

SENATE BILL 48

P4, E4

3lr0514

(PRE-FILED)

By: **Senator Lam**

Requested: October 6, 2022

Introduced and read first time: January 11, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Disaster Service and Uniformed Services Leave Modernization Act of 2023**

3 FOR the purpose of defining “local emergency manager” to clarify provisions of law relating
4 to the Cyber Preparedness Unit; adding certain State employees to certain provisions
5 of law authorizing disaster service leave with pay; authorizing certain appointing
6 authorities to waive certain requirements for disaster service leave and to increase
7 the number of days of disaster service leave under certain circumstances; defining
8 “uniformed services” for the purpose of adding certain individuals to certain
9 provisions of law relating to certain paid leave and military administrative leave;
10 and generally relating to disaster service and uniformed services leave for State
11 employees.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 14–104.1
15 Annotated Code of Maryland
16 (2022 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article – State Personnel and Pensions
19 Section 9–1102, 9–1104, and 9–1107
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2022 Supplement)

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

24 **Article – Public Safety**

25 14–104.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section the following words have the meanings indicated.

2 (2) **“LOCAL EMERGENCY MANAGER” MEANS AN INDIVIDUAL WHOSE**
3 **PRIMARY DUTY OF EMPLOYMENT IS TO EXECUTE THE MISSION OF EMERGENCY**
4 **MANAGEMENT.**

5 (3) “Local government” includes local school systems, local school boards,
6 and local health departments.

7 ~~(3)~~ (4) “Unit” means the Cyber Preparedness Unit.

8 (b) (1) There is a Cyber Preparedness Unit in the Department.

9 (2) In coordination with the State Chief Information Security Officer, the
10 Unit shall:

11 (i) support local governments in developing a vulnerability
12 assessment and cyber assessment, including providing local governments with the
13 resources and information on best practices to complete the assessments;

14 (ii) develop and regularly update an online database of cybersecurity
15 training resources for local government personnel, including technical training resources,
16 cybersecurity continuity of operations templates, consequence management plans, and
17 trainings on malware and ransomware detection;

18 (iii) assist local governments in:

19 1. the development of cybersecurity preparedness and
20 response plans;

21 2. implementing best practices and guidance developed by
22 the State Chief Information Security Officer; and

23 3. identifying and acquiring resources to complete
24 appropriate cybersecurity vulnerability assessments;

25 (iv) connect local governments to appropriate resources for any other
26 purpose related to cybersecurity preparedness and response;

27 (v) as necessary and in coordination with the National Guard, local
28 emergency managers, and other State and local entities, conduct regional cybersecurity
29 preparedness exercises; and

30 (vi) establish regional assistance groups to deliver and coordinate
31 support services to local governments, agencies, or regions.

1 (3) The Unit shall support the Office of Security Management in the
2 Department of Information Technology during emergency response efforts.

3 (c) (1) Each local government shall report a cybersecurity incident, including
4 an attack on a State system being used by the local government, to the appropriate local
5 emergency manager and the State Security Operations Center in the Department of
6 Information Technology and to the Maryland Joint Operations Center in the Department
7 in accordance with paragraph (2) of this subsection.

8 (2) For the reporting of cybersecurity incidents under paragraph (1) of this
9 subsection, the State Chief Information Security Officer shall determine:

10 (i) the criteria for determining when an incident must be reported;

11 (ii) the manner in which to report; and

12 (iii) the time period within which a report must be made.

13 (3) The State Security Operations Center shall immediately notify
14 appropriate agencies of a cybersecurity incident reported under this subsection through the
15 State Security Operations Center.

16 (d) (1) Five Position Identification Numbers (PINs) shall be created for the
17 purpose of hiring staff to conduct the duties of the Maryland Department of Emergency
18 Management Cybersecurity Preparedness Unit.

19 (2) For fiscal year 2024 and each fiscal year thereafter, the Governor shall
20 include in the annual budget bill an appropriation of at least:

21 (i) \$220,335 for 3 PINs for Administrator III positions; and

22 (ii) \$137,643 for 2 PINs for Administrator II positions.

23 Article – State Personnel and Pensions

24 9–1102.

25 (a) This section applies to all employees, including temporary employees, of all
26 units in the Executive, Judicial, and Legislative branches of State government, including
27 any unit with an independent personnel system.

28 (b) On request, an employee subject to this section may be entitled to disaster
29 service leave with pay if:

30 (1) (I) the employee is certified by the American Red Cross as a disaster
31 service volunteer; and

1 **[(2)] (II)** the American Red Cross requests the services of the employee
 2 during a disaster that is designated at Level II or above in the regulations and procedures
 3 of the National Office of the American Red Cross; **OR**

4 **(2) THE EMPLOYEE IS A MEMBER OF:**

5 **(I) THE CIVIL AIR PATROL;**

6 **(II) THE UNITED STATES COAST GUARD AUXILIARY; OR**

7 **(III) A MARYLAND VOLUNTARY ORGANIZATION ACTIVE IN A**
 8 **DISASTER, INCLUDING:**

9 1. **THE MARYLAND INCIDENT MANAGEMENT TEAM;**

10 2. **A VOLUNTEER EMERGENCY MEDICAL SERVICES**
 11 **DEPARTMENT;**

12 3. **A VOLUNTEER FIRE DEPARTMENT; OR**

13 4. **A VOLUNTEER RESCUE COMPANY OR VOLUNTEER**
 14 **RESCUE SQUAD.**

15 (c) An employee may use up to 15 days of disaster service leave in any 12-month
 16 period only after obtaining approval from the employee's appointing authority.

