

SENATE BILL 760

P4

9lr2682
CF HB 735

By: **Senator Middleton**

Introduced and read first time: February 6, 2009

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 1, 2009

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – At-Will Employment – Reforms and Reports**

3 FOR the purpose of repealing certain provisions of law that designate certain positions
4 and employees as being in the executive service or management service or as
5 special appointments in the State Personnel Management System; ~~requiring the~~
6 ~~Secretary of Budget and Management to designate management service~~
7 ~~positions in the System that must be filled without regard to certain criteria~~
8 ~~and that may be filled with regard to certain criteria; requiring the Secretary to~~
9 ~~provide certain information~~ altering the information that the Secretary of
10 Budget and Management must provide to the Governor and the General
11 Assembly on certain management service positions; providing that certain
12 management service positions may be filled with regard to certain criteria;
13 altering the criteria for designating certain positions in the professional service;
14 altering the criteria for designating certain positions in the management service
15 providing for the application of certain provisions of law; repealing a provision
16 of law that designates individuals in certain positions in the management
17 service or the executive service as special appointments; excluding from the
18 scope of certain provisions of law governing appointments in the skilled service
19 and the professional service the recruitment for and the appointment to a
20 professional service position position in the skilled service or professional
21 service under certain circumstances; requiring the Department to adopt certain
22 regulations relating to the recruitment for and appointment to certain positions;
23 altering the circumstances under which an appointing authority may select a
24 candidate for a certain position by recruitment; repealing a certain obsolete
25 provision relating to certain professional assistants; repealing a certain
26 requirement that certain employees in certain demonstration sites be in the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 management service or a special appointment in the System; ~~requiring the~~
 2 ~~Secretary of Budget and Management and the Secretary of Transportation to~~
 3 ~~compile a list of certain employees on or before a certain date of a certain year;~~
 4 ~~requiring the Secretary of Transportation to provide a certain list of employees~~
 5 ~~to the Secretary of Budget and Management on or before a certain date;~~
 6 ~~requiring the Secretary of Budget and Management to submit a certain report~~
 7 ~~on or before a certain date~~ establishing that certain staff members in the Office
 8 of the Attorney General are special appointments who may not be determined to
 9 be political special appointments under certain provisions of State personnel
 10 law; requiring the Secretary of Budget and Management to conduct a certain
 11 evaluation of certain special appointments and report the results of the
 12 evaluation on or before certain dates; providing that certain at-will positions
 13 shall remain at-will positions until the positions become vacant; and generally
 14 relating to State personnel, employment categories, and special appointments.

15 BY repealing and reenacting, with amendments,
 16 Article – State Personnel and Pensions
 17 Section ~~4-201, 4-302, 5-208, 6-402, 6-403, 6-405(a), 6-405,~~ 7-201, and 7-203
 18 Annotated Code of Maryland
 19 (2004 Replacement Volume and 2008 Supplement)

20 BY repealing and reenacting, with amendments,
 21 Article – Correctional Services
 22 Section 3-215(b) and 4-204
 23 Annotated Code of Maryland
 24 (2008 Replacement Volume)

25 BY repealing and reenacting, with amendments,
 26 Article – Economic Development
 27 Section 2-115
 28 Annotated Code of Maryland
 29 (2008 Volume)

30 BY repealing and reenacting, with amendments,
 31 Article – Education
 32 Section 2-104(c)
 33 Annotated Code of Maryland
 34 (2008 Replacement Volume)

35 BY repealing
 36 Article – Family Law
 37 Section 10-119.2(f)
 38 Annotated Code of Maryland
 39 (2006 Replacement Volume and 2008 Supplement)

