

HOUSE BILL 526

P4

2lr2228
CF SB 455

By: **Delegates Clagett, Anderson, Barkley, Bohanan, Guzzone, Haynes, Hucker, Jones, Mizeur, Proctor, B. Robinson, Washington, and Zucker**

Introduced and read first time: February 3, 2012

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2012

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – Special Appointments – Status**

3 FOR the purpose of repealing certain provisions of law that designate certain positions
4 and employees as special appointments in the State Personnel Management
5 System; authorizing the Chief Executive Officer of the Maryland Correctional
6 Enterprises to hire certain individuals consistent with certain policies and
7 procedures as of a certain date; establishing that certain special appointment
8 positions in the Maryland Correctional Enterprises are managerial,
9 supervisory, and confidential positions; repealing a provision of law that certain
10 employees in the Maryland Correctional Enterprises may be in the skilled
11 service category of the State Personnel Management System; providing that
12 ~~assistant~~ certain attorneys ~~general~~ and certain positions that provide direct
13 support to the Attorney General and certain positions are special appointments
14 in the State Personnel Management System; providing that certain at-will
15 positions that are encumbered on a certain date shall remain at-will positions
16 until the positions are vacant; providing that the Attorney General retains
17 certain authority for certain positions as of a certain date; and generally
18 relating to State personnel and special appointments.

19 BY repealing and reenacting, with amendments,
20 Article – Correctional Services
21 Section 3–506
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – State Government
 3 Section 6–105(a)
 4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2011 Supplement)

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

8 **Article – Correctional Services**

9 3–506.

10 (a) ~~[(1)]~~ The Chief Executive Officer:

11 ~~[(i)]~~ ~~(1)~~ shall determine the personnel requirements of
 12 Maryland Correctional Enterprises; ~~and~~

13 ~~[(ii)]~~ ~~(2)~~ is the appointing authority for all personnel of
 14 Maryland Correctional ~~Enterprises~~ **ENTERPRISES; AND**

15 **(III) MAY HIRE INDIVIDUALS AND INMATES CONSISTENT**
 16 **WITH EXISTING POLICIES AND PROCEDURES OF THE MARYLAND**
 17 **CORRECTIONAL ENTERPRISES AS OF JULY 1, 2012.**

18 ~~[(2)]~~ ~~(B)~~ The number of positions for Maryland Correctional
 19 Enterprises shall be included within the total personnel allocations provided for the
 20 Department.

21 ~~[(b) Except as provided in subsection (c) of this section or any other law, each~~
 22 ~~position in Maryland Correctional Enterprises is a special appointment in the State~~
 23 ~~Personnel Management System~~ **SPECIAL APPOINTMENT POSITIONS IN THE**
 24 **MARYLAND CORRECTIONAL ENTERPRISES ARE MANAGERIAL, SUPERVISORY,**
 25 **AND CONFIDENTIAL POSITIONS.**

26 ~~(c) Unless the employee is a special appointment, each office clerk and office~~
 27 ~~secretary position in Maryland Correctional Enterprises is in the skilled service~~
 28 ~~employment category of the State Personnel Management System.]~~

29 **Article – State Government**

30 6–105.

31 (a) (1) The Attorney General may employ a staff in accordance with the
 32 State budget.

1 (2) [Staff members] ~~ASSISTANT ATTORNEYS GENERAL~~
2 ATTORNEYS, POSITIONS THAT PROVIDE DIRECT SUPPORT TO THE ATTORNEY
3 GENERAL, AND POSITIONS THAT PROVIDE DIRECT SUPPORT TO THE POSITIONS
4 SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION, appointed under this
5 subsection:

6 (i) notwithstanding any other law, and except as provided in
7 paragraph (3) of this subsection, are deemed special appointments within the meaning
8 of § 6-405(a) of the State Personnel and Pensions Article;

9 (ii) may not be determined to be special appointments under §
10 6-405(b) of the State Personnel and Pensions Article; and

11 (iii) serve at the pleasure of the Attorney General.

12 (3) The following positions are special appointments under § 6-405(b)
13 of the State Personnel and Pensions Article:

14 (i) Deputy Attorney General;

15 (ii) special assistant to the Attorney General;

16 (iii) executive counsel to the Attorney General;

17 (iv) director or chief of a division or unit in the Office; and

18 (v) principal counsel to a State unit.

19 (4) (i) Staff appointed under this subsection is entitled to
20 compensation as provided in the State budget.

21 (ii) Unless the State budget provides otherwise, the salary of a
22 Deputy Attorney General, assistant Attorney General, or special attorney appointed
23 under this subsection is payable from the funds of the Office.

24 (5) Staff is entitled to reimbursement for expenses under the Standard
25 State Travel Regulations, as provided in the State budget.

26 SECTION 2. AND BE IT FURTHER ENACTED, That an at-will position that
27 is designated as a special appointment that is encumbered on the effective date of this
28 Act and the status of which would change as a result of Section 1 of this Act shall
29 remain an at-will position until the position becomes vacant.

30 SECTION 3. AND BE IT FURTHER ENACTED, That for positions designated
31 as special appointments on June 30, 2012, the Office of the Attorney General shall
32 retain the same recruitment authority that the office possessed on June 30, 2012.

1 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect July 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.