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By: **Chairman, Appropriations Committee (By Request - Departmental - Budget and Management)**

Introduced and read first time: January 29, 2004

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel - Duties of Department and Secretary of Budget and**  
3 **Management**

4 FOR the purpose of authorizing, rather than requiring, the Secretary of Budget and  
5 Management to conduct certain position and operational audits for positions in  
6 the State Personnel Management System and to audit a sample of instances of  
7 contractual employment for a certain purpose; authorizing, rather than  
8 requiring, the Department of Budget and Management to assist units in  
9 developing certain forms, plans, and tests for recruitment and hiring in the  
10 State Personnel Management System and to review and audit certain  
11 recruitment and hiring practices of appointing authorities; and generally  
12 relating to State personnel and the duties of the Secretary of Budget and  
13 Management and the Department of Budget and Management.

14 BY repealing and reenacting, with amendments,  
15 Article - State Personnel and Pensions  
16 Section 4-203, 7-201, and 13-205  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 2003 Supplement)

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

21 **Article - State Personnel and Pensions**

22 4-203.

23 (a) The head of a principal unit shall submit for the Secretary's approval a  
24 position classification plan for classifying positions in the unit that are in the skilled  
25 service, professional service, and management service.

26 (b) The head of a principal unit or designee shall classify skilled service  
27 positions, professional service positions, and management service positions in the  
28 unit in accordance with the approved classification plan.

1 (c) (1) Each employee in a position shall assume the classification title  
2 given the class to which that position belongs.

3 (2) The Secretary, the Comptroller, and the Treasurer shall use these  
4 classification titles in all relevant records and communications.

5 (d) To ensure that positions in the State Personnel Management System are  
6 classified properly, the Secretary:

7 (1) [shall] MAY conduct position classification audits; and

8 (2) [shall] MAY conduct operational audits of classification practices and  
9 records in units as necessary.

10 7-201.

11 (a) This subtitle does not apply to a special appointment position in the skilled  
12 service or professional service.

13 (b) Each unit shall fill vacant skilled service and professional service positions  
14 in accordance with a position selection plan.

15 (c) To ensure compliance with State and federal employment laws and to  
16 ensure consistency in recruitment and hiring practices in the State Personnel  
17 Management System, the Department [shall] MAY:

18 (1) assist units in developing application forms, position selection plans,  
19 selection tests, and announcement forms; and

20 (2) periodically review and audit recruitment and hiring practices of  
21 [all] SELECTED appointing authorities.

22 (d) On request of a unit that is not able to conduct all or part of its own  
23 recruitment or selection testing for a position because it lacks the appropriate  
24 resources, the Department, consistent with its resources, shall assist the unit in  
25 conducting the requested recruitment and selection testing.

26 13-205.

27 (a) The Secretary periodically [shall] MAY audit a sample of instances of  
28 contractual employment in the various units to determine whether:

29 (1) justification exists in each instance to continue certification for the  
30 contractual employee; and

31 (2) the guidelines adopted under § 13-203 of this subtitle have been  
32 followed.

33 (b) (1) If, as a result of an audit, the Secretary determines that services  
34 performed by a contractual employee should be performed by a permanent employee,  
35 the Secretary shall:

1 (i) refuse to renew the certification for the contractual employee;

2 and

3 (ii) recommend that a position for a permanent employee be

4 established.

5 (2) If, as a result of an audit, the Secretary determines that a unit has  
6 not complied with the guidelines adopted under § 13-203 of this subtitle, the

7 Secretary shall:

8 (i) advise the unit of the nature of the noncompliance; and

9 (ii) suggest alternate criteria or methods that would have complied

10 with the guidelines.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take

12 effect October 1, 2004.