40 BY repealing and reenacting, with amendments,
 41 Article – Family Law
 42 Section 10-119.2(g) through (j)

1 Annotated Code of Maryland
2 (2006 Replacement Volume and 2008 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Health – General
5 Section 19–107, 19–206, and 19–2106(d)
6 Annotated Code of Maryland
7 (2005 Replacement Volume and 2008 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Health Occupations
10 Section 14–204(d)
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2008 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – State Finance and Procurement
15 Section 5A–316
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 ~~BY adding to~~ repealing and reenacting, with amendments,
19 Article – State Government
20 Section ~~8–3A–02~~ 6–105(a)
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2008 Supplement)

23 Preamble

24 WHEREAS, It is the intent of the General Assembly to provide additional merit
25 system protections to State employees while allowing State agencies to maintain
26 recruitment flexibility; and

27 WHEREAS, The General Assembly recognizes that a streamlined and efficient
28 hiring process is essential for the State to effectively compete with the private sector
29 for highly qualified applicants; now, therefore,

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

32 **Article – State Personnel and Pensions**

33 ~~4–201.~~

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

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

- 1 ~~(1) establish classes;~~
- 2 ~~(2) assign a rate of pay to each class;~~
- 3 ~~(3) ensure that each class comprises one or more positions:~~
- 4 ~~(i) that are similar in their duties and responsibilities;~~
- 5 ~~(ii) that are similar in the general qualifications required to~~
6 ~~perform those duties and responsibilities;~~
- 7 ~~(iii) to which the same standards and, if required, tests of fitness~~
8 ~~can be applied; and~~
- 9 ~~(iv) to which the same rates of pay can be applied;~~
- 10 ~~(4) give each class a descriptive classification title;~~
- 11 ~~(5) prepare a description of each class; and~~
- 12 ~~(6) (i) create additional classes; and~~
- 13 ~~(ii) abolish, combine, or modify existing classes.~~
- 14 ~~(e) The Secretary shall:~~
- 15 ~~(1) assign a class to the skilled service, professional service,~~
16 ~~management service, or executive service, as appropriate; [and]~~
- 17 ~~(2) DESIGNATE MANAGEMENT SERVICE POSITIONS IN THE STATE~~
18 ~~PERSONNEL MANAGEMENT SYSTEM THAT:~~
- 19 ~~(I) MUST BE FILLED WITHOUT REGARD TO POLITICAL~~
20 ~~AFFILIATION, BELIEF, OR OPINION; OR~~
- 21 ~~(II) IN ACCORDANCE WITH § 6-403(B) OF THIS ARTICLE,~~
22 ~~MAY BE FILLED WITH REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION;~~
23 ~~AND~~
- 24 ~~[(2)](3) designate special appointment positions in the State~~
25 ~~Personnel Management System that:~~
- 26 ~~(i) must be filled without regard to political affiliation, belief, or~~
27 ~~opinion; or~~

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

3 4-302.

4 (a) **THIS SECTION DOES NOT APPLY TO THE UNIVERSITY SYSTEM OF**
 5 **MARYLAND.**

6 **(B)** The Secretary shall submit to the Governor and, subject to § 2-1246 of
 7 the State Government Article, to the General Assembly an annual report **COVERING**
 8 **ALL UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, INCLUDING A**
 9 **UNIT WITH AN INDEPENDENT PERSONNEL SYSTEM,** for each fiscal year that:

10 (1) provides information about ~~the various personnel areas under the~~
 11 ~~Secretary's jurisdiction, including:~~

12 (i) employee performance and efficiency;

13 (ii) use of leave by State employees;

14 (iii) incentive awards;

15 (iv) whistleblower proceedings;

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

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

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

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

25 (4) provides information on the total number of

26 ~~(I) MANAGEMENT SERVICE POSITIONS DESIGNATED WITH~~
 27 ~~REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION; AND~~

28 ~~(H)~~ positions designated as special appointments, including
 29 special appointments designated with regard to political affiliation, belief, or opinion;
 30 and

