

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 1044
 Appropriations

(Delegate Solomon)

Finance

State Agency Workforce Policy for the 21st Century Act

This bill repeals the requirement that an appointing authority send a copy of the selection plan and job announcement to the Secretary of Budget and Management at least one week prior to posting a job announcement for a vacant skilled service or professional service position in the State Personnel Management System (SPMS). The bill also repeals the requirement that an appointing authority wait until after the close of a position announcement to review qualified applicants for a skilled service or professional service position in SPMS. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: None. The change is procedural in nature and does not directly affect governmental finances, although the bill creates operational efficiencies by removing requirements that may delay the hiring process for skilled service and professional service positions within SPMS.

Local Effect: None. The bill does not apply to local governments as employers.

Small Business Effect: None.

Analysis

Current Law:

State Employees within the State Personnel Management System

SPMS has four major employment categories designated in statute:

- executive service, which consists of chief administrators of principal units or comparable positions, including deputy secretaries or assistant secretaries;

- management service, which consists of positions that involve direct responsibility for the oversight and management of personnel and financial resources and that require the exercise of discretion and independent judgment;
- professional service, which consists of positions that require advanced knowledge in a field of science or learning and that normally require a professional license, advanced degree, or both; and
- skilled service, which consists of all other positions.

Skilled and Professional Service Positions within the State Personnel Management System

The Secretary must review and audit recruitment and hiring practices of all appointing authorities at least once every three years. When a skilled service or professional service position is to be filled, the appointing authority must complete a position selection plan that includes specified information. Each unit within SPMS must fill vacant skilled service and professional service positions in accordance with a position selection plan.

For a vacant position, the appointing authority must send a copy of the selection plan and job announcement to the Secretary of Budget and Management at least one week before posting the job announcement to assure public access. If current employees or contractual employees may be eligible for the position, then a job announcement must be posted for at least two weeks before the deadline for submitting applications. The position vacancy must be advertised for at least two weeks before the application deadline by making available a job announcement to all appropriate State agencies and using any other method to ensure a sufficient pool of applicants, including printed advertisements in newspapers and journals, paper and electronic bulletin board postings, and special notices.

After the close of a position announcement, the appointing authority must review the applications received to determine the qualified applicants, prepare a register of qualified applicants in random order, and send a notice to unqualified applicants that they failed to meet the minimum qualifications for the position. After the close of a position announcement, the appointing authority must also send notice of a competitive examination at least 10 days before the test administration date if such an examination is required. If at least 2 but fewer than 10 applicants meet the minimum requirements for a position, the appointing authority may readvertise the position vacancy or make a selection from the register without the need for further selection testing.

An appointing authority may forego the SPMS position selection plan and recruit for a skilled or professional service position if the appointing authority decides to recruit for the position, the position is difficult to fill, the recruitment must occur in a timely manner, and the Department of Budget and Management is notified.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Institute for Emergency Medical Services Systems; Maryland Department of Aging; Department of Commerce; Maryland Department of Emergency Management; Alcohol, Tobacco, and Cannabis Commission; Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; University System of Maryland; Maryland Department of Agriculture; Department of Budget and Management; Maryland Department of the Environment; Department of General Services; Maryland Department of Health; Department of Housing and Community Development; Department of Human Services; Department of Juvenile Services; Maryland Department of Labor; Department of Natural Resources; Maryland Department of Planning; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Veterans Affairs; Office of Administrative Hearings; Department of Service and Civic Innovation; Maryland Insurance Administration; Maryland State Lottery and Gaming Control Agency; Public Service Commission; Maryland Stadium Authority; Department of Legislative Services

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