

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1580 (Delegate M. Jackson)
Rules and Executive Nominations

**State Personnel - Information Technology and Cybersecurity Qualifications -
Established (Maryland State IT Hiring Act)**

This bill requires the Secretary of Budget and Management, in partnership with the Secretary of Information Technology and the State Chief Information Security Officer, to establish minimum qualifications for positions within the skilled service and professional service classes in the fields of information technology (IT) and cybersecurity. The bill expresses legislative intent that units of State government with an independent personnel system adopt policies consistent with the bill. The Secretary of Budget and Management must revise its standards for position selection plans for these positions by January 1, 2022.

Fiscal Summary

State Effect: The Department of Budget and Management (DBM), in partnership with the Department of Information Technology (DoIT), can establish minimum qualifications for IT positions with existing resources. Altering standards for qualified candidates does not directly affect State employees' salaries, but it may lead to a reclassification of affected positions that results in future salary increases, as discussed below.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The minimum qualifications must be consistent with the National Initiative for Cybersecurity Education (NICE) Cybersecurity Workforce Framework (NICE Framework) developed by the National Institute of Standards and Technology

(NIST), as amended, and emphasize the competencies and certifications of an applicant over requirements for a particular higher education degree. However, minimum qualifications may include educational requirements if established as a competency by the NICE Framework.

Current Law: The State Personnel Management System (SPMS) has four major employment categories designated in statute:

1. executive service, which consists of chief administrators of principal units or comparable positions, including deputy secretaries or assistant secretaries;
2. management service, which consists of positions that involve direct responsibility for the oversight and management of personnel and financial resources and that require the exercise of discretion and independent judgment;
3. professional service, which consists of positions that require advanced knowledge in a field of science or learning and that normally require a professional license, advanced degree, or both; and
4. skilled service, which consists of all other positions.

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 selection qualifications;
- any limitations on selection for the position, including those that limit consideration to current State or unit employees or contractual 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.

For a vacant position, the appointing authority must send a copy of the selection plan and job announcement to the Secretary of Budget and Management at least one week before posting the job announcement to assure public access. If current employees or contractual employees may be eligible for the position, then a job announcement must be posted for at least two weeks before the deadline for submitting applications. The position vacancy must be advertised for at least two weeks before the application deadline by making available a job announcement to all appropriate State agencies and using any other method to ensure

a sufficient pool of applicants, including printed advertisements in newspapers and journals, paper and electronic bulletin board postings, and special notices.

An appointing authority may forego the SPMS position selection plan and recruit for a skilled or professional service position if the appointing authority decides to recruit for the position, the position is difficult to fill, the recruitment must occur in a timely manner, and DBM is notified.

Background: The NICE Framework, published by NIST in [NIST Special Publication 800-81](#), is a nationally focused resource that serves as a reference resource for describing and sharing information about cybersecurity work and the knowledge, skills, and abilities needed to complete tasks that can strengthen the cybersecurity posture of an organization. As a common, consistent lexicon that categorizes and describes cybersecurity work, the NICE Framework improves communication about how to identify, recruit, develop, and retain cybersecurity talent. The NICE Framework is a reference source from which organizations or sectors can develop additional publications or tools that meet their needs to define or provide guidance on different aspects of cybersecurity workforce development, planning, training, and education.

DoIT notes that nationally, IT professionals are in high demand and in short supply. Many State agencies experience difficulty in attracting and retaining minimally viable IT candidates because salaries offered by the State are below what other employers in the area are able to offer. The private industry, federal government, as well as counties and local municipalities all offer higher compensation.

State Expenditures: Within SPMS, there are 1,040 IT professionals with an average salary of \$71,943 and 87 IT paraprofessionals with an average salary of \$49,317. If these IT professionals and paraprofessionals receive a salary increase as a result of a reclassification of their positions based on the revised qualifications, State expenditures (mostly reimbursable and general funds) increase by at least \$5.9 million per grade adjustment on an annual basis. However, the bill does not require these employees to receive salary increases. To the extent agencies with independent personnel systems also reclassify their positions, expenditures (all funds) may further increase.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 724 (Senator Hester) - Finance.

Information Source(s): Department of Information Technology; Department of Budget and Management; National Institute of Standards and Technology; Department of Legislative Services

Fiscal Note History: First Reader - April 17, 2020
rh/mcr

Analysis by: Heather N. MacDonagh

Direct Inquiries to:
(410) 946-5510
(301) 970-5510