

HOUSE BILL 1044

P4

4r3122
CF 4r0596

By: **Delegate Solomon**

Introduced and read first time: February 7, 2024

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Agency Workforce Policy for the 21st Century Act**

3 FOR the purpose of prohibiting a unit of State government from taking certain actions
4 related to the use of an applicant's or employee's lack of achievement of a certain
5 level of education in employment decisions; requiring the Secretary of Budget and
6 Management to rename the titles and alter the descriptions of certain State positions
7 under certain circumstances, identify occupations in State government that could
8 benefit from certain apprenticeship programs, and establish group-sponsored
9 apprenticeship programs; authorizing the Secretary to delegate certain authority to
10 certain heads of principal units of State government under certain circumstances;
11 requiring the Department of Budget and Management to use certain resources to
12 actively recruit for certain positions; and generally relating to State employment.

13 BY adding to

14 Article – State Personnel and Pensions
15 Section 2–203.2 and 4–206
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – State Personnel and Pensions
20 Section 7–201
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2023 Supplement)

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

25 **Article – State Personnel and Pensions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **2-203.2.**

2 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND EXCEPT AS
3 PROVIDED IN SUBSECTION (C) OF THIS SECTION, THIS SECTION APPLIES TO ALL
4 EMPLOYEES IN THE JUDICIAL, LEGISLATIVE, AND EXECUTIVE BRANCHES OF STATE
5 GOVERNMENT.

6 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
7 AN APPOINTING AUTHORITY MAY NOT:

8 (I) DEVELOP OR IMPLEMENT AN APPLICATION OR A HIRING
9 PROCESS THAT USES A GED, HIGH SCHOOL DIPLOMA, OR COLLEGE OR OTHER
10 HIGHER EDUCATION DEGREE AS A LIMITATION FOR WHO CAN APPLY FOR A
11 SPECIFIED POSITION;

12 (II) USE AN APPLICANT'S LACK OF A GED, HIGH SCHOOL
13 DIPLOMA, OR COLLEGE OR OTHER HIGHER EDUCATION DEGREE TO DENY AN
14 APPLICANT THE OPPORTUNITY TO APPLY FOR A POSITION; OR

15 (III) PROHIBIT AN EMPLOYEE FROM APPLYING FOR OR
16 PURSUING INTERNAL ADVANCEMENT WITHIN THE UNIT OF STATE GOVERNMENT ON
17 THE BASIS OF AN EMPLOYEE LACKING A GED, HIGH SCHOOL DIPLOMA, OR COLLEGE
18 OR OTHER HIGHER EDUCATION DEGREE.

19 (2) AN APPOINTING AUTHORITY IS NOT PROHIBITED FROM TAKING
20 THE ACTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION IF A MINIMUM
21 EDUCATIONAL QUALIFICATION IS NECESSARY TO OBTAIN AN OCCUPATIONAL
22 LICENSE REQUIRED FOR THE POSITION AND ISSUED UNDER THE AGRICULTURE
23 ARTICLE, THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, THE
24 BUSINESS REGULATION ARTICLE, THE HEALTH OCCUPATIONS ARTICLE, OR THE
25 PUBLIC SAFETY ARTICLE.

26 (C) (1) AFTER AN APPOINTING AUTHORITY MAKES AN INITIAL OFFER OF
27 EMPLOYMENT, THE APPOINTING AUTHORITY MAY INQUIRE AS TO THE APPLICANT'S
28 ACHIEVEMENT OF A GED, HIGH SCHOOL DIPLOMA, OR COLLEGE OR HIGHER
29 EDUCATION DEGREE.

30 (2) AN APPOINTING AUTHORITY MAY NOT RESCIND AN INITIAL OFFER
31 OF EMPLOYMENT BASED ON AN APPLICANT'S RESPONSE TO AN INQUIRY MADE
32 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

33 **4-206.**

1 **(A) THE SECRETARY SHALL:**

2 **(1) (I) RENAME THE TITLE AND ALTER THE DESCRIPTION OF A**
3 **POSITION IN THE SKILLED SERVICE, PROFESSIONAL SERVICE, MANAGEMENT**
4 **SERVICE, OR EXECUTIVE SERVICE IF, IN THE SECRETARY'S JUDGMENT, IT IS**
5 **NECESSARY TO REFLECT THE MISSION AND THE PURPOSE OF THE POSITION;**

6 **(II) ESTABLISH STANDARDS AND GENERAL PROCEDURES TO BE**
7 **USED TO RENAME THE TITLES AND ALTER THE DESCRIPTIONS OF POSITIONS IN THE**
8 **SKILLED SERVICE, PROFESSIONAL SERVICE, MANAGEMENT SERVICE, AND**
9 **EXECUTIVE SERVICE; AND**

10 **(III) PROVIDE ADVICE AND GUIDANCE ON THE USE OF THE**
11 **STANDARDS AND PROCEDURES; AND**

12 **(2) (I) IDENTIFY OCCUPATIONS WITHIN STATE AGENCIES THAT**
13 **COULD BENEFIT FROM APPRENTICESHIP PROGRAMS OR OTHER TRAINING**
14 **PROGRAMS; AND**

15 **(II) ESTABLISH GROUP-SPONSORED APPRENTICESHIP**
16 **PROGRAMS FOR THE OCCUPATIONS IDENTIFIED UNDER ITEM (I) OF THIS ITEM.**

