

# SENATE BILL 751

P1, P4

9lr2822

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By: **Senator Lam**

Introduced and read first time: February 4, 2019

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Governor's Appointments ~~Office~~ Office, Appointing Authorities, and the**  
3 **Secretary of Budget and Management – ~~At-Will Employees~~ – Duties and Reports**

4 FOR the purpose of ~~specifying that the Appointments Office in the Office of the Governor~~  
5 ~~is prohibited from interfering with, influencing, superseding, or assisting in any~~  
6 ~~decision made by certain appointing authorities, the Secretary of Budget and~~  
7 ~~Management, or certain units of the Department of Budget and Management on~~  
8 ~~certain decisions regarding certain employees~~ prohibiting certain appointing  
9 authorities from delegating the authority to make certain decisions on the  
10 appointment of certain employees; requiring the Appointments Office, on or before a  
11 certain date and annually thereafter, to submit a certain report regarding certain  
12 activities of the Appointments Office to a certain committee of the General Assembly;  
13 requiring the Office of the Attorney General to operate or provide for a certain hotline  
14 or e-mail address for certain purposes; authorizing the Office of the Attorney  
15 General to contact certain complainants under certain circumstances; requiring the  
16 Office of the Attorney General to submit a certain report to a certain committee of  
17 the General Assembly on or before a certain date each year; requiring the Secretary  
18 of Budget and Management to submit a certain annual report to a certain committee  
19 of the General Assembly for each fiscal year; altering the contents of a certain report;  
20 requiring that a certain position description include certain information about  
21 at-will employment under certain circumstances; and generally relating to the  
22 Appointments Office in the Office of the Governor, the Secretary of Budget and  
23 Management, and at-will employment.

24 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – State Government  
 2 Section 8–3A–01  
 3 Annotated Code of Maryland  
 4 (2014 Replacement Volume and 2018 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article – State Personnel and Pensions  
 7 Section 4–302 and 7–102(a)  
 8 Annotated Code of Maryland  
 9 (2015 Replacement Volume and 2018 Supplement)

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

12 **Article – State Government**

13 8–3A–01.

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

15 (2) “Appointing authority” has the meaning stated in § 1–101(b) of the  
 16 State Personnel and Pensions Article.

17 (3) “Office” means the Appointments Office in the Office of the Governor  
 18 that performs the function of recommending to the Governor the appointment or  
 19 nomination of an individual to serve as a member of a State or local board, commission,  
 20 council, committee, authority, task force, or other entity that by law requires the  
 21 membership to be appointed in whole or in part by the Governor, whether or not the  
 22 appointment or nomination is with the advice and consent of the Senate or House of  
 23 Delegates.

24 (b) The Office may not direct, overrule, ~~INTERFERE WITH, INFLUENCE,~~  
 25 ~~SUPERSEDE, ASSIST IN ANY DECISION MADE BY,~~ or otherwise take any action regarding  
 26 the decision of an appointing authority, the Secretary of Budget and Management, or any  
 27 unit of the Department of Budget and Management to appoint, promote, transfer, reassign,  
 28 discipline, or terminate an employee under the jurisdiction of the appointing authority.

29 (c) Only an appointing authority may delegate in writing the authority to act on  
 30 the appointing authority’s behalf, but only to an employee or officer under the jurisdiction  
 31 of the appointing authority.

32 (d) An appointing authority may not delegate the authority to make the final  
 33 decision on the APPOINTMENT OR termination of an employee.

34 (e) An appointing authority shall notify the Secretary of Budget and Management  
 35 of any delegation of authority authorized under this section by providing the Secretary a  
 36 copy of the delegation.

1           **(F) (1) ON OR BEFORE DECEMBER 31, 2019, AND EACH DECEMBER 31**  
2 **THEREAFTER, THE OFFICE SHALL, IN ACCORDANCE WITH § 2-1246 OF THIS**  
3 **ARTICLE, SUBMIT A REPORT TO THE JOINT COMMITTEE ON FAIR PRACTICES AND**  
4 **STATE PERSONNEL OVERSIGHT ON THE OFFICE'S ACTIVITIES REGARDING**  
5 **EMPLOYEES THAT ARE UNDER THE JURISDICTION OF AN APPOINTING AUTHORITY.**

6           **(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**  
7 **SUBSECTION SHALL INCLUDE:**

