

SENATE BILL 422

P4
SB 678/18 – FIN

9lr2135

By: **Senators Benson, Feldman, Klausmeier, and Zucker**
Introduced and read first time: February 1, 2019
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Department of Education – Employment Categories and Practices**

3 FOR the purpose of altering the employment categories of certain employees of the State
4 Department of Education; requiring that all positions in the Department be
5 appointed positions in the professional service and skilled service as well as the
6 executive service and management service, subject to a certain exception; repealing
7 the authority for certain special appointment positions in the Department; altering
8 the procedures for the appointment, setting of qualifications, and transfer of
9 employees of the Department; specifying that certain employees serve at the
10 pleasure of the State Board of Education and the State Superintendent of Schools;
11 specifying that certain removal procedures apply to certain other employees; altering
12 the removal procedures for certain employees; requiring that the Department
13 determine which employment classifications at the Department would be described
14 as being in the skilled service or the professional service; requiring that, beginning
15 on a certain date, all employees hired by the Department in certain classifications
16 be hired, promoted, or transferred in accordance with certain requirements; and
17 generally relating to the employment categories and practices of the State
18 Department of Education.

19 BY repealing and reenacting, with amendments,
20 Article – Education
21 Section 2–104 and 2–105
22 Annotated Code of Maryland
23 (2018 Replacement Volume and 2018 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article – State Personnel and Pensions
26 Section 6–405(a)(3)
27 Annotated Code of Maryland
28 (2015 Replacement Volume and 2018 Supplement)

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



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

3 **Article – Education**

4 2–104.

5 (a) The following [professional assistants] **EMPLOYEES** shall be appointed to
6 **POSITIONS IN** the Department:

7 (1) No more than three Deputy State Superintendents of Schools;

8 (2) Any assistant State superintendents and directors authorized by the
9 State Board and provided in the State budget; and

10 (3) Any other [professional assistants and agents] **EMPLOYEES TO FILL**
11 **POSITIONS** authorized by the State Board and provided in the State budget.

12 (b) (1) **(I)** From the nominees proposed by the State Superintendent, the
13 State Board shall appoint all [professional assistants to] **EMPLOYEES TO POSITIONS IN**
14 the Department[, who].

15 **(II) EXCEPT AS PROVIDED IN § 6–405(A)(3) OF THE STATE**
16 **PERSONNEL AND PENSIONS ARTICLE, ALL POSITIONS** shall be in the executive service,
17 management service, [or special appointments] **PROFESSIONAL SERVICE, OR SKILLED**
18 **SERVICE** in the State Personnel Management System.

19 (2) With the advice of the State Superintendent, the State Board shall set
20 the qualifications for each [professional] position **IN THE DEPARTMENT**.

21 (3) The State Superintendent may transfer [professional assistants]
22 **EMPLOYEES** within the Department as necessary.

23 (c) (1) All [professional assistants] **EMPLOYEES WHO ARE ASSIGNED TO**
24 **THE EXECUTIVE SERVICE OR MANAGEMENT SERVICE OR WHO ARE SPECIAL**
25 **APPOINTEES** shall serve at the pleasure of the State Board and the State Superintendent.

26 (2) All [other professional assistants] **EMPLOYEES IN THE**
27 **PROFESSIONAL OR SKILLED SERVICE** shall be removed in accordance with procedures
28 [set by the State Board] **SET FORTH IN § 2–105 OF THIS SUBTITLE AND TITLE 11 OF**
29 **THE STATE PERSONNEL AND PENSIONS ARTICLE**.

30 (d) (1) In addition to the other duties specified in this section, each
31 [professional assistant to] **EMPLOYEE IN** the Department has the duties assigned to [him]
32 **THE EMPLOYEE** by the State Superintendent.