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

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

5 ~~5-208.~~

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

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

12 ~~(1) political affiliation, belief, or opinion; or~~

13 ~~(2) any other nonmerit factor.~~

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

18 ~~[(d) (1)] (2) Except as provided in paragraph [(2)] (3) of this subsection,~~
19 ~~personnel actions concerning special appointments or applicants for special~~
20 ~~appointment in the State Personnel Management System or comparable positions in~~
21 ~~an independent personnel system in the Executive Branch of State government shall~~
22 ~~be made without regard to political affiliation, belief, or opinion.~~

23 ~~[(2)] (3) For the positions that are designated by the Secretary under~~
24 ~~§ 4-201(c)(2)(ii) AND (3)(II) of this article or by the Secretary of Transportation under~~
25 ~~§ 2-103.4(b)(2) of the Transportation Article, personnel actions concerning special~~
26 ~~appointments or applicants for special appointment in the State Personnel~~
27 ~~Management System or comparable positions in an independent personnel system in~~
28 ~~the Executive Branch of State government may be made with regard to political~~
29 ~~affiliation, belief, or opinion.~~

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

32 ~~6-402.~~

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

1 ~~(1) (I) PRIMARILY INVOLVES DIRECT RESPONSIBILITY FOR~~
2 ~~THE OVERSIGHT OF PERSONNEL; AND~~

3 ~~(II) DOES NOT INVOLVE A SIGNIFICANT POLICY ROLE OR~~
4 ~~PROVIDE DIRECT SUPPORT TO A MEMBER OF THE EXECUTIVE SERVICE; OR~~

5 ~~(2) (I) requires knowledge of an advanced type in a field of science~~
6 ~~or learning customarily acquired by a course of specialized intellectual instruction and~~
7 ~~study; and~~

8 ~~[(2)] (II) normally requires a professional license, advanced degree, or~~
9 ~~both.~~

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

12 ~~6-403.~~

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

15 ~~(1) (I) primarily involves direct responsibility for the oversight and~~
16 ~~management of personnel and financial resources;~~

17 ~~[(2)] (II) requires the exercise of discretion and independent~~
18 ~~judgment; and~~

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

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

22 ~~(B) A MANAGEMENT SERVICE POSITION MAY BE FILLED WITH REGARD~~
23 ~~TO POLITICAL AFFILIATION, BELIEF, OR OPINION IF THE SECRETARY~~
24 ~~DETERMINES THAT THE POSITION:~~

25 ~~(1) RELATES TO POLITICAL INTERESTS OR CONCERNS SO AS TO~~
26 ~~WARRANT THAT POLITICAL AFFILIATION BE A REQUIREMENT FOR THE~~
27 ~~POSITION; AND~~

28 ~~(2) (I) REQUIRES THE PROVISION OF MEANINGFUL DIRECT OR~~
29 ~~INDIRECT INPUT INTO THE POLICY-MAKING PROCESS; OR~~

30 ~~(II) PROVIDES ACCESS TO CONFIDENTIAL INFORMATION~~
31 ~~AND;~~

1 ~~1. REQUIRES SUBSTANTIAL INTERVENTION OR~~
 2 ~~COLLABORATION IN THE FORMULATION OF PUBLIC POLICY; OR~~

3 ~~2. REQUIRES THE PROVISION OF DIRECT ADVICE OR~~
 4 ~~THE RENDERING OF DIRECT SERVICES TO AN APPOINTING AUTHORITY.~~

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

7 6-405.

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

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

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

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

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

18 (5) a position that is assigned to the Governor's Office; and

19 (6) any other position that is specified by law to be a special
 20 appointment.

21 (b) [A] EXCEPT AS PROVIDED UNDER § 6-105(A) OF THE STATE
 22 GOVERNMENT ARTICLE, A position that is a special appointment may be filled with
 23 regard to political affiliation, belief, or opinion if the Secretary determines that the
 24 position:

25 (1) relates to political interests or concerns so as to warrant that
 26 political affiliation be a requirement for the position; and

27 (2) (i) requires the provision of meaningful direct or indirect input
 28 into the policy-making process; or

29 (ii) provides access to confidential information and:

30 1. requires substantial intervention or collaboration in
 31 the formulation of public policy; or

1 2. requires the provision of direct advice or the
 2 rendering of direct services to an appointing authority.

