

HOUSE BILL 643

P4
HB 499/17 – APP

8lr2788

By: **Delegates Jones, Gaines, Gibson, Gutierrez, Haynes, Jackson, Korman, Krimm, Reznik, Sophocleus, Valentino-Smith, and P. Young**

Introduced and read first time: January 29, 2018

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **State Department of Education – Employment Categories and Practices**

3 FOR the purpose of altering the employment categories of certain employees of the State
4 Department of Education; requiring that all positions in the Department be
5 appointed positions in the professional service and skilled service as well as the
6 executive service and management service, subject to a certain exception; repealing
7 the authority for certain special appointment positions in the Department; altering
8 the procedures for the appointment, setting of qualifications, and transfer of
9 employees of the Department; specifying that certain employees serve at the
10 pleasure of the State Board of Education and the State Superintendent of Schools;
11 specifying that certain removal procedures apply to certain other employees; altering
12 the removal procedures for certain employees; requiring that the Department ~~assign~~
13 ~~certain employees to certain employment categories on or before a certain date~~
14 determine which employment classifications at the Department would be described
15 as being in the skilled service or the professional service; requiring that, beginning
16 on a certain date, all employees hired by the Department in certain classifications
17 be hired, promoted, or transferred in accordance with certain requirements; and
18 generally relating to the employment categories and practices of the State
19 Department of Education.

20 BY repealing and reenacting, with amendments,

21 Article – Education

22 Section 2–104 and 2–105

23 Annotated Code of Maryland

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.



(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 6–405(a)(3)
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

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

Article – Education

2–104.

(a) The following [professional assistants] **EMPLOYEES** shall be appointed to
POSITIONS IN the Department:

(1) No more than three Deputy State Superintendents of Schools;

(2) Any assistant State superintendents and directors authorized by the
State Board and provided in the State budget; and

(3) Any other [professional assistants and agents] **EMPLOYEES TO FILL
POSITIONS** authorized by the State Board and provided in the State budget.

(b) (1) **(I)** From the nominees proposed by the State Superintendent, the
State Board shall appoint all [professional assistants to] **EMPLOYEES TO POSITIONS IN
the Department[, who]**.

**(II) EXCEPT AS PROVIDED IN § 6–405(A)(3) OF THE STATE
PERSONNEL AND PENSIONS ARTICLE, ALL POSITIONS** shall be in the executive service,
management service, [or special appointments] **PROFESSIONAL SERVICE, OR SKILLED
SERVICE** in the State Personnel Management System.

(2) With the advice of the State Superintendent, the State Board shall set
the qualifications for each [professional] position **IN THE DEPARTMENT**.

(3) The State Superintendent may transfer [professional assistants]
EMPLOYEES within the Department as necessary.

(c) (1) All [professional assistants] **EMPLOYEES WHO ARE ASSIGNED TO
THE EXECUTIVE SERVICE OR MANAGEMENT SERVICE OR WHO ARE SPECIAL
APPOINTEES** shall serve at the pleasure of the State Board and the State Superintendent.

1 (2) All [other professional assistants] **EMPLOYEES IN THE**
 2 **PROFESSIONAL OR SKILLED SERVICE** shall be removed in accordance with procedures
 3 [set by the State Board] **SET FORTH IN § 2-105 OF THIS SUBTITLE AND TITLE 11 OF**
 4 **THE STATE PERSONNEL AND PENSIONS ARTICLE.**

5 (d) (1) In addition to the other duties specified in this section, each
 6 [professional assistant to] **EMPLOYEE IN** the Department has the duties assigned to him
 7 by the State Superintendent.

8 (2) The Deputy State Superintendent designated by the State
 9 Superintendent or by the State Board is the acting State Superintendent when the State
 10 Superintendent is absent or disabled.

11 (3) Assistant State superintendents and directors have charge of the
 12 various divisions of the Department.

13 2-105.

14 [(a) Unless otherwise provided by law, the State Superintendent shall appoint and
 15 remove all clerical assistants and other nonprofessional personnel of the Department in
 16 accordance with the provisions of the State Personnel and Pensions Article that govern the
 17 skilled service, with the exception of special appointments.

18 (b)] The credential secretary and statistician of the Department are special
 19 appointments in the State Personnel Management System.

20 **Article – State Personnel and Pensions**

21 6-405.

22 (a) Except as otherwise provided by law, individuals in the following positions in
 23 the skilled service and professional service are considered special appointments:

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before ~~January 1, 2019~~
 27 July 1, 2018, the State Department of Education shall ~~assign all personnel who presently~~
 28 ~~are designated by the Department as professional or nonprofessional assistants to the~~
 29 ~~appropriate employment category under Title 6, Subtitle 4 of the State Personnel and~~
 30 ~~Pensions Article~~ determine which employment classifications at the Department would
 31 ordinarily be described as being in the skilled service or the professional service. Beginning
 32 on July 1, 2018, all employees hired by the Department in classifications that the
 33 Department determines would ordinarily be described as skilled or professional shall be
 34 hired, promoted, or transferred in accordance with the requirements for skilled or

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1 professional employees under Title 6, Subtitle 4 of the State Personnel and Pensions
2 Article.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 ~~October~~ July 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.