

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 855
Judiciary

(Delegate Morales, *et al.*)

Judicial Proceedings

Correctional Training Commission - Department of Juvenile Services Employees
- Revocation of Certification and Reinstatement

This bill authorizes the Correctional Training Commission (CTC) to revoke the certification of a Department of Juvenile Services (DJS) employee in conjunction with disciplinary action taken under Title 11 of the State Personnel and Pensions Article. The Office of Administrative Hearings (OAH) may reinstate the certification of a DJS employee with no further examination or condition if OAH rescinds or modifies such a disciplinary action against the employee.

In addition, the bill authorizes a court reviewing a decision, order, or action against a correctional officer under the Correctional Officer's Bill of Rights to reinstate the correctional officer's certification with no further examination or condition.

Fiscal Summary

State Effect: The bill's changes are not anticipated to materially affect State operations or finances. CTC, OAH, and the Judiciary can implement the bill with existing budgeted resources.

Local Effect: The bill's changes are not anticipated to materially affect the local government operations or finances. The circuit courts can implement the bill with existing resources.

Small Business Effect: None.

Analysis

Current Law: The Maryland Police and Correctional Training commissions, within the Department of Public Safety and Correctional Services, are the primary providers of correctional entrance-level training and mandated police and correctional administrator, supervisor, and instructor training in Maryland. Although they are separate entities, the Police Training Commission and CTC are served by a single executive director and agency staff. The commissions are vested with the statutory authority to set standards of initial selection and training for all governmental law enforcement, correctional, community supervision, and juvenile justice officers in the State and to otherwise upgrade the professionalism of these officers.

In general, CTC prescribes minimum standards for the selection and training of community supervision employees and correctional officers in Maryland. These standards address selection, promotion to supervisory and management positions, entry-level training, and in-service advanced training. Local governments pay a nominal fee for each employee trained by the State.

For DJS employees, CTC is responsible for the development and implementation of specific program designs and appropriate course curriculum and training for employees. CTC also establishes the minimum qualifications for probationary or permanent appointment as a DJS employee. Costs for any training that is required for employees of a nonprofit or for-profit entity under contract with DJS entered on or after July 1, 2000, must be paid for or reimbursed by the contracting entity.

CTC may revoke the certification of a correctional officer in conjunction with disciplinary action taken under Title 11 of the State Personnel and Pensions Article. OAH is authorized to reinstate the certification of a correctional officer with no further examination or condition if OAH rescinds or modifies such a disciplinary action against the correctional officer.

Under Title 11 of the State Personnel and Pensions Article, an appointing authority may take the following disciplinary actions against any employee:

- give the employee a written reprimand;
- direct the forfeiture of up to 15 work days of the employee's accrued annual leave;
- suspend the employee without pay;
- deny the employee an annual pay increase;
- demote the employee to a lower pay grade; or
- with prior approval of the head of the principal unit, terminate the employee's employment, without prejudice or, if the appointing authority finds that the

employee's actions are egregious to the extent that the employee does not merit employment in any capacity with the State, terminate the employee's employment, with prejudice.

The following actions are causes for automatic termination of employment:

- intentional conduct, without justification, that seriously injures another person, causes substantial damage to property, or seriously threatens the safety of the workplace;
- theft of State property of a value greater than \$300;
- illegal sale, use, or possession of drugs on the job;
- conviction of a controlled dangerous substance offense by an employee in a designated sensitive classification;
- conviction of a felony;
- accepting for personal use any fee, gift, or other valuable thing in connection with or during the course of State employment if given to the employee by any person with the hope or expectation of receiving a favor or better treatment than that accorded to other persons;
- violation of the Fair Election Practices Act or using, threatening, or attempting to use political influence or the influence of any State employee or officer in securing promotion, transfer, leave of absence, or increased pay; and
- wantonly careless conduct or unwarrantable excessive force in the treatment or care of an individual who is a client, patient, prisoner, or any other individual who is in the care or custody of the State.

Additional Information

Prior Introductions: None.

Cross File: SB 439 (Senator Lee) - Judicial Proceedings.

Information Source(s): Office of Administrative Hearings, Department of Budget and Management, Department of Juvenile Services, Department of Public Safety and Correctional Services, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2016
min/lgc

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