3 7-201.

4 (a) (1) This subtitle does not apply to a special appointment position in
 5 the skilled service or professional service.

6 (2) (I) **THIS SUBTITLE DOES NOT APPLY TO THE RECRUITMENT**
 7 **FOR OR THE APPOINTMENT TO A POSITION IN THE SKILLED SERVICE OR**
 8 **PROFESSIONAL SERVICE POSITION IF THE APPOINTING AUTHORITY:**

9 1. **DECIDES TO RECRUIT FOR THE POSITION UNDER §**
 10 **7-203(2) OF THIS SUBTITLE;**

11 2. **DEMONSTRATES THAT THE POSITION, BASED ON**
 12 **THE POSITION DESCRIPTION, IS DIFFICULT TO FILL ~~FROM A LIST OF ELIGIBLE~~**
 13 **~~CANDIDATES;~~**

14 3. **DEMONSTRATES THAT THE RECRUITMENT MUST**
 15 **OCCUR IN A TIMELY MANNER; AND**

16 4. **NOTIFIES THE DEPARTMENT OF THE**
 17 **RECRUITMENT.**

18 (II) **A RECRUITMENT AND APPOINTMENT UNDER THIS**
 19 **PARAGRAPH SHALL OCCUR ~~UNDER GUIDELINES ISSUED BY THE SECRETARY,~~ IN**
 20 **ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.**

21 (III) **1. THE DEPARTMENT SHALL ADOPT REGULATIONS**
 22 **TO IMPLEMENT THIS PARAGRAPH.**

23 **2. THE REGULATIONS ADOPTED UNDER THIS**
 24 **SUBPARAGRAPH SHALL PROVIDE, AT A MINIMUM, THAT AN APPOINTING**
 25 **AUTHORITY RETAINS THE SAME AUTHORITY THAT THE APPOINTING AUTHORITY**
 26 **POSSESSED ON JANUARY 1, 2009, TO RECRUIT FOR POSITIONS DESIGNATED AS**
 27 **SPECIAL APPOINTMENTS.**

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

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

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

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

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

9 7-203.

10 An appointing authority may select candidates for a position:

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

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

14 (3) from a special list of eligible candidates whom the Division of
15 Rehabilitation Services of the Department of Education certifies as being physically
16 capable and adequately trained to qualify for the position; **OR**

17 **(4) IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER §**
18 **7-201(A)(2)(III) OF THIS SUBTITLE.**

19 **Article - Correctional Services**

20 3-215.

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

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

27 (i) Commissioner;

28 (ii) Deputy Commissioner;

29 (iii) Assistant Commissioner;

30 (iv) industries general manager;

- 1 (v) [chaplain;
2 (vi)] warden;
3 [(vii)] (VI) facility administrator; and
4 [(viii)] (VII) assistant warden.

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

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

9 4–204.

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

11 (1) two associate directors, one of whom is a competent psychiatrist
12 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 (2) a warden;

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

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

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

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

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

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

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

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

- 1 (i) each associate director;
- 2 (ii) each social worker;
- 3 (iii) each sociologist;
- 4 (iv) each physician; and
- 5 (v) each psychologist.

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

9 **Article - Economic Development**

10 2-115.

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

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

17 (c) In accordance with the State budget, the Secretary shall set the
18 compensation of Department employees.

19 **Article - Education**

20 2-104.

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

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

25 **Article - Family Law**

26 10-119.2.

27 [(f) (1) Notwithstanding any other provision of law, all employees hired in
28 a demonstration site after its designation as a demonstration site shall be in the

1 management service or special appointments in the State Personnel Management
2 System.

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

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

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

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

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

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

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

25 **Article - Health - General**

26 19-107.

27 (a) (1) A majority of the full authorized membership of the Commission is
28 a quorum.

