

# SENATE BILL 75

F1, P4

9lr0125

(PRE-FILED)

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By: **Chair, Finance Committee (By Request – Departmental – Education)**

Requested: November 14, 2018

Introduced and read first time: January 9, 2019

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Services Education Program – Employees – Employment Contracts**  
3 **and Leave**

4 FOR the purpose of prohibiting certain employees of the Juvenile Services Education  
5 Program from rescinding a certain employment contract after a certain date except  
6 under certain circumstances; authorizing the State Department of Education to  
7 suspend a certain professional certificate of a certain individual for a certain period  
8 of time under certain circumstances; requiring certain employees at certain  
9 institutions under the jurisdiction of the Department of Juvenile Services to be  
10 employed or contracted to provide certain services for a certain period of time;  
11 providing that certain employees of the Juvenile Services Education Program are not  
12 entitled to annual leave with pay; clarifying that certain employees of the Juvenile  
13 Services Education Program are entitled to a certain amount of personal leave with  
14 pay for each calendar year under certain circumstances; defining a certain term; and  
15 generally relating to employees of the Juvenile Services Education Program.

16 BY adding to  
17 Article – Education  
18 Section 6–205  
19 Annotated Code of Maryland  
20 (2018 Replacement Volume and 2018 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Education  
23 Section 6–302  
24 Annotated Code of Maryland  
25 (2018 Replacement Volume and 2018 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article – State Personnel and Pensions

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–301 and 9–401  
2 Annotated Code of Maryland  
3 (2015 Replacement Volume and 2018 Supplement)

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

6 **Article – Education**

7 **6–205.**

8 **(A) IN THIS SECTION, “EXTENUATING CIRCUMSTANCE” HAS THE MEANING**  
9 **STATED IN § 8–405(A) OF THIS ARTICLE.**

10 **(B) (1) EXCEPT IN THE CASE OF AN EXTENUATING CIRCUMSTANCE, AN**  
11 **INDIVIDUAL WHO IS EMPLOYED AS A TEACHER, LIBRARIAN, OR PRINCIPAL AT AN**  
12 **INSTITUTION THAT IS UNDER THE JURISDICTION OF THE JUVENILE SERVICES**  
13 **EDUCATION PROGRAM AS ESTABLISHED UNDER TITLE 22, SUBTITLE 3 OF THIS**  
14 **ARTICLE MAY NOT RESCIND AN EMPLOYMENT CONTRACT AFTER JULY 15.**

15 **(2) IF AN INDIVIDUAL IN A POSITION DESCRIBED IN PARAGRAPH (1)**  
16 **OF THIS SUBSECTION RESCINDS AN EMPLOYMENT CONTRACT AFTER JULY 15, THE**  
17 **DEPARTMENT MAY SUSPEND THE PROFESSIONAL CERTIFICATION OF THE**  
18 **INDIVIDUAL FOR 1 YEAR.**

19 **6–302.**

20 (a) Except as provided in subsection (c) of this section, an individual who is  
21 employed as a teacher, librarian, principal, director of education, or supervisor of vocational  
22 education on the staffs of the following institutions or in the following programs, or an  
23 individual who is employed as a central office director, superintendent, specialist, or  
24 coordinator of education for the following institutions or programs, shall be paid the annual  
25 salary determined under subsection (b) of this section:

26 (1) Any institution that is under the jurisdiction of:

27 (i) The Department of Juvenile Services;

28 (ii) The Maryland Department of Health; or

29 (iii) The Juvenile Services Education County Pilot Program in the  
30 Department;

31 (2) Any vocational rehabilitation program operated by the State  
32 Department of Education; and

1 (3) Any correctional education program operated by the Department of  
 2 Labor, Licensing, and Regulation in a facility of the Department of Public Safety and  
 3 Correctional Services.

4 (b) (1) There shall be a single, statewide institutional educator pay plan for  
 5 the positions described under subsection (a) of this section. The pay plan shall be  
 6 established by the Department of Budget and Management as provided in paragraph (2) of  
 7 this subsection.

