

HOUSE BILL 526

P4

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CF SB 455

By: **Delegates Clagett, Anderson, Barkley, Bohanan, Guzzone, Haynes, Hucker, Jones, Mizeur, Proctor, B. Robinson, Washington, and Zucker**

Introduced and read first time: February 3, 2012

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Special Appointments – Status**

3 FOR the purpose of repealing certain provisions of law that designate certain positions
4 and employees as special appointments in the State Personnel Management
5 System; repealing a provision of law that certain employees in the Maryland
6 Correctional Enterprises may be in the skilled service category of the State
7 Personnel Management System; providing that assistant attorneys general are
8 special appointments in the State Personnel Management System; providing
9 that certain at–will positions that are encumbered on a certain date shall
10 remain at–will positions until the positions are vacant; and generally relating to
11 State personnel and special appointments.

12 BY repealing and reenacting, with amendments,
13 Article – Correctional Services
14 Section 3–506
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2011 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – State Government
19 Section 6–105(a)
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2011 Supplement)

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

24 **Article – Correctional Services**

25 3–506.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) [(1)] The Chief Executive Officer:

2 [(i)] (1) shall determine the personnel requirements of
3 Maryland Correctional Enterprises; and

4 [(ii)] (2) is the appointing authority for all personnel of
5 Maryland Correctional Enterprises.

6 [(2)] (B) The number of positions for Maryland Correctional
7 Enterprises shall be included within the total personnel allocations provided for the
8 Department.

9 [(b)] Except as provided in subsection (c) of this section or any other law, each
10 position in Maryland Correctional Enterprises is a special appointment in the State
11 Personnel Management System.

12 (c) Unless the employee is a special appointment, each office clerk and office
13 secretary position in Maryland Correctional Enterprises is in the skilled service
14 employment category of the State Personnel Management System.]

15 **Article – State Government**

16 6–105.

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

19 (2) [Staff members] **ASSISTANT ATTORNEYS GENERAL** appointed
20 under this subsection:

21 (i) notwithstanding any other law, and except as provided in
22 paragraph (3) of this subsection, are deemed special appointments within the meaning
23 of § 6–405(a) of the State Personnel and Pensions Article;

24 (ii) may not be determined to be special appointments under §
25 6–405(b) of the State Personnel and Pensions Article; and

26 (iii) serve at the pleasure of the Attorney General.

27 (3) The following positions are special appointments under § 6–405(b)
28 of the State Personnel and Pensions Article:

29 (i) Deputy Attorney General;

30 (ii) special assistant to the Attorney General;

- 1 (iii) executive counsel to the Attorney General;
- 2 (iv) director or chief of a division or unit in the Office; and
- 3 (v) principal counsel to a State unit.
- 4 (4) (i) Staff appointed under this subsection is entitled to
5 compensation as provided in the State budget.
- 6 (ii) Unless the State budget provides otherwise, the salary of a
7 Deputy Attorney General, assistant Attorney General, or special attorney appointed
8 under this subsection is payable from the funds of the Office.
- 9 (5) Staff is entitled to reimbursement for expenses under the Standard
10 State Travel Regulations, as provided in the State budget.

11 SECTION 2. AND BE IT FURTHER ENACTED, That an at-will position that
12 is designated as a special appointment that is encumbered on the effective date of this
13 Act and the status of which would change as a result of Section 1 of this Act shall
14 remain an at-will position until the position becomes vacant.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 2012.