

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 868 (Senator Benson, *et al.*)
Finance and Judicial Proceedings

Public Safety Diversity Act of 2014

This bill requires the Department of State Police (DSP), when it advertises for or recruits new employees, to include advertising that is targeted toward racial minority communities. The bill requires a DSP board that makes a rule governing promotion of a DSP employee to be diverse by race and by gender. A disciplinary hearing board appointed under the Law Enforcement Officers' Bill of Rights (LEOBR) must be similarly diverse. The DSP fair practices officer must be a trained diversity professional and must report directly to the Governor and the Joint Committee on Fair Practices. DSP's fair practices officer may not be a sworn law enforcement officer.

Fiscal Summary

State Effect: None. The bill's requirements can be handled with the existing budgeted resources of DSP. The changes are procedural in nature. The Department of Budget and Management reports that the bill's changes do not affect the operations of the Office of Personnel Services and Benefits.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: In accordance with the State budget, the Secretary of State Police must appoint the employees that the Secretary considers necessary for the efficient administration of DSP. The Secretary must make each appointment from a list of eligible candidates in accordance with the State Personnel and Pensions Article. Each appointee

must (1) be a resident of the State on the date of appointment and (2) have the character, education, and other qualifications established by the Secretary.

All promotions must be made by the Secretary of State Police. A DSP promotion to a rank other than deputy secretary must be made in the manner required by rule. For a noncommissioned rank that has fewer than 25 police employees, the Secretary by rule may direct that it is unnecessary to fill the noncommissioned rank for purposes of promotion. This does not apply to a rank that requires technical knowledge. With certain exceptions, a police employee may not be appointed or promoted to a rank unless specified conditions are met. Promotions of civilian employees must be made in accordance with the State Personnel and Pensions Article.

LEOBR was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It extends to police officers of 23 specified State and local agencies. It does not grant collective bargaining rights. The investigation or interrogation by a law enforcement agency of a law enforcement officer for a reason that may lead to disciplinary action, demotion, or dismissal must be conducted in accordance with LEOBR.

When a LEOBR investigation or interrogation results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the law enforcement officer is entitled to a hearing on the issues prior to the imposition of the disciplinary action. An officer who has been convicted of a felony is not entitled to a hearing.

The State's Equal Employment Opportunity (EEO) program is under the authority of the Secretary of Budget and Management and is administered and enforced by an EEO coordinator. The purpose of the EEO program is to ensure a system that provides equal opportunity in employment on the basis of merit and fitness. It covers all employees in any Executive Branch agency (including those with an independent personnel system) and applicants for a position in the skilled, professional, and management services in the State Personnel Management System (or comparable positions in agencies with independent personnel systems).

The head of each principal unit of State government must appoint a fair practices officer who reports directly to the head of the unit and is an assistant secretary or an employee of the unit with stature similar to that of an assistant secretary. The head of each principal unit must also appoint an appropriate number of EEO officers for the unit. If necessary, the fair practices officer of a unit may also be the unit's EEO officer. The fair practices officer implements the State's EEO program, investigates and resolves complaints, and coordinates EEO officer activities. An EEO officer monitors all personnel actions, attests

that EEO procedures were followed in personnel actions, and performs other assigned duties.

Additional Information

Prior Introductions: None.

Cross File: HB 1349 (Delegate Braveboy, *et al.*) - Health and Government Operations and Appropriations.

Information Source(s): Department of State Police, Department of Budget and Management, Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2014
ncs/lgc

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