

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1025
Appropriations

(Delegate Hixson, *et al.*)

Finance

State Personnel - Contractual Employees - Filling of Vacant Positions

This bill requires the Maryland Department of Transportation (MDOT), the University System of Maryland (USM), Morgan State University (MSU), St. Mary's College of Maryland (SMCM), and Baltimore City Community College (BCCC) to include in their personnel policies a consideration of hiring contractual employees to fill a vacant position in the same or similar classification in which the contractual employee is employed. It also requires the State Personnel Management System (SPMS) to institute specified policies regarding the hiring of contractual employees to fill vacant positions.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: None. The Department of Budget and Management (DBM) and the other affected entities can implement the bill with existing budgeted resources, including any reprogramming of their respective personnel management systems. No effect on revenues.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: Under SPMS, selection plans for vacant positions in the skilled or professional service categories must include any limitations that limit consideration to

current contractual employees. Selection of candidates for a position may be from a list of contractual employees performing the same or similar duties of the position.

Current Law: SPMS includes most employees in Executive Branch agencies; the Judicial and Legislative branches each have independent personnel systems. An Executive Branch agency may, if expressly authorized in statute, establish an independent personnel management system. MDOT and USM have the two largest independent personnel management systems in the Executive Branch; MSU, SMCM, and BCCC also have independent personnel management systems.

SPMS has four major employment categories: skilled service, professional service, management service, and executive service. Skilled service includes all positions in SPMS not designated by law to be in another category, as well as those designated to be in the skilled service. Professional service includes positions that (1) require knowledge of an advanced type in a field of science or learning customarily acquired by a course of specialized intellectual instruction and study and (2) normally require a professional license, advanced degree, or both.

When a skilled service or professional service position is to be filled, the appointing authority must complete a position selection plan that includes:

- a position description;
- the minimum qualifications for the class of position and any required selective qualifications;
- any limitations on selection for the position, including those that limit consideration to current State or unit employees, promotional candidates, or candidates indicating a willingness to work in a location; and
- if applicants for the position are to be recruited, the location for submitting applications, the manner for posting the position announcement in the unit, the method and length of time for advertising the position, the closing date to receive applications, the plan of development of any selection test to be administered, and the duration of the list of eligible candidates that results from the recruitment.

An appointing authority may select candidates from an existing list of eligible candidates, by recruitment (if the appointing authority decides to recruit for the position), or from a special list of eligible candidates whom the Division of Rehabilitation Services of the Maryland State Department of Education certifies as being physically capable and adequately trained for the position.

Current regular State employees receive a credit on a selection test of one-quarter point for each year of service in State government, up to a maximum of five points for 20 years

of service. Veterans, spouses of veterans (who have a service-connected disability), and surviving spouses of veterans receive a credit of 10 points; 2 additional points are awarded to a veteran who has a service-connected disability and for former prisoners of war.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Budget and Management, Maryland Department of Transportation, University System of Maryland, Department of Legislative Services

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