A BILL ENTITLED

1 AN ACT concerning

State Agencies - Written Personnel Policies and Practices - Job Descriptions
- Employee Appraisals - Additional Requirements

4 FOR the purpose of requiring State departments, agencies, and units to develop and maintain written personnel policies and practices with respect to recruitment, retention, supervision, evaluation, and termination for all employees in those departments, agencies, and units, including special appointees in the skilled, professional, and management services; providing for the specific provisions that must be included in the written personnel policies and practices required by this Act; extending current provisions to require special appointees in the skilled, professional, and management services to be given a certain written job description and an annual performance evaluation; and generally relating to State personnel in the Executive Branch of the State government.

14 BY repealing and reenacting, without amendments,
15 Article - State Personnel and Pensions
16 Section 1-101(k)(1)
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2005 Supplement)

19 BY adding to
20 Article - State Personnel and Pensions
21 Section 7-101.1
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2005 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - State Personnel and Pensions
26 Section 7-102 and 7-501
27 Annotated Code of Maryland
28 (2004 Replacement Volume and 2005 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That the Laws of Maryland read as follows:

Article - State Personnel and Pensions

(k) “Principal unit” means:
(1) a principal department or other principal independent unit of State
government; or

7-101.1.

(A) EACH PRINCIPAL UNIT SHALL DEVELOP AND MAINTAIN WRITTEN
PERSONNEL POLICIES AND PRACTICES WITH RESPECT TO RECRUITMENT,
RETENTION, TRAINING, SUPERVISION, AND EVALUATION OF ALL EMPLOYEES,
INCLUDING SPECIAL APPOINTMENTS IN THE SKILLED, PROFESSIONAL, AND
MANAGEMENT SERVICES, IN THE PRINCIPAL UNIT.

(B) THE POLICIES AND PRACTICES SHALL INCLUDE:
(1) CONSISTENT WITH THE PROVISIONS OF § 7-102 OF THIS SUBTITLE,
WRITTEN JOB DESCRIPTIONS AND TITLES FOR EACH POSITION;
(2) SALARY SCALES AND INFORMATION RELATING TO SALARY
INCREASES;
(3) A DESCRIPTION OF EMPLOYEE BENEFITS, INCLUDING PROVISION
FOR PAID ANNUAL LEAVE, SICK LEAVE, HOLIDAYS, AND SPECIAL LEAVE OR
BENEFITS;
(4) CONSISTENT WITH THE PROVISIONS OF § 7-105 OF THIS SUBTITLE,
AT LEAST AN ANNUAL EVALUATION OF THE WORK AND PERFORMANCE OF EACH
EMPLOYEE;
(5) PROVISIONS THAT ENCOURAGE PROFESSIONAL GROWTH THROUGH
SUPERVISION, ORIENTATION, IN-SERVICE TRAINING, AND EMPLOYEE
DEVELOPMENT;
(6) FAIR AND RESPECTFUL PROCEDURES FOR RESIGNATION,
RETIREMENT, AND TERMINATION;
(7) A GRIEVANCE PROCEDURE FOR EMPLOYEES;
(8) WRITTEN CONFIDENTIALITY PROCEDURES FOR MAINTAINING
PERSONNEL RECORDS;
AT LEAST ANNUAL REVIEW, NECESSARY REVISIONS, AND REISSUANCE OF THE PERSONNEL POLICIES AND PRACTICES TO KEEP THE EMPLOYEES INFORMED OF CHANGES;

A 5-YEAR RETENTION OF PERSONNEL FILES AFTER THE TERMINATION OF AN EMPLOYEE; AND

THE MAINTAINING OF A NONDISCRIMINATORY, NONHOSTILE, AND NONTHREATENING WORK ENVIRONMENT IN THE PRINCIPAL UNIT CONSISTENT WITH THE STATE'S FAIR EMPLOYMENT PRACTICES.

7-102.

(a) (1) Each employee in the skilled service, professional service, and management service, including special appointees in each of those services, shall be provided with a written position description which describes the essential duties and responsibilities the employee is expected to perform and the standards for satisfactory performance on a form approved by the Secretary.

(2) A successful applicant for a position in the skilled service, professional service, or management service shall be provided with a position description for review before accepting appointment to the position.

(b) The appointing authority or designee shall approve position descriptions and revised position descriptions for the positions in the unit.

(c) (1) A supervisor shall:

(i) ensure the preparation of a position description for each position over which the supervisor has primary direct responsibility;

(ii) maintain position descriptions for the positions under the supervisor's jurisdiction; and

(iii) give each supervised employee a copy of the position description for the employee's position.

(2) The supervisor and employee shall review the position description for the employee's position and make any necessary revision:

(i) whenever there is a change in the essential functions of the position; and

(ii) as part of the employee's performance appraisal.

(3) When there is no position description for a new or vacant position, the primary direct supervisor of the position shall:

(i) prepare a position description for the position; and

(ii) submit it as part of the selection plan to fill the position.
A position description shall contain information required by the Secretary, including a description of the essential functions of the position.

The duties and responsibilities assigned to a position shall be consistent with the duties and responsibilities for the position's assigned class.

An employee may grieve the assignment of duties and responsibilities only if those assigned duties and responsibilities clearly are applicable to a different class.

The performance of each employee in the skilled service, professional service, and management service, including special appointees in each of those services, shall be evaluated in accordance with this subtitle.

The appointing authority shall ensure that each of the unit's employees who is subject to this subtitle has performance evaluations in accordance with this subtitle and procedures established by the Secretary.

Each supervisor of an employee subject to this subtitle shall attend mandatory training by the Department on the methods and procedures required in the performance appraisal process.

Factors in evaluating a manager's or supervisor's performance shall include:

- Attendance at any required performance appraisal training;
- Adherence to established methods and procedures in conducting performance appraisals;
- The timely completion of performance appraisals for employees assigned to the supervisor; and
- Except as provided in subsection (e) of this section, the results of an anonymous survey of employees assigned to the supervisor in accordance with procedures established by the Secretary.

The anonymous survey requirement under subsection (d)(4) of this section shall not be a factor in evaluating a manager's or supervisor's performance if fewer than five employees are assigned to the manager or supervisor.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2006.