8                   **(I) THE NUMBER OF REFERRALS OR REQUESTS MADE FROM**  
9 **ANY APPOINTING AUTHORITY TO THE OFFICE ON EMPLOYEE APPOINTMENTS,**  
10 **PROMOTIONS, REASSIGNMENTS, DISCIPLINARY ACTIONS, OR TERMINATIONS;**

11                   **(II) THE REASONS FOR THE REFERRALS OR REQUESTS**  
12 **SPECIFIED UNDER ITEM (I) OF THIS PARAGRAPH, CATEGORIZED BY APPOINTING**  
13 **AUTHORITY;**

14                   **(III) THE TYPE OF INFORMATION PROVIDED BY THE OFFICE TO**  
15 **AN APPOINTING AUTHORITY AS A RESULT OF A REFERRAL OR REQUEST MADE**  
16 **UNDER ITEM (I) OF THIS PARAGRAPH, COMPILED BY TYPE AND NUMBER OF**  
17 **INSTANCES USING THE FOLLOWING CATEGORIES:**

18                           **1. CRIMINAL BACKGROUND INFORMATION;**

19                           **2. PERSONAL FINANCIAL INFORMATION;**

20                           **3. ORGANIZATIONAL OR POLITICAL AFFILIATIONS;**

21                           **4. CONTROVERSIAL STATEMENTS OR PERSPECTIVES;**

22 **AND**

23                           **5. OTHER CONFLICTS OF INTEREST;**

24                   **(IV) THE WRITTEN POLICY OF THE OFFICE ON PROVIDING**  
25 **INFORMATION TO AN APPOINTING AUTHORITY REGARDING AN EMPLOYEE**  
26 **APPOINTMENT, PROMOTION, REASSIGNMENT, DISCIPLINARY ACTION, OR**  
27 **TERMINATION:**

28                           **1. ON REQUEST OR REFERRAL OF AN APPOINTING**  
29 **AUTHORITY; AND**

30                           **2. WHEN NOT REQUESTED BY AN APPOINTING**  
31 **AUTHORITY;**



1 (iii) incentive awards;

2 (iv) whistleblower proceedings;

3 (v) each denial of a pay increase, each disciplinary suspension, each  
4 grievance, each involuntary demotion, and each rejection on probation; and

5 (vi) a summary of the equal employment opportunity report required  
6 under § 5-204 of this article, including hiring, firing, promotions, terminations, and  
7 rejections on probation, by race, sex, and age;

8 (2) provides statistics and rankings that compare minority group State  
9 employees to all State employees in all job categories;

10 (3) provides information about part-time work and, in the Secretary's  
11 discretion, alternate work schedules, work days, and work locations;

12 (4) provides information on the total number of positions designated as  
13 special appointments, including special appointments designated with regard to political  
14 affiliation, belief, or opinion, **INCLUDING:**

15 **(I) THE POSITION CLASSIFICATIONS AND DESCRIPTIONS OF**  
16 **THE SPECIAL APPOINTMENT POSITIONS;**

17 **(II) THE GRADES AND STEPS OF THE SPECIAL APPOINTMENT**  
18 **POSITIONS; AND**

19 **(III) AGGREGATE DEMOGRAPHIC DETAILS OF THE SPECIAL**  
20 **APPOINTMENT POSITIONS; and**

21 (5) makes any recommendations about conditions in State employment  
22 that the Secretary considers advisable.

23 (c) The report required by this section shall be submitted on or before January 1  
24 following the fiscal year to which it applies.

25 7-102.

26 (a) (1) **(I) [Each] SUBJECT TO SUBPARAGRAPH (II) OF THIS**  
27 **PARAGRAPH, EACH** employee in the skilled service, professional service, and management  
28 service, including special appointments in each classification of each of those services, shall  
29 be provided with a written position description which describes the essential duties and  
30 responsibilities the employee is expected to perform and the standards for satisfactory  
31 performance on a form approved by the Secretary.

1                   **(II) FOR SPECIAL APPOINTMENTS, THE WRITTEN POSITION**  
 2 **DESCRIPTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE A**  
 3 **NOTICE THAT THE SPECIAL APPOINTMENT POSITION IS AN AT-WILL POSITION THAT**  
 4 **IS NOT AFFORDED THE MERIT PROTECTIONS OF OTHER POSITIONS IN THE SKILLED**  
 5 **AND PROFESSIONAL SERVICES.**

6                   (2) A successful applicant for a position in the skilled service, professional  
 7 service, or management service, **INCLUDING SPECIAL APPOINTMENTS**, shall be provided  
 8 with a position description for review before accepting appointment to the position.

9                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 10 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.