

Chapter 563

(Senate Bill 48)

AN ACT concerning

Disaster Service and Uniformed Services Leave Modernization Act of 2023

FOR the purpose of defining “~~local~~ emergency manager” to clarify provisions of law relating to ~~the Cyber Preparedness Unit~~ emergency management; adding certain State employees to certain provisions of law authorizing disaster service leave with pay; authorizing certain appointing authorities to waive certain requirements for disaster service leave and to increase the number of days of disaster service leave under certain circumstances; defining “uniformed services” for the purpose of adding certain individuals to certain provisions of law relating to certain paid leave and military administrative leave; and generally relating to disaster service and uniformed services leave for State employees.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section ~~14-104.1~~ 14-101

Annotated Code of Maryland

(2022 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 9-1102, 9-1104, and 9-1107

Annotated Code of Maryland

(2015 Replacement Volume and 2022 Supplement)

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

Article – Public Safety

~~14-104.1.~~

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

(2) ~~“LOCAL EMERGENCY MANAGER” MEANS AN INDIVIDUAL WHOSE PRIMARY DUTY OF EMPLOYMENT IS TO EXECUTE THE MISSION OF EMERGENCY MANAGEMENT.~~

(3) ~~“Local government” includes local school systems, local school boards, and local health departments.~~

~~[(3)] (4) "Unit" means the Cyber Preparedness Unit.~~

~~(b) (1) There is a Cyber Preparedness Unit in the Department.~~

~~(2) In coordination with the State Chief Information Security Officer, the Unit shall:~~

~~(i) support local governments in developing a vulnerability assessment and cyber assessment, including providing local governments with the resources and information on best practices to complete the assessments;~~

~~(ii) develop and regularly update an online database of cybersecurity training resources for local government personnel, including technical training resources, cybersecurity continuity of operations templates, consequence management plans, and trainings on malware and ransomware detection;~~

~~(iii) assist local governments in:~~

~~1. the development of cybersecurity preparedness and response plans;~~

~~2. implementing best practices and guidance developed by the State Chief Information Security Officer; and~~

~~3. identifying and acquiring resources to complete appropriate cybersecurity vulnerability assessments;~~

~~(iv) connect local governments to appropriate resources for any other purpose related to cybersecurity preparedness and response;~~

~~(v) as necessary and in coordination with the National Guard, local emergency managers, and other State and local entities, conduct regional cybersecurity preparedness exercises; and~~

~~(vi) establish regional assistance groups to deliver and coordinate support services to local governments, agencies, or regions.~~

~~(3) The Unit shall support the Office of Security Management in the Department of Information Technology during emergency response efforts.~~

~~(c) (1) Each local government shall report a cybersecurity incident, including an attack on a State system being used by the local government, to the appropriate local emergency manager and the State Security Operations Center in the Department of Information Technology and to the Maryland Joint Operations Center in the Department in accordance with paragraph (2) of this subsection.~~

~~(2) For the reporting of cybersecurity incidents under paragraph (1) of this subsection, the State Chief Information Security Officer shall determine:~~

- ~~(i) the criteria for determining when an incident must be reported;~~
- ~~(ii) the manner in which to report; and~~
- ~~(iii) the time period within which a report must be made.~~

~~(3) The State Security Operations Center shall immediately notify appropriate agencies of a cybersecurity incident reported under this subsection through the State Security Operations Center.~~

~~(d) (1) Five Position Identification Numbers (PINs) shall be created for the purpose of hiring staff to conduct the duties of the Maryland Department of Emergency Management Cybersecurity Preparedness Unit.~~

~~(2) For fiscal year 2024 and each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation of at least:~~

- ~~(i) \$220,335 for 3 PINs for Administrator III positions; and~~
- ~~(ii) \$137,643 for 2 PINs for Administrator II positions.~~

14-101.

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

(b) “Department” means the Maryland Department of Emergency Management.

(c) “Emergency” means the imminent threat or occurrence of severe or widespread loss of life, injury, or other health impacts, property damage or destruction, social or economic disruption, or environmental degradation from natural, technological, or human-made causes.

(d) (1) “Emergency management” means the planning, implementing, and conducting of risk reduction and consequence management activities across the mission areas of prevention, protection, mitigation, response, and recovery to enhance preparedness, save lives, preserve public health and safety, protect public and private property, and minimize or repair injury and damage that results or may result from emergencies.

(2) “Emergency management” does not include the preparation for and carrying out of functions in an emergency for which military forces are primarily responsible.

(E) “EMERGENCY MANAGER” MEANS AN INDIVIDUAL WHOSE PRIMARY DUTY OF EMPLOYMENT IS TO EXECUTE THE MISSION OF EMERGENCY MANAGEMENT.

[(e)] (F) “Local organization for emergency management” means an organization established by a political subdivision or other local authority under § 14–109 of this subtitle.

[(f)] (G) “Political subdivision” means a county or municipal corporation of the State.

[(g)] (H) “Secretary” means the Secretary of Emergency Management.

[(h)] (I) “Senior elected official” means:

(1) the mayor;

(2) the county executive;

(3) for a county that does not have a county executive, the president of the board of county commissioners or county council or other chief executive officer of the county; or

(4) for a municipal corporation that does not have a mayor, the burgess, chairperson, or president of the municipal governing body or other chief executive officer of the municipal corporation.

Article – State Personnel and Pensions

9–1102.

