

HOUSE BILL 909

P4

8lr1698

By: **Delegates Robinson, Anderson, Burns, Carter, Conaway, Glenn, Harrison, Haynes, Kirk, Krysiak, Oaks, Stukes, and Walker**
Introduced and read first time: February 6, 2008
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Employee Development and Training Institute**

3 FOR the purpose of establishing an Employee Development and Training Institute in
4 the Department of Budget and Management; requiring the Executive Director
5 of Personnel Services and Benefits of the Department to enter into a certain
6 contract for certain services concerning the Institute; requiring the Secretary of
7 Budget and Management to adopt certain regulations; requiring a certain
8 annual report to the House Appropriations Committee and the Senate Budget
9 and Taxation Committee; and generally relating to an Employee Development
10 and Training Institute for State employees.

11 BY repealing and reenacting, without amendments,
12 Article – State Personnel and Pensions
13 Section 10–101 through 10–105 and 13–401 through 13–403
14 Annotated Code of Maryland
15 (2004 Replacement Volume and 2007 Supplement)

16 BY adding to
17 Article – State Personnel and Pensions
18 Section 10–106
19 Annotated Code of Maryland
20 (2004 Replacement Volume and 2007 Supplement)

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

23 **Article – State Personnel and Pensions**

24 10–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 Except as otherwise provided, this title applies to all employees in the State
2 Personnel Management System.

3 10-102.

4 There is an employee training program administered by the Department.

5 10-103.

6 The purposes of the training program are to:

7 (1) develop the capabilities of employees;

8 (2) train employees to perform their duties with maximum efficiency;

9 (3) attract individuals to State employment; and

10 (4) train managers and supervisors to be knowledgeable and skilled in
11 the fair application of laws, rules, and guidelines.

12 10-104.

13 Except as otherwise provided by law, staff supervision of all development and
14 training is the responsibility of the Secretary, to be carried out in accordance with the
15 policies and regulations adopted by the Secretary.

16 10-105.

17 Public funds may be used to supplement and subsidize training and
18 development only when the Secretary certifies that the expenditures are in accordance
19 with State training policies and regulations.

20 **10-106.**

21 **(A) THE SECRETARY SHALL ESTABLISH AN EMPLOYEE DEVELOPMENT**
22 **AND TRAINING INSTITUTE TO CARRY OUT THE PURPOSES STATED IN § 10-103**
23 **OF THIS SUBTITLE.**

24 **(B) THE EXECUTIVE DIRECTOR OF THE OFFICE OF PERSONNEL**
25 **SERVICES AND BENEFITS SHALL ADMINISTER THE INSTITUTE.**

26 **(C) (1) THE INSTITUTE SHALL PROVIDE COURSES, TRAINING, AND**
27 **WORKSHOPS THAT:**

28 **(I) ENHANCE THE SKILLS, KNOWLEDGE, AND**
29 **EFFECTIVENESS OF STATE EMPLOYEES; AND**

1 **(II) SERVE THE TRAINING NEEDS OF THE UNITS OF STATE**
2 **GOVERNMENT IN THE EXECUTIVE BRANCH.**

3 **(2) EACH UNIT THAT WISHES TO PARTICIPATE IN THE INSTITUTE**
4 **SHALL PROVIDE TO THE EXECUTIVE DIRECTOR A DETAILED ASSESSMENT OF**
5 **ITS TRAINING NEEDS.**

6 **(D) THE EXECUTIVE DIRECTOR SHALL, IN COLLABORATION WITH THE**
7 **PROCUREMENT UNIT IN THE DEPARTMENT, ENTER INTO A SERVICE CONTRACT**
8 **WITH A QUALIFIED ORGANIZATION TO DESIGN AND IMPLEMENT TRAINING**
9 **PROGRAMS TO BE OFFERED BY THE INSTITUTE.**

10 **(E) (1) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT**
11 **THIS SECTION.**

12 **(2) THE REGULATIONS SHALL INCLUDE:**

13 **(I) DEVELOPMENT OF CRITERIA FOR SELECTION OF A**
14 **QUALIFIED ORGANIZATION;**

15 **(II) REQUIREMENTS FOR A UNIT OF STATE GOVERNMENT TO**
16 **SUBMIT AN ASSESSMENT OF TRAINING REQUIREMENTS TO THE EXECUTIVE**
17 **DIRECTOR; AND**

18 **(III) ANY OTHER PROVISIONS NECESSARY OR CONVENIENT**
19 **TO THE ADMINISTRATION OF THE INSTITUTE.**

20 **(F) (1) THE EXECUTIVE DIRECTOR SHALL PROVIDE A REPORT EACH**
21 **YEAR TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
22 **GOVERNMENT ARTICLE, THE HOUSE APPROPRIATIONS COMMITTEE AND THE**
23 **SENATE BUDGET AND TAXATION COMMITTEE.**

24 **(2) THE REPORT SHALL INCLUDE:**

25 **(I) THE DEPARTMENT'S PROGRESS IN DEVELOPING THE**
26 **INSTITUTE, INCLUDING THE VALUE AND STATUS OF ANY SERVICE CONTRACTS;**
27 **AND**

28 **(II) AN ASSESSMENT OF THE INSTITUTE'S ABILITY TO MEET**
29 **THE STATE'S TRAINING NEEDS.**

30 13-401.

1 (a) In this subtitle the following words have the meanings indicated.

2 (b) “Service contract” means a procurement contract for services that:

3 (1) will be provided to a unit in the Executive Branch of State
4 government;

5 (2) will be performed within a State–operated facility; and

6 (3) in the estimation of the procurement officer, will exceed an annual
7 cost of \$100,000.

8 (c) “Services” has the meaning stated in § 11–101 of the State Finance and
9 Procurement Article.

10 (d) “Unit” has the meaning stated in § 11–101 of the State Finance and
11 Procurement Article.

12 13–402.

13 The policy of this State is to use State employees to perform all State functions
14 in State–operated facilities in preference to contracting with the private sector to
15 perform those functions.

16 13–403.

17 (a) A service contract may be entered into only as approved by the Board of
18 Public Works in accordance with this subtitle.

19 (b) Except as provided in subsection (c) of this section, the Board of Public
20 Works may approve a service contract for a unit only if the Board receives a
21 certification from the Department that:

22 (1) the service contract is exempt under § 13–404(b) of this subtitle; or

23 (2) the unit has complied with the requirements of § 13–404(c) of this
24 subtitle.

25 (c) If the General Assembly authorizes or requires that certain services be
26 performed by an independent contractor, the Board of Public Works may approve a
27 service contract for those services without the certification required by subsection (b)
28 of this section.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2008.