S HUMAN RESOURCE
10 SYSTEM WHO IS EMPLOYED WITH REGARD TO POLITICAL AFFILIATION, BELIEF,
11 OR OPINION UNDER § 2-103.4(B)(2)(II) OF THE TRANSPORTATION ARTICLE.

12 (b) THE SECRETARY OF TRANSPORTATION SHALL PROVIDE THE LIST
13 OF EMPLOYEES REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION TO THE
14 SECRETARY OF BUDGET AND MANAGEMENT ON OR BEFORE DECEMBER 15 OF
15 EACH GUBERNATORIAL ELECTION YEAR.

16 (c) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
17 ARTICLE, ON OR BEFORE DECEMBER 31 OF EACH GUBERNATORIAL ELECTION
18 YEAR, THE SECRETARY OF BUDGET AND MANAGEMENT SHALL SUBMIT A
19 REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE
20 SPEAKER OF THE HOUSE OF DELEGATES ON THE TOTAL NUMBER OF STATE
21 EMPLOYEES EMPLOYED WITH REGARD TO POLITICAL AFFILIATION, BELIEF, OR
22 OPINION UNDER THIS SECTION.

23 **Chapter 347 of the Acts of 1996**

24 SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:

26 [1. Legislative Joint Committee on Fair Practices.

27 (a) There is a Joint Committee on Fair Practices, which has oversight
28 over matters in State government of equal employment opportunity policies and
29 practices and procurement practices made under Executive Order.

30 (b) The Joint Committee shall be comprised of:

31 (1) three members of the Senate, appointed by the President of
32 the Senate; and

33 (2) three members of the House of Delegates, appointed by the
34 Speaker of the House.

- 1 (c) The purpose of the Joint Committee shall be to:
- 2 (1) review reports;
- 3 (2) evaluate the effectiveness of programs, policies, and
- 4 practices; and
- 5 (3) identify areas of concern, and, as appropriate, recommend
- 6 corrective measures to the Governor and the General Assembly.]

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

8 July 1, 2009.