(a) This section applies to all employees, including temporary employees, of all units in the Executive, Judicial, and Legislative branches of State government, including any unit with an independent personnel system.

(b) On request, an employee subject to this section may be entitled to disaster service leave with pay if:

(1) **(I)** the employee is certified by the American Red Cross as a disaster service volunteer; and

[(2)] (II) the American Red Cross requests the services of the employee during a disaster that is designated at Level II or above in the regulations and procedures of the National Office of the American Red Cross; **OR**

(2) THE EMPLOYEE IS A MEMBER OF:

(I) THE CIVIL AIR PATROL;

(II) THE UNITED STATES COAST GUARD AUXILIARY; ~~OR~~

(III) ~~A MARYLAND VOLUNTARY ORGANIZATION ACTIVE IN A DISASTER, INCLUDING:~~

~~1. THE MARYLAND INCIDENT MANAGEMENT TEAM~~
MARYLAND VOLUNTARY ORGANIZATIONS ACTIVE IN DISASTER;

~~2. (IV)~~ A VOLUNTEER EMERGENCY MEDICAL SERVICES DEPARTMENT;

~~3. (V)~~ A VOLUNTEER FIRE DEPARTMENT; ~~OR~~

~~4. (VI)~~ A VOLUNTEER RESCUE COMPANY OR VOLUNTEER RESCUE SQUAD; OR

(VII) A COMMUNITY EMERGENCY RESPONSE TEAM.

(c) An employee may use up to 15 days of disaster service leave in any 12-month period only after obtaining approval from the employee's appointing authority.

(D) DURING A PROLONGED OR RECURRENT DISASTER, THE EMPLOYEE'S APPOINTING AUTHORITY MAY:

(1) WAIVE THE REQUIREMENTS UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION THAT AN EMPLOYEE MUST REQUEST AND OBTAIN APPROVAL BEFORE THE EMPLOYEE MAY USE DISASTER SERVICE LEAVE, IF WAIVING THE REQUIREMENT WOULD BE IN THE BEST INTEREST OF THE CITIZENS OF THE STATE; AND

(2) INCREASE THE NUMBER OF DAYS OF DISASTER SERVICE LEAVE UNDER SUBSECTION (C) OF THIS SECTION THAT AN EMPLOYEE MAY USE, IF AN INCREASE WOULD BE IN THE BEST INTEREST OF THE CITIZENS OF THE STATE.

[(d)] (E) ~~(1)~~ For purposes of workers' compensation and the Maryland Tort Claims Act, while an employee is using disaster service leave, the employee is deemed not to be a State employee.

~~(2) THIS SUBSECTION DOES NOT APPLY TO A STATE EMPLOYEE PARTICIPATING AS A MEMBER OF THE MARYLAND INCIDENT MANAGEMENT TEAM.~~

(A) IN THIS SECTION, “UNIFORMED SERVICES” HAS THE MEANING STATED IN 38 U.S.C. § 4303 AND 20 C.F.R. § 1002.5(O).

(B) The Secretary may provide by regulation for leave with pay:

- (1) for jury service;
- (2) to attend employee organization events approved for this purpose by the Secretary;
- (3) up to 15 days for [military] **UNIFORMED SERVICES** training or active [military] **UNIFORMED SERVICES** duty in a reserve unit of the armed forces or in the organized militia;
- (4) unless the employee is a party to the action or a paid witness, to appear in compliance with a subpoena:
 - (i) in court;
 - (ii) before a grand jury;
 - (iii) before an administrative unit; or
 - (iv) for a deposition;
- (5) for administrative leave for the purpose of immediately removing an employee from the work site, if the employee:
 - (i) poses a threat to self, another individual, or State property; or
 - (ii) is incapable of properly performing the employee’s duties because of extraordinary circumstances; and
- (6) any other paid leave the Secretary deems necessary.

9–1107.

(a) IN THIS SECTION, “UNIFORMED SERVICES” HAS THE MEANING STATED IN 38 U.S.C. § 4303 AND 20 C.F.R. § 1002.5(O).

(B) This section applies to all employees, except temporary employees, of all units in the Executive, Judicial, and Legislative branches of State government, including any unit with an independent personnel system.

[(b)] (C) **[Military] UNIFORMED SERVICES** administrative leave may be provided to an employee subject to this section who:

- (1) is on active **[military] UNIFORMED SERVICES** duty on July 1, 2003; or
- (2) is activated for **[military] UNIFORMED SERVICES** duty on or after July 1, 2003.

[(c)] (D) (1) An employee who is eligible to receive **[military] UNIFORMED SERVICES** administrative leave under this section is entitled to leave in an amount sufficient to compensate the employee, during each pay period for which the employee is eligible to receive **[military] UNIFORMED SERVICES** administrative leave under this section, for the difference between the employee's active duty base salary paid by the federal government and the employee's State base salary or direct wages.

(2) Compensation provided under this subsection may not exceed an employee's State base salary or direct wages.

[(d)] (E) An employee eligible to receive **[military] UNIFORMED SERVICES** administrative leave under this section who is activated for **[military] UNIFORMED SERVICES** duty on or after July 1, 2003, shall elect to use either **[military] UNIFORMED SERVICES** administrative leave or paid leave as provided in **[\$ 9-1104(3)] § 9-1104(B)(3)** of this subtitle.

[(e)] (F) The Department shall keep a record of the use of **[military] UNIFORMED SERVICES** administrative leave under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

Approved by the Governor, May 8, 2023.