17 **(B) (1) THE SECRETARY MAY DELEGATE AUTHORITY TO THE HEAD OF A**
18 **PRINCIPAL UNIT OF STATE GOVERNMENT WHOSE EMPLOYEES ARE GOVERNED BY**
19 **THE STATE PERSONNEL MANAGEMENT SYSTEM LAWS TO RENAME THE TITLES AND**
20 **ALTER THE DESCRIPTIONS OF POSITIONS IN THE PRINCIPAL UNIT IN ACCORDANCE**
21 **WITH STANDARDS AND PROCEDURES ESTABLISHED UNDER SUBSECTION (A)(1) OF**
22 **THIS SECTION.**

23 **(2) IF THE SECRETARY DELEGATES CLASSIFICATION AUTHORITY TO**
24 **THE HEAD OF A PRINCIPAL UNIT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**
25 **HEAD OF THE PRINCIPAL UNIT SHALL:**

26 **(I) SUBMIT A PLAN FOR THE SECRETARY'S APPROVAL FOR**
27 **RENAMING TITLES AND ALTERING DESCRIPTIONS OF POSITIONS IN THE PRINCIPAL**
28 **UNIT THAT ARE IN THE SKILLED SERVICE, PROFESSIONAL SERVICE, MANAGEMENT**
29 **SERVICE, AND EXECUTIVE SERVICE; AND**

30 **(II) RENAME THE TITLES AND ALTER THE DESCRIPTIONS OF**
31 **POSITIONS IN THE PRINCIPAL UNIT IN ACCORDANCE WITH THE APPROVED PLAN.**

1 **(C) EACH EMPLOYEE IN A RETITLED POSITION SHALL ASSUME THE NEW**
2 **TITLE, AND THE SECRETARY, THE COMPTROLLER, AND THE STATE TREASURER**
3 **SHALL USE THESE NEW TITLES IN ALL RELEVANT RECORDS AND COMMUNICATIONS.**

4 **(D) THE SECRETARY MAY:**

5 **(1) RENAME THE TITLES AND ALTER THE DESCRIPTIONS OF**
6 **POSITIONS IN A UNIT WHEN, IN THE SECRETARY'S JUDGMENT, IT IS NECESSARY TO:**

7 **(I) REFLECT THE MISSION AND THE PURPOSE OF THE**
8 **POSITIONS; OR**

9 **(II) PRESERVE THE INTEGRITY OF THE RENAMING SYSTEM; AND**

10 **(2) ORDER THE HEAD OF A PRINCIPAL UNIT TO TAKE APPROPRIATE**
11 **ACTION TO PROPERLY RENAME THE TITLE AND ALTER THE DESCRIPTION OF A**
12 **POSITION.**

13 **(E) (1) THE SECRETARY SHALL DETERMINE THE EFFECTIVE DATES FOR**
14 **NEWLY RENAMED POSITION TITLES AND ALTERED DESCRIPTIONS, POSITION**
15 **RENAMING AND DESCRIPTION ALTERING PLANS, AND RENAMING STANDARDS AND**
16 **PROCEDURES.**

17 **(2) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT**
18 **THIS SECTION.**

19 **(F) THE SECRETARY SHALL STUDY AND MAKE RECOMMENDATIONS TO THE**
20 **GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT**
21 **ARTICLE, THE GENERAL ASSEMBLY ON:**

22 **(1) THE AMOUNT OF TIME SPENT EVALUATING AND SELECTING**
23 **APPLICANTS FOR STATE POSITIONS; AND**

24 **(2) BEST PRACTICES TO MATERIALLY REDUCE THE AMOUNT OF TIME**
25 **SPENT EVALUATING AND SELECTING APPLICANTS FOR STATE POSITIONS.**

26 7-201.

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

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

- 1 1. decides to recruit for the position under § 7–203(2) of this
2 subtitle;
- 3 2. demonstrates that the position, based on the position
4 description, is difficult to fill;
- 5 3. demonstrates that the recruitment must occur in a timely
6 manner; and
- 7 4. notifies the Department of the recruitment.

8 (ii) A recruitment and appointment under this paragraph shall occur
9 in accordance with regulations adopted by the Department.

10 (iii) 1. The Department shall adopt regulations to implement this
11 paragraph.

12 2. The regulations adopted under this subparagraph shall
13 provide, at a minimum, that for positions designated as special appointments on January
14 1, 2009, an appointing authority shall retain the same recruitment authority that the
15 appointing authority possessed on January 1, 2009.

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

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

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

23 **(2) ACTIVELY RECRUIT FOR VACANT POSITIONS BY:**

24 **(I) ACCESSING INFORMATION DISCLOSED UNDER § 3–206(D)**
25 **OF THE LABOR AND EMPLOYMENT ARTICLE;**

26 **(II) ACCESSING INFORMATION DISCLOSED UNDER § 7–111 OF**
27 **THE EDUCATION ARTICLE;**

28 **(III) DEVELOPING SCHOOL–TO–WORK AND APPRENTICESHIP**
29 **PROGRAMS FOR STATE POSITIONS;**

30 **(IV) PROMOTING HEALTH BENEFITS, PENSION PLANS, AND**
31 **UNION REPRESENTATION AVAILABLE FOR STATE EMPLOYEES;**

1 **(V) WORKING COOPERATIVELY WITH CAREER COUNSELORS**
2 **EMPLOYED IN ACCORDANCE WITH THE BLUEPRINT FOR MARYLAND'S FUTURE; AND**

3 **(VI) COLLABORATING WITH LOCAL WORKFORCE DEVELOPMENT**
4 **BOARDS; and**

5 **[(2)] (3)** review and audit recruitment and hiring practices of all
6 appointing authorities at least once every 3 years.

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2024.