

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 803

(Senator Guzzone)

Budget and Taxation and Judicial Proceedings

Appropriations

Correctional Services - Drinking Driver Monitor Program - Position
Requirement

This bill requires the Division of Parole and Probation (DPP) within the Department of Public Safety and Correctional Services (DPSCS) to establish a Monitor III employee position classification within the Drinking Driver Monitoring Program (DDMP) and appoint an individual to fill the position. DPSCS must provide the position with a salary of at least Grade 13, Step 1 in the Standard Pay Plan established by the Secretary of Budget and Management. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: Special and/or general fund personnel expenditures for DPSCS increase beginning as early as FY 2023 to the extent individuals are appointed to Monitor III positions as a result of the bill, as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Secretary of Budget and Management is responsible for establishing classes within the State Personnel Management System, assigning a rate of pay to each class, and ensuring that each class comprises one or more positions (1) that are similar in their duties, responsibilities, and required qualifications and (2) to which the same

standards and rates of pay can be applied. In addition, the Secretary is responsible for creating additional classes and abolishing, combining, or modifying existing classes.

The head of a principal unit may classify positions in the unit, in accordance with the Secretary of Budget and Management's established standards and procedures, if the Secretary chooses to delegate the classification authority. If the Secretary delegates the classification authority to the head of a principal unit, that person must prepare a position classification plan for the Secretary's approval and classify all positions in accordance with the approved plan. The Secretary must conduct a position classification audit at least once every three years but only if the classification activity was delegated to the head of a principal unit. The Secretary may conduct operational audits of classification practices and records in principal units once every three years.

Report on Drinking Driver Monitor Positions

Language in the fiscal 2022 budget bill (Chapter 357 of 2021) restricted \$100,000 of the general fund appropriation for DPP until DPP, in collaboration with the Department of Budget and Management (DBM), submitted a report to the budget committees on DDMP monitor classifications. The language further (1) established the intent of the General Assembly that a new grade 13 Monitor III classification be created for DDMP monitors to mirror the career opportunities of DPP parole and probation agents and (2) required DPP and DBM, in the report, to identify a plan to create a new Monitor III classification, including the current number of Monitor II positions that could be promoted and the amount of funds necessary to support the changes. In its [report](#), DPP concluded that the length of service of most former employees supports the current classification structure.

Drinking Driver Monitoring Program and Fund

DPP is responsible for administering DDMP. All supervisees placed in DDMP must be subject to a monthly supervision fee and assessed a monthly program fee. The Budget Reconciliation and Financing Act of 2020 (Chapter 538) increased the monthly program fee from \$55 to \$75. Program fees collected by DPP are deposited in the DDMP Fund, a special, nonlapsing fund which must be used for all costs of DDMP.

In recent years, DDMP expenditures have exceeded DDMP Fund revenues, and general funds have been used to support the program. As noted above, Chapter 538 of 2020 increased the monthly program fee supporting the fund from \$55 to \$75. However, the DDMP Fund generated only \$3.3 million in revenues in fiscal 2021, a reduction from about \$5 million annually in fiscal 2018 through 2020, as fee waivers increased during the COVID-19 pandemic. The Governor's proposed fiscal 2023 budget includes \$7.1 million in DDMP Fund revenues to support monitor salaries.

State Expenditures: DBM can establish the new position classification and handle any associated programming costs with existing budgeted resources.

To the extent that existing monitors within DDMP are promoted to Monitor III positions as a result of the bill, special and/or general fund expenditures (to the extent that general funds continue to be used to supplement special funding for DDMP) increase due to increased employee compensation costs. For context, existing Drinking Driver Monitor II positions are grade 12 positions subject to the standard salary schedule for bargaining unit employees in units A, B, C, D, F, and H. Effective January 31, 2022, annual salary rates for grade 12 positions within this salary schedule range from \$37,785 to \$60,724, and annual salary rates for grade 13 positions range from \$40,166 to \$64,782. The annual salary rate associated with grade 13, step 1 under this salary schedule is \$41,625. (Under the bill, a Monitor III position must be provided a salary of at least grade 13, step 1 in the Standard Pay Plan.)

For illustrative purposes, DBM advises that, under one set of assumptions, *salary* costs potentially increase by approximately \$70,000 (presumably in fiscal 2023) under the bill, assuming that 25 existing Monitor II positions (approximately half of the 49 currently filled Monitor II positions) are reclassified as Monitor III positions under the bill. Under such a scenario, special and/or general fund expenditures for DPSCS potentially increase by roughly \$102,500 in the first full fiscal year, \$99,900 in the second full fiscal year, and by increasing amounts annually thereafter (reaching \$108,200 in the fifth full fiscal year, presumably fiscal 2027); these amounts include estimated increases in fringe benefit costs and reflect anticipated turnover in the out-years. However, the bill's precise impact cannot be reliably estimated, as it depends on the number of positions that will be reclassified as a result of the bill, the timing of these reclassifications, associated salary levels, and the combined effect of other salary adjustments, such as merit increases.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Budget and Management; Department of Public Safety and Correctional Services; Department of Legislative Services

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