SENATE BILL 422

P4 9lr2135 SB 678/18 – FIN

By: Senators Benson, Feldman, Klausmeier, and Zucker

Introduced and read first time: February 1, 2019

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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State Department of Education - Employment Categories and Practices

3 FOR the purpose of altering the employment categories of certain employees of the State 4 Department of Education; requiring that all positions in the Department be 5 appointed positions in the professional service and skilled service as well as the 6 executive service and management service, subject to a certain exception; repealing 7 the authority for certain special appointment positions in the Department; altering 8 the procedures for the appointment, setting of qualifications, and transfer of 9 employees of the Department; specifying that certain employees serve at the pleasure of the State Board of Education and the State Superintendent of Schools; 10 11 specifying that certain removal procedures apply to certain other employees; altering 12 the removal procedures for certain employees; requiring that the Department 13 determine which employment classifications at the Department would be described 14 as being in the skilled service or the professional service; requiring that, beginning 15 on a certain date, all employees hired by the Department in certain classifications 16 be hired, promoted, or transferred in accordance with certain requirements; and 17 generally relating to the employment categories and practices of the State 18 Department of Education.

19 BY repealing and reenacting, with amendments,

20 Article – Education

Section 2–104 and 2–105

22 Annotated Code of Maryland

23 (2018 Replacement Volume and 2018 Supplement)

24 BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section 6-405(a)(3)

27 Annotated Code of Maryland

28 (2015 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 Article – Education

- 4 2–104.
- 5 (a) The following [professional assistants] **EMPLOYEES** shall be appointed to **POSITIONS IN** the Department:
- 7 (1) No more than three Deputy State Superintendents of Schools;
- 8 (2) Any assistant State superintendents and directors authorized by the 9 State Board and provided in the State budget; and
- 10 (3) Any other [professional assistants and agents] EMPLOYEES TO FILL 11 POSITIONS authorized by the State Board and provided in the State budget.
- 12 (b) (1) **(I)** From the nominees proposed by the State Superintendent, the 13 State Board shall appoint all [professional assistants to] **EMPLOYEES TO POSITIONS IN** 14 the Department [, who].
- 15 (II) EXCEPT AS PROVIDED IN § 6-405(A)(3) OF THE STATE
 16 PERSONNEL AND PENSIONS ARTICLE, ALL POSITIONS shall be in the executive service,
 17 management service, [or special appointments] PROFESSIONAL SERVICE, OR SKILLED
 18 SERVICE in the State Personnel Management System.
- 19 (2) With the advice of the State Superintendent, the State Board shall set 20 the qualifications for each [professional] position IN THE DEPARTMENT.
- 21 (3) The State Superintendent may transfer [professional assistants] 22 **EMPLOYEES** within the Department as necessary.
- 23 (c) (1) All [professional assistants] EMPLOYEES WHO ARE ASSIGNED TO 24 THE EXECUTIVE SERVICE OR MANAGEMENT SERVICE OR WHO ARE SPECIAL 25 APPOINTEES shall serve at the pleasure of the State Board and the State Superintendent.
- 26 (2) All [other professional assistants] EMPLOYEES IN THE 27 PROFESSIONAL OR SKILLED SERVICE shall be removed in accordance with procedures 28 [set by the State Board] SET FORTH IN § 2–105 OF THIS SUBTITLE AND TITLE 11 OF 29 THE STATE PERSONNEL AND PENSIONS ARTICLE.
- 30 (d) (1) In addition to the other duties specified in this section, each 31 [professional assistant to] **EMPLOYEE IN** the Department has the duties assigned to [him] 32 **THE EMPLOYEE** by the State Superintendent.

- 1 (2) The Deputy State Superintendent designated by the State 2 Superintendent or by the State Board is the acting State Superintendent when the State 3 Superintendent is absent or disabled.
- 4 (3) Assistant State superintendents and directors have charge of the 5 various divisions of the Department.
- $6 \quad 2-105.$
- [(a) Unless otherwise provided by law, the State Superintendent shall appoint and remove all clerical assistants and other nonprofessional personnel of the Department in accordance with the provisions of the State Personnel and Pensions Article that govern the skilled service, with the exception of special appointments.
- 11 (b) The credential secretary and statistician of the Department are special appointments in the State Personnel Management System.

Article - State Personnel and Pensions

14 6–405.

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- 15 (a) Except as otherwise provided by law, individuals in the following positions in the skilled service and professional service are considered special appointments:
- 17 (3) as determined by the Secretary, a position which performs a significant policy role or provides direct support to a member of the executive service;
- SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2019, the 19 20 State Department of Education shall determine which employment classifications at the 21Department would ordinarily be described as being in the skilled service or the professional 22 service. Beginning July 1, 2019, all employees hired by the Department in classifications 23 that the Department determines would ordinarily be described as skilled or professional 24shall be hired, promoted, or transferred in accordance with the requirements for skilled or 25professional employees under Title 6, Subtitle 4 of the State Personnel and Pensions 26 Article.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.