

SENATE BILL 169

P4

9lr0018
CF 9lr0137

By: **The President (By Request – Administration) and Senators Bailey, Carozza, Cassilly, Eckardt, Edwards, Gallion, Hershey, Hough, Jennings, Salling, Serafini, Simonaire, and West**

Introduced and read first time: January 21, 2019

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel Recruitment Modernization Act of 2019**

3 FOR the purpose of altering the recruitment and appointment process for certain positions
4 in the skilled service or professional service in the State Personnel Management
5 System under certain circumstances; requiring an appointing authority initiating a
6 certain recruitment and appointment to notify the Department of Budget and
7 Management of the recruitment; repealing certain time frames for the preparation
8 of certain job announcements by certain appointing authorities for certain positions
9 in State government; repealing specific requirements regarding the posting and
10 advertising of certain position vacancies; increasing a certain threshold number of
11 applicants under which an appointing authority may select an applicant without the
12 need for further selection testing or readvertise the position vacancy; repealing
13 certain point credits on certain selection tests for placement on a certain list of
14 eligible candidates for certain positions; making a technical correction; and generally
15 relating to the State Personnel Management System recruitment and appointment
16 process.

17 BY repealing and reenacting, with amendments,
18 Article – State Personnel and Pensions
19 Section 7–201, 7–204, 7–205, and 7–207
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2018 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – State Personnel and Pensions
24 Section 7–203(a)
25 Annotated Code of Maryland
26 (2015 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – State Personnel and Pensions

7–201.

(a) (1) This subtitle does not apply to a special appointment position in the skilled service or professional service.

(2) (i) This subtitle does not apply to the recruitment for or the appointment to a position in the skilled service or professional service if the appointing authority:

1.] decides to recruit for the position under [§ 7–203(2)] § 7–203(A)(2) of this subtitle[;], AND DEMONSTRATES THAT:

[2.] 1. [demonstrates that] the position, based on the position description, is difficult to fill; OR

[3.] 2. [demonstrates that] the recruitment must occur in a timely manner[; and

4. notifies the Department of the recruitment].

(II) AN APPOINTING AUTHORITY INITIATING A RECRUITMENT AND APPOINTMENT UNDER THIS PARAGRAPH SHALL NOTIFY THE DEPARTMENT OF THE RECRUITMENT.

[(ii)] **(III)** A recruitment and appointment under this paragraph shall occur in accordance with regulations adopted by the Department.

[(iii)] **(IV)** 1. The Department shall adopt regulations to implement this paragraph.

2. The regulations adopted under this subparagraph shall provide, at a minimum, that for positions designated as special appointments on January 1, 2009, an appointing authority shall retain the same recruitment authority that the appointing authority possessed on January 1, 2009.

(b) Each unit shall fill vacant skilled service and professional service positions in accordance with a position selection plan.

(c) To ensure compliance with State and federal employment laws and to ensure consistency in recruitment and hiring practices in the State Personnel Management System, the Department shall:

1 (1) assist units in developing application forms, position selection plans,
2 selection tests, and announcement forms; and

3 (2) review and audit recruitment and hiring practices of all appointing
4 authorities at least once every 3 years.

5 (d) On request of a unit that is not able to conduct all or part of its own
6 recruitment or selection testing for a position because it lacks the appropriate resources,
7 the Department, consistent with its resources, shall assist the unit in conducting the
8 requested recruitment and selection testing.

9 7-203.

10 (a) An appointing authority may select candidates for a position:

11 (1) from an existing list of eligible candidates;

12 (2) if the appointing authority decides to recruit for the position, by
13 recruitment;

14 (3) from a special list of eligible candidates whom the Division of
15 Rehabilitation Services of the Department of Education certifies as being physically
16 capable and adequately trained to qualify for the position;

17 (4) from a list of contractual employees performing the same or similar
18 duties of the position; or

19 (5) as provided in subsection (b) of this section.

20 7-204.

21 (a) To recruit candidates for a position, an appointing authority shall prepare a
22 job announcement for the position and conduct recruitment in accordance with the position
23 selection plan.

24 (b) A job announcement shall contain:

25 (1) a summary of the position description;

26 (2) the minimum qualifications for the class and any selective
27 qualifications necessary for consideration;

28 (3) the type of selection test that will be administered to those meeting the
29 position's minimum qualifications;

30 (4) the location and deadline for submitting applications; and

1 (5) the duration of the list of eligibles derived from the announcement.