17 **(D) DURING A PROLONGED OR RECURRENT DISASTER, THE EMPLOYEE'S**
 18 **APPOINTING AUTHORITY MAY:**

19 **(1) WAIVE THE REQUIREMENTS UNDER SUBSECTIONS (B) AND (C) OF**
 20 **THIS SECTION THAT AN EMPLOYEE MUST REQUEST AND OBTAIN APPROVAL BEFORE**
 21 **THE EMPLOYEE MAY USE DISASTER SERVICE LEAVE, IF WAIVING THE REQUIREMENT**
 22 **WOULD BE IN THE BEST INTEREST OF THE CITIZENS OF THE STATE; AND**

23 **(2) INCREASE THE NUMBER OF DAYS OF DISASTER SERVICE LEAVE**
 24 **UNDER SUBSECTION (C) OF THIS SECTION THAT AN EMPLOYEE MAY USE, IF AN**
 25 **INCREASE WOULD BE IN THE BEST INTEREST OF THE CITIZENS OF THE STATE.**

26 **[(d)] (E) (1)** For purposes of workers' compensation and the Maryland Tort
 27 Claims Act, while an employee is using disaster service leave, the employee is deemed not
 28 to be a State employee.

29 **(2) THIS SUBSECTION DOES NOT APPLY TO A STATE EMPLOYEE**
 30 **PARTICIPATING AS A MEMBER OF THE MARYLAND INCIDENT MANAGEMENT TEAM.**

1 9–1104.

2 (A) IN THIS SECTION, “UNIFORMED SERVICES” HAS THE MEANING STATED
3 IN 38 U.S.C. § 4303.

4 (B) The Secretary may provide by regulation for leave with pay:

5 (1) for jury service;

6 (2) to attend employee organization events approved for this purpose by
7 the Secretary;

8 (3) up to 15 days for [military] UNIFORMED SERVICES training or active
9 [military] UNIFORMED SERVICES duty in a reserve unit of the armed forces or in the
10 organized militia;

11 (4) unless the employee is a party to the action or a paid witness, to appear
12 in compliance with a subpoena:

13 (i) in court;

14 (ii) before a grand jury;

15 (iii) before an administrative unit; or

16 (iv) for a deposition;

17 (5) for administrative leave for the purpose of immediately removing an
18 employee from the work site, if the employee:

19 (i) poses a threat to self, another individual, or State property; or

20 (ii) is incapable of properly performing the employee’s duties
21 because of extraordinary circumstances; and

22 (6) any other paid leave the Secretary deems necessary.

23 9–1107.

24 (a) IN THIS SECTION, “UNIFORMED SERVICES” HAS THE MEANING STATED
25 IN 38 U.S.C. § 4303.

26 (B) This section applies to all employees, except temporary employees, of all units
27 in the Executive, Judicial, and Legislative branches of State government, including any
28 unit with an independent personnel system.

1 **[(b)] (C)** **[Military] UNIFORMED SERVICES** administrative leave may be
2 provided to an employee subject to this section who:

3 (1) is on active **[military] UNIFORMED SERVICES** duty on July 1, 2003; or

4 (2) is activated for **[military] UNIFORMED SERVICES** duty on or after July
5 1, 2003.

6 **[(c)] (D)** (1) An employee who is eligible to receive **[military] UNIFORMED**
7 **SERVICES** administrative leave under this section is entitled to leave in an amount
8 sufficient to compensate the employee, during each pay period for which the employee is
9 eligible to receive **[military] UNIFORMED SERVICES** administrative leave under this
10 section, for the difference between the employee's active duty base salary paid by the federal
11 government and the employee's State base salary or direct wages.

12 (2) Compensation provided under this subsection may not exceed an
13 employee's State base salary or direct wages.

14 **[(d)] (E)** An employee eligible to receive **[military] UNIFORMED SERVICES**
15 administrative leave under this section who is activated for **[military] UNIFORMED**
16 **SERVICES** duty on or after July 1, 2003, shall elect to use either **[military] UNIFORMED**
17 **SERVICES** administrative leave or paid leave as provided in **[\$ 9-1104(3)] § 9-1104(B)(3)**
18 of this subtitle.

19 **[(e)] (F)** The Department shall keep a record of the use of **[military]**
20 **UNIFORMED SERVICES** administrative leave under this section.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2023.