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

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

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

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

1 compensation for the Executive Director, Deputy Director, and each principal section
2 chief of the Commission.

3 19–2106.

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

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

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

11 **Article – Health Occupations**

12 14–204.

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

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

19 (3) The Secretary shall determine the appropriate job classifications
20 and grades for all staff.

21 **Article – State Finance and Procurement**

22 5A–316.

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

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

26 (b) The Director shall have:

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

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

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

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

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

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

8 (f) Under the direction of the Board, the Director shall perform the duties
9 and functions that the Board prescribes.

10 Article - State Government

11 ~~§ 3A-02.~~

12 (A) ~~ON OR BEFORE DECEMBER 1 OF EACH GUBERNATORIAL ELECTION~~
13 ~~YEAR:~~

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

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

25 (B) ~~THE SECRETARY OF TRANSPORTATION SHALL PROVIDE THE LIST~~
26 ~~OF EMPLOYEES REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION TO THE~~
27 ~~SECRETARY OF BUDGET AND MANAGEMENT ON OR BEFORE DECEMBER 15 OF~~
28 ~~EACH GUBERNATORIAL ELECTION YEAR.~~

29 (C) ~~IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, ON OR BEFORE~~
30 ~~DECEMBER 31 OF EACH GUBERNATORIAL ELECTION YEAR, THE SECRETARY OF~~
31 ~~BUDGET AND MANAGEMENT SHALL SUBMIT A REPORT TO THE GOVERNOR, THE~~
32 ~~PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES~~
33 ~~ON THE TOTAL NUMBER OF STATE EMPLOYEES EMPLOYED WITH REGARD TO~~
34 ~~POLITICAL AFFILIATION, BELIEF, OR OPINION UNDER THIS SECTION.~~

1 6-105.

2 (a) (1) The Attorney General may employ a staff in accordance with the
3 State budget.

4 (2) Staff members appointed under this subsection:

5 (i) NOTWITHSTANDING ANY OTHER LAW, are deemed special
6 appointments within the meaning of [§ 6-405] § 6-405(A) of the State Personnel and
7 Pensions Article; [and]

8 (ii) MAY NOT BE DETERMINED TO BE SPECIAL
9 APPOINTMENTS UNDER § 6-405(B) OF THE STATE PERSONNEL AND PENSIONS
10 ARTICLE; AND

11 [(ii)] (iii) serve at the pleasure of the Attorney General.

12 (3) (i) Staff appointed under this subsection is entitled to
13 compensation as provided in the State budget.

14 (ii) Unless the State budget provides otherwise, the salary of a
15 Deputy Attorney General, assistant Attorney General, or special attorney appointed
16 under this subsection is payable from the funds of the Office.

17 (4) Staff is entitled to reimbursement for expenses under the Standard
18 State Travel Regulations, as provided in the State budget.

19 SECTION 2. AND BE IT FURTHER ENACTED, That:

20 (a) The Secretary of Budget and Management, in consultation with the
21 appropriate department secretaries and agency heads, shall evaluate all skilled and
22 professional service positions considered special appointments under § 6-405(a)(3) of
23 the State Personnel and Pensions Article to determine whether these positions should
24 continue to be considered special appointments in the State Personnel Management
25 System.

26 (b) The Secretary shall:

27 (1) on or before ~~November 1, 2010~~ July 1, 2011, complete the
28 evaluation required under subsection (a) of this section; and

29 (2) on or before January 1, ~~2011~~ 2012, in accordance with § 2-1246 of
30 the State Government Article, report the results of the evaluation to the Governor and
31 the General Assembly.

1 SECTION 3. AND BE IT FURTHER ENACTED, That an at-will position in the
2 executive service or management service or that is designated as a special
3 appointment that is encumbered on the effective date of this Act and the status of
4 which would change as a result of Section 1 of this Act shall remain an at-will position
5 until the position becomes vacant.

6 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect ~~July~~ October 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.