9lr0137 CF SB 169

By: The Speaker (By Request - Administration) and Delegates Adams, Anderton, Arentz, Arikan, Beitzel, Buckel, Chisholm, Ciliberti, Clark, Corderman, Cox, Hartman, Hornberger, Jacobs, Kipke, Kittleman, Krebs, Mautz, McComas, McKay, Metzgar, Morgan, Otto, Reilly, Rose, Saab, and Szeliga

Introduced and read first time: January 23, 2019

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

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State Personnel Recruitment Modernization Act of 2019

3 FOR the purpose of altering the recruitment and appointment process for certain positions 4 in the skilled service or professional service in the State Personnel Management 5 System under certain circumstances; requiring an appointing authority initiating a 6 certain recruitment and appointment to notify the Department of Budget and 7 Management of the recruitment; repealing certain time frames for the preparation 8 of certain job announcements by certain appointing authorities for certain positions 9 in State government; repealing specific requirements regarding the posting and 10 advertising of certain position vacancies; increasing a certain threshold number of 11 applicants under which an appointing authority may select an applicant without the 12 need for further selection testing or readvertise the position vacancy; repealing 13 certain point credits on certain selection tests for placement on a certain list of eligible candidates for certain positions; making a technical correction; and generally 14 15 relating to the State Personnel Management System recruitment and appointment 16 process.

- 17 BY repealing and reenacting, with amendments,
 - Article State Personnel and Pensions
- 19 Section 7–201, 7–204, 7–205, and 7–207
- 20 Annotated Code of Maryland
- 21 (2015 Replacement Volume and 2018 Supplement)
- 22 BY repealing and reenacting, without amendments,
- 23 Article State Personnel and Pensions
- 24 Section 7–203(a)
- 25 Annotated Code of Maryland
- 26 (2015 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



$\frac{1}{2}$	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
3	Article - State Personnel and Pensions
4	7–201.
5 6	(a) (1) This subtitle does not apply to a special appointment position in the skilled service or professional service.
7 8 9	(2) (i) This subtitle does not apply to the recruitment for or the appointment to a position in the skilled service or professional service if the appointing authority[:
10 11	1.] decides to recruit for the position under [§ 7–203(2)] § 7–203(A)(2) of this subtitle[;], AND DEMONSTRATES THAT:
12 13	[2.] 1. [demonstrates that] the position, based on the position description, is difficult to fill; OR
14 15	[3.] 2. [demonstrates that] the recruitment must occur in a timely manner[; and
16	4. notifies the Department of the recruitment].
17 18 19	(II) AN APPOINTING AUTHORITY INITIATING A RECRUITMENT AND APPOINTMENT UNDER THIS PARAGRAPH SHALL NOTIFY THE DEPARTMENT OF THE RECRUITMENT.
20 21	[(ii)] (III) A recruitment and appointment under this paragraph shall occur in accordance with regulations adopted by the Department.
22 23	[(iii)] (IV) 1. The Department shall adopt regulations to implement this paragraph.
24 25 26 27	2. The regulations adopted under this subparagraph shall provide, at a minimum, that for positions designated as special appointments on January 1, 2009, an appointing authority shall retain the same recruitment authority that the appointing authority possessed on January 1, 2009.
28	(b) Each unit shall fill vacant skilled service and professional service positions in

To ensure compliance with State and federal employment laws and to ensure

consistency in recruitment and hiring practices in the State Personnel Management

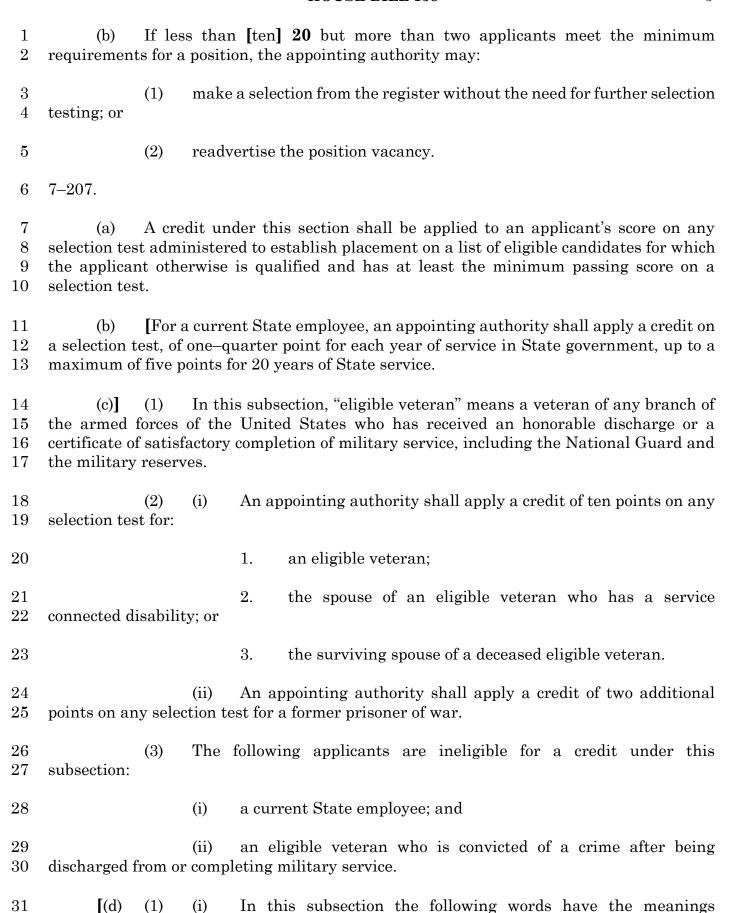
accordance with a position selection plan.

