

## **Chapter 548**

**(Senate Bill 368)**

AN ACT concerning

### **Department of Transportation – Repeal of Secretary’s Authority to Abolish Employee Positions**

FOR the purpose of repealing the authority of the Secretary of Transportation to abolish certain employee positions; and generally relating to the authority of the Secretary of Transportation to abolish employee positions.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 2–103.4(a)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 2–103.4(b)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2009 Supplement)

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

#### **Article – Transportation**

2–103.4.

(a) Without regard to the laws of this State relating to other State employees, the Secretary of Transportation may establish a human resources management system for employees of the Department and its units. Any human resources management system that the Secretary establishes under this section shall:

- (1) Be based on merit;
- (2) Include fair and equitable procedures for appointment, hiring, promotion, layoff, removal, termination, redress of grievances, and reinstatement of employees; and
- (3) 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.

(b) (1) In the exercise of the Secretary's powers under this section, the Secretary may:

(i) Create [and abolish any position other than positions specifically provided for in this article] **ANY POSITION IN ACCORDANCE WITH STATE LAW**; and

(ii) Subject to subsection (b-1) of this section, determine the qualifications, appointment, removal, tenure, terms of employment, and compensation of employees unless otherwise prohibited by law.

(2) The Secretary shall designate executive service employee and commission plan employee positions in the Human Resources Management System that:

(i) Must be filled without regard to political affiliation, belief, or opinion; or

(ii) In accordance with the criteria established under § 6-405(b) of the State Personnel and Pensions Article, may be filled with regard to political affiliation, belief, or opinion.

(3) On an annual basis, the Secretary shall report on the total number of positions designated under paragraph (2) of this subsection to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

**Approved by the Governor, May 20, 2010.**