2 (c) For a vacant position under this subtitle, the appointing authority shall:

3 (1) send a copy of the selection plan and job announcement to the Secretary
4 [at least 1 week] before posting the job announcement to assure public access;

5 (2) if current employees or contractual employees in the unit may be
6 eligible for the position:

7 (i) post the job announcement [for at least 2 weeks before the
8 deadline for submitting applications,] in at least one centralized location [in that unit] that
9 is accessible to all employees; and

10 (ii) use any other method reasonably calculated to give eligible
11 employees notice of the vacancy; and

12 (3) advertise the position vacancy [at least 2 weeks] before the deadline for
13 submitting applications by:

14 (i) making available a job announcement to all appropriate State
15 agencies, based on selection limitations; and

16 (ii) using any other method that is reasonably calculated to ensure a
17 sufficient pool of applicants[, including printed advertisements in newspapers and journals,
18 paper and electronic bulletin board postings, and special notices].

19 7-205.

20 (a) After the close of a position announcement, the appointing authority shall:

21 (1) review the applications received to determine the applicants who meet
22 the minimum qualifications for the position;

23 (2) prepare a register of qualified applicants in random order;

24 (3) send to unqualified applicants a notice that they have failed to meet the
25 minimum qualifications for the position; and

26 (4) except as provided in subsection (b) of this section, if a competitive
27 examination that requires attendance at a test site is required for the position, send a notice
28 of the examination to qualified applicants on the register at least 10 days before the test
29 administration date.

30 (b) If less than [ten] **20** but more than two applicants meet the minimum

1 requirements for a position, the appointing authority may:

2 (1) make a selection from the register without the need for further selection
3 testing; or

4 (2) readvertise the position vacancy.

5 7–207.

6 (a) A credit under this section shall be applied to an applicant’s score on any
7 selection test administered to establish placement on a list of eligible candidates for which
8 the applicant otherwise is qualified and has at least the minimum passing score on a
9 selection test.

10 (b) [For a current State employee, an appointing authority shall apply a credit on
11 a selection test, of one–quarter point for each year of service in State government, up to a
12 maximum of five points for 20 years of State service.

13 (c)] (1) In this subsection, “eligible veteran” means a veteran of any branch of
14 the armed forces of the United States who has received an honorable discharge or a
15 certificate of satisfactory completion of military service, including the National Guard and
16 the military reserves.

17 (2) (i) An appointing authority shall apply a credit of ten points on any
18 selection test for:

19 1. an eligible veteran;

20 2. the spouse of an eligible veteran who has a service
21 connected disability; or

22 3. the surviving spouse of a deceased eligible veteran.

23 (ii) An appointing authority shall apply a credit of two additional
24 points on any selection test for a former prisoner of war.

25 (3) The following applicants are ineligible for a credit under this
26 subsection:

27 (i) a current State employee; and

28 (ii) an eligible veteran who is convicted of a crime after being
29 discharged from or completing military service.

30 [(d) (1) (i) In this subsection the following words have the meanings
31 indicated.

1 (ii) "Host county" means any county in which a qualified prison
2 facility is located.

3 (iii) "Adjacent county" means any county adjacent to a host county.

4 (iv) "Qualified prison facility" means any new State correctional
5 institution of 750 beds or more constructed for the Division of Correction of the Department
6 of Public Safety and Correctional Services on or after January 1, 1985.

7 (2) In the selection process for an initial appointment to any position in a
8 qualified prison facility, an appointing authority shall allow five points to each resident of
9 the host county or an adjacent county if, in the most recent 12-month period for which data
10 is available as reported by the Maryland Department of Labor, Licensing, and Regulation,
11 that county had an average unemployment rate that is more than 1.5 times the State
12 unemployment rate as a whole.

13 (e) (1) (i) In this subsection the following words have the meanings
14 indicated.

15 (ii) "Adjacent district" means a legislative district within Baltimore
16 City adjacent to the host district or, if the adjacent district extends beyond Baltimore City,
17 that part of the district within Baltimore City.

18 (iii) "Host district" means the legislative district in which the
19 Baltimore City Juvenile Justice Center is located.

20 (2) In the selection process for an initial appointment to any position at the
21 Baltimore Juvenile Justice Center, an appointing authority shall allow five points to each
22 resident of the host district or an adjacent district if, in the most recent 12-month period
23 for which data is available as reported by the Maryland Department of Labor, Licensing,
24 and Regulation, Baltimore City had an average unemployment rate that is more than 1.5
25 times the State unemployment rate as a whole.

26 (f) In the selection process for an appointment to a position within the State
27 Personnel Management System, an appointing authority shall allow five points to each
28 resident of the State of Maryland.

29 (g) (C) An appointing authority shall apply a credit of five points on a selection
30 test for an individual with a disability, as defined by the federal Americans with Disabilities
31 Act.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2019.