

Chapter 512

(House Bill 526)

AN ACT concerning

State Personnel – Special Appointments – Status

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

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

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

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

Article – Correctional Services

3–506.

(a) ~~¶(1)¶~~ The Chief Executive Officer:

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

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

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

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

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

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

Article – State Government

6–105.

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

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

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

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

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

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

- (i) Deputy Attorney General;
- (ii) special assistant to the Attorney General;
- (iii) executive counsel to the Attorney General;
- (iv) director or chief of a division or unit in the Office; and
- (v) principal counsel to a State unit.

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

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

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

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

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

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

Approved by the Governor, May 22, 2012.