8 (2) In establishing and administering the pay plan, the Secretary of Budget  
 9 and Management on an annual basis shall review the salaries of public school teachers,  
 10 librarians, and administrators in the six jurisdictions with the highest number of  
 11 institutional educator positions and shall recommend salaries at levels that will be  
 12 adequate to recruit and retain qualified institutional educators. The pay plan shall include  
 13 classifications and pay grades based on the duties, responsibilities, education, and training  
 14 required. The Secretary's recommendations shall be made by December 1 of each year for  
 15 implementation on July 1 of the following fiscal year.

16 (3) The Secretary of Budget and Management shall submit any  
 17 recommendations to the Governor for approval.

18 (c) **(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN**  
 19 **INDIVIDUAL WHO IS EMPLOYED AS A TEACHER OR LIBRARIAN AT AN INSTITUTION**  
 20 **THAT IS UNDER THE JURISDICTION OF THE DEPARTMENT OF JUVENILE SERVICES**  
 21 **SHALL BE EMPLOYED OR CONTRACTED TO PROVIDE EDUCATION SERVICES FOR A**  
 22 **PERIOD NOT TO EXCEED 10 MONTHS.**

23 **(2)** Notwithstanding any other provision of law, an individual in a position  
 24 described under subsection (a) of this section at an institution that is under the jurisdiction  
 25 of the Juvenile Services Education County Pilot Program in the Department may be  
 26 employed or contracted to provide education services for a 10-month or 2-month period  
 27 with a salary commensurate with the period of employment.

## 28 Article – State Personnel and Pensions

29 9–301.

30 **(A) THIS SUBTITLE DOES NOT APPLY TO:**

31 **(1) A TEMPORARY EMPLOYEE; OR**

32 **(2) AN EMPLOYEE OF THE JUVENILE SERVICES EDUCATION**  
 33 **PROGRAM WHO WORKS 11 MONTHS OR LESS IN A CALENDAR YEAR.**

34 **[(a)] (B)** Each employee in the State Personnel Management System[, except a  
 35 temporary employee,] is entitled to annual leave with pay as provided in this subtitle.

1           **[(b)] (C)**       Annual leave may be used for any purpose.

2 9-401.

3           (a)   (1)   Except as provided in paragraphs (2) **[and]**, (3), **AND (4)** of this  
4 subsection, or otherwise provided by law, each employee in the State Personnel  
5 Management System, except a temporary employee, is entitled to 6 days, not to exceed 48  
6 hours, of personal leave with pay at the beginning of the first full pay period of the calendar  
7 year.

8                   (2)   For the calendar year in which an employee begins employment, the  
9 employee is entitled only to the following personal leave with pay:

10                           (i)   6 days, not to exceed 48 hours, if employment begins on or after  
11 January 1 and on or before the last day in February;

12                           (ii)   5 days, not to exceed 40 hours, if employment begins on or after  
13 March 1 and on or before April 30;

14                           (iii)   4 days, not to exceed 32 hours, if employment begins on or after  
15 May 1 and on or before June 30; or

16                           (iv)   3 days, not to exceed 24 hours, if employment begins on or after  
17 July 1.

18                   (3)   For each calendar year that is a leap year, each employee in the State  
19 Personnel Management System, except a temporary employee, is entitled to 7 days, not to  
20 exceed 56 hours, of personal leave with pay at the beginning of the first full pay period of  
21 the calendar year.

22                   **(4)   FOR EACH CALENDAR YEAR, AN EMPLOYEE OF THE JUVENILE**  
23 **SERVICES EDUCATION PROGRAM WHO WORKS 11 MONTHS OR LESS IN A CALENDAR**  
24 **YEAR IS ENTITLED TO 3 DAYS, NOT TO EXCEED 24 HOURS, OF PERSONAL LEAVE WITH**  
25 **PAY AT THE BEGINNING OF THE FIRST FULL PAY PERIOD OF THE CALENDAR YEAR.**

26           (b)   Personal leave may be used for any purpose.

27           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
28 1, 2019.