

SENATE BILL 661

P4

7lr2949

By: **Senator Benson**

Introduced and read first time: February 3, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Contractual Employees – Transfer to Budgeted or Permanent**
3 **Positions**

4 FOR the purpose of requiring that certain contractual employees in the State Personnel
5 Management System who have been employed in a contractual position for a certain
6 continuous period of time be allowed to transfer to a budgeted position under certain
7 conditions; requiring certain independent personnel systems in State government to
8 transfer certain contractual employees who have been employed in a contractual
9 position for a certain continuous period of time to certain permanent positions; and
10 generally relating to contractual employment in State government.

11 BY repealing and reenacting, with amendments,
12 Article – Education
13 Section 12–111, 14–104(h)(1), 14–408(a)(1), and 16–510(a)
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2016 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – State Personnel and Pensions
18 Section 13–302
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2016 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 2–103.4(a)
24 Annotated Code of Maryland
25 (2015 Replacement Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Education

12–111.

(a) Except as otherwise provided by law, appointments of the University System of Maryland are not subject to or controlled by the provisions of the State Personnel and Pensions Article that govern the State Personnel Management System.

(b) In accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Regents shall establish general policies and guidelines governing the appointment, compensation, advancement, tenure, and termination of all classified personnel.

(c) The policies established under subsection (b) of this section shall [include]:

(1) INCLUDE consideration of hiring a contractual employee to fill a vacant position in the same or similar classification in which the contractual employee is employed; **AND**

(2) REQUIRE THAT IF A CONTRACTUAL EMPLOYEE HAS BEEN EMPLOYED IN A CONTRACTUAL POSITION FOR A CONTINUOUS PERIOD OF 60 MONTHS, THE CONTRACTUAL EMPLOYEE SHALL BE PLACED IN A PERMANENT POSITION IN THE SAME OR A SIMILAR CLASSIFICATION IN WHICH THE CONTRACTUAL EMPLOYEE IS EMPLOYED.

14–104.

(h) (1) (i) On the recommendation of the President, and in accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Regents shall establish general standards and guidelines governing the appointment, compensation, advancement, tenure, and termination of all faculty, executive staff, and professional administrative personnel in the University.

(ii) Subject to such standards and guidelines, and in accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the President may:

1. Adopt additional personnel policies, including [consideration]:

A. CONSIDERATION of hiring a contractual employee to fill a vacant position in the same or similar classification in which the contractual employee is employed; **AND**

B. REQUIRING THAT IF A CONTRACTUAL EMPLOYEE HAS BEEN EMPLOYED IN A CONTRACTUAL POSITION FOR A CONTINUOUS PERIOD OF 60 MONTHS, THE CONTRACTUAL EMPLOYEE SHALL BE PLACED IN A PERMANENT POSITION IN THE SAME OR A SIMILAR CLASSIFICATION IN WHICH THE CONTRACTUAL EMPLOYEE IS EMPLOYED; and

2. Approve individual personnel actions affecting the terms and conditions of academic and administrative appointments.

14–408.

(a) (1) (i) On the recommendation of the President, and in accordance with the requirements of Title 3 of the State Personnel and Pensions Article, the Board of Trustees of St. Mary's College of Maryland shall establish a personnel system.

(ii) The personnel system established under subparagraph (i) of this paragraph shall [include]:

1. **INCLUDE** provisions for consideration of hiring a contractual employee to fill a vacant position in the same or similar classification in which the contractual employee is employed; **AND**

2. **REQUIRE THAT IF A CONTRACTUAL EMPLOYEE HAS BEEN EMPLOYED IN A CONTRACTUAL POSITION FOR A CONTINUOUS PERIOD OF 60 MONTHS, THE CONTRACTUAL EMPLOYEE SHALL BE PLACED IN A PERMANENT POSITION IN THE SAME OR A SIMILAR CLASSIFICATION IN WHICH THE CONTRACTUAL EMPLOYEE IS EMPLOYED.**

16–510.

(a) (1) All employees of the College are in an independent personnel system.

(2) The personnel system established under this subsection shall [include]:

(I) **INCLUDE** provisions for consideration of hiring a contractual employee to fill a vacant position in the same or similar classification in which the contractual employee is employed; **AND**

(II) **REQUIRE THAT IF A CONTRACTUAL EMPLOYEE HAS BEEN EMPLOYED IN A CONTRACTUAL POSITION FOR A CONTINUOUS PERIOD OF 60 MONTHS, THE CONTRACTUAL EMPLOYEE SHALL BE PLACED IN A PERMANENT POSITION IN THE SAME OR A SIMILAR CLASSIFICATION IN WHICH THE CONTRACTUAL EMPLOYEE IS EMPLOYED.**

1 13-302.

2 (A) [If] SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF a contractual
3 position is replaced by a budgeted position, a contractual employee in the contractual
4 position may transfer to the budgeted position, if:

5 (1) the employee meets the minimum qualifications for the budgeted
6 position and has at least 6 continuous months of satisfactory service as of the date on which
7 the replacement occurs;

8 (2) there is a continuing need for the function to be performed;

9 (3) the agency can document a competitive hiring process; and

10 (4) the budgeted position replacing the contractual position was not
11 available at the time the contractual employee was hired.

12 (B) IF A CONTRACTUAL EMPLOYEE HAS BEEN EMPLOYED IN A
13 CONTRACTUAL POSITION FOR A CONTINUOUS PERIOD OF 60 MONTHS, THE
14 CONTRACTUAL POSITION SHALL BE REPLACED BY A BUDGETED POSITION AND THE
15 CONTRACTUAL EMPLOYEE SHALL BE ALLOWED TO TRANSFER TO THE BUDGETED
16 POSITION.

17 **Article – Transportation**

18 2-103.4.

19 (a) Without regard to the laws of this State relating to other State employees, the
20 Secretary of Transportation may establish a human resources management system for
21 employees of the Department and its units. Any human resources management system that
22 the Secretary establishes under this section shall:

23 (1) Be based on merit;

24 (2) Include fair and equitable procedures for appointment, hiring,
25 promotion, layoff, removal, termination, redress of grievances, and reinstatement of
26 employees;

27 (3) (I) Include consideration of hiring a contractual employee to fill a
28 vacant position in the same or similar classification in which the contractual employee is
29 employed; and

30 (II) REQUIRE THAT IF A CONTRACTUAL EMPLOYEE HAS BEEN
31 EMPLOYED IN A CONTRACTUAL POSITION FOR A CONTINUOUS PERIOD OF 60
32 MONTHS, THE CONTRACTUAL EMPLOYEE SHALL BE PLACED IN A PERMANENT

1 POSITION IN THE SAME OR A SIMILAR CLASSIFICATION IN WHICH THE CONTRACTUAL
2 EMPLOYEE IS EMPLOYED; AND

3 (4) Permit employees to participate in the pension and retirement systems
4 for employees of the State of Maryland authorized under Division II of the State Personnel
5 and Pensions Article or any other pension and retirement systems authorized by law.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2017.