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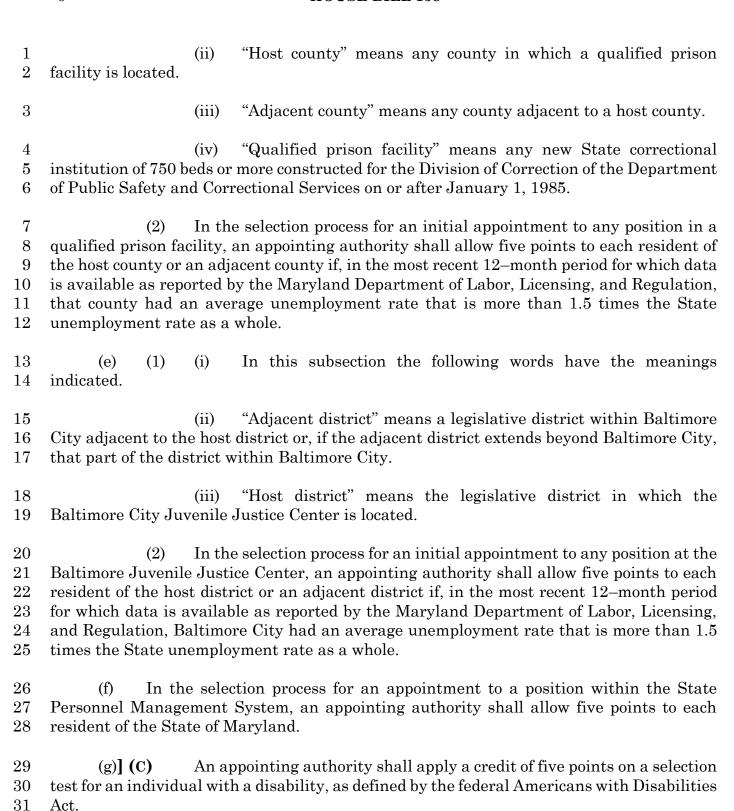
- 1 System, the Department shall:
- 2 (1) assist units in developing application forms, position selection plans, 3 selection tests, and announcement forms; and
- 4 (2) review and audit recruitment and hiring practices of all appointing 5 authorities at least once every 3 years.
- 6 (d) On request of a unit that is not able to conduct all or part of its own recruitment or selection testing for a position because it lacks the appropriate resources, the Department, consistent with its resources, shall assist the unit in conducting the requested recruitment and selection testing.
- 10 7–203.
- 11 (a) An appointing authority may select candidates for a position:
- 12 (1) from an existing list of eligible candidates;
- 13 (2) if the appointing authority decides to recruit for the position, by 14 recruitment;
- 15 (3) from a special list of eligible candidates whom the Division of 16 Rehabilitation Services of the Department of Education certifies as being physically 17 capable and adequately trained to qualify for the position;
- 18 (4) from a list of contractual employees performing the same or similar duties of the position; or
- 20 (5) as provided in subsection (b) of this section.
- 21 7–204.
- 22 (a) To recruit candidates for a position, an appointing authority shall prepare a job announcement for the position and conduct recruitment in accordance with the position selection plan.
- 25 (b) A job announcement shall contain:
- 26 (1) a summary of the position description;
- 27 (2) the minimum qualifications for the class and any selective 28 qualifications necessary for consideration;
- 29 (3) the type of selection test that will be administered to those meeting the 30 position's minimum qualifications;

1	(4) the location and deadline for submitting applications; and
2	(5) the duration of the list of eligibles derived from the announcement.
3	(c) For a vacant position under this subtitle, the appointing authority shall:
4 5	(1) send a copy of the selection plan and job announcement to the Secretary [at least 1 week] before posting the job announcement to assure public access;
6 7	(2) if current employees or contractual employees in the unit may be eligible for the position:
8 9 10	(i) post the job announcement [for at least 2 weeks before the deadline for submitting applications,] in at least one centralized location [in that unit] that is accessible to all employees; and
11 12	(ii) use any other method reasonably calculated to give eligible employees notice of the vacancy; and
13 14	(3) advertise the position vacancy [at least 2 weeks] before the deadline for submitting applications by:
15 16	(i) making available a job announcement to all appropriate State agencies, based on selection limitations; and
17 18 19	(ii) using any other method that is reasonably calculated to ensure a sufficient pool of applicants [, including printed advertisements in newspapers and journals, paper and electronic bulletin board postings, and special notices].
20	7–205.
21	(a) After the close of a position announcement, the appointing authority shall:
22 23	(1) review the applications received to determine the applicants who meet the minimum qualifications for the position;
24	(2) prepare a register of qualified applicants in random order;
25 26	(3) send to unqualified applicants a notice that they have failed to meet the minimum qualifications for the position; and
27 28 29 30	(4) except as provided in subsection (b) of this section, if a competitive examination that requires attendance at a test site is required for the position, send a notice of the examination to qualified applicants on the register at least 10 days before the test administration date.



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indicated.



32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 33 October 1, 2019.