

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

House Bill 611  
Appropriations

(Delegate G. Clagett)

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**State Personnel - Attorney General - Special Appointments**

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This bill specifies the special appointment positions in the Office of the Attorney General (OAG) that may be filled with regard to political affiliation, belief, or opinion. These positions include the deputy Attorney General, special assistant to the Attorney General, executive counsel to the Attorney General, director or chief of a division or unit in the office, and principal counsel to a State unit. All OAG staff continues to serve at the pleasure of the Attorney General, but only the individuals listed remain political appointees.

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**Fiscal Summary**

**State Effect:** None. The change is technical in nature and does not directly affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Certain individuals in the skilled service, professional service, management service, or executive service are considered special appointments, including individuals who are directly appointed by the Board of Public Works; employed to perform a significant policy function; responsible for providing direct support to a member of the executive service, as determined by the Secretary of Budget and Management; or appointed by the Governor to a position not provided for in the Maryland Constitution.

Special appointment positions may be filled with regard to political affiliation if the position relates to political interests and requires input into the policy-making process. Positions that provide access to confidential information, or require the provision of direct advice or services to an appointing authority, may also be filled with regard to political affiliation.

**Background:** There are roughly 500 at-will employees on OAG's staff, meaning that they serve at the pleasure of the Attorney General; the staff has been all at-will since 1916. All OAG employees are currently considered special political appointees. A recent review by the Department of Budget and Management and OAG of job functions that meet the political appointment criteria in current law concluded that all attorneys in OAG meet the criteria. OAG notified the attorneys of their status in December 2008 and required acknowledgement of the designation by signed statement to be submitted by January 31, 2009.

**Additional Comments:** OAG advises that if staff members, aside from those specified in the bill, are no longer considered political special appointees, agency expenditures increase as a result of wrongful termination litigation of former employees who claim they were fired for political belief or affiliation. Legislative Services disagrees with this assessment.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 582 (Senators Frosh and Middleton) - Finance.

**Information Source(s):** Department of Budget and Management, Office of the Attorney General, Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2009  
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