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SENATE BILL 757 State Personnel Management System – Office of the Public Defender –Placement (Carter)

STATEMENT OF INFORMATION - AMENDMENT REQUESTED

DATE: March 4, 2021

COMMITTEE: Senate Finance

SUMMARY OF BILL: SB 757 removes the assistant public defenders and all other positions in the Office of Public Defender from appointed positions to appropriate employment categories in the State Personnel Management System (SPMS). The Deputy Public Defender is in the executive service of the and the district public defender is in the management service. Employees in the professional or skill service categories may only be terminated for cause. By January 1, 2022, the Public Defender shall assign each appointee or employee of the Office to the appropriate employment category.

EXPLANATION: SB 757 converts assistant public defenders and other positions in the Office from at-will employees to merit protected employees.

A long-standing practice in the State is to not simply convert at-will employees to merit protected positions without a competitive recruitment. Typically, these positions are only converted to merit upon vacancy. Incoming employees would then gain merit-protected status after going through the state's competitive selection process. Typically, similar legislation has included provisions that make employees merit protected only upon vacancy, including Ch. 690 of 2009 that repealed the automatic at-will status of a number of groups of employees throughout State government.

The Department respectfully suggests that such an amendment is appropriate and requests that it be added to SB 757.

On page 5, strike lines 3-5, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That a position identified to change employment category as a result of Section 1 of this Act shall remain an at-will position until the position becomes vacant.”

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