

SENATE BILL 368

R2

0lr2337

By: **Senator Della**

Introduced and read first time: January 28, 2010

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Transportation – Repeal of Secretary’s Authority to Abolish**
3 **Employee Positions**

4 FOR the purpose of repealing the authority of the Secretary of Transportation to
5 abolish certain employee positions; and generally relating to the authority of the
6 Secretary of Transportation to abolish employee positions.

7 BY repealing and reenacting, without amendments,
8 Article – Transportation
9 Section 2–103.4(a)
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2009 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 2–103.4(b)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2009 Supplement)

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

19 **Article – Transportation**

20 2–103.4.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Be based on merit;

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

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

9 (b) (1) In the exercise of the Secretary's powers under this section, the
10 Secretary may:

11 (i) Create [and abolish any position other than positions
12 specifically provided for in this article] **ANY POSITION IN ACCORDANCE WITH**
13 **STATE LAW**; and

14 (ii) Subject to subsection (b-1) of this section, determine the
15 qualifications, appointment, removal, tenure, terms of employment, and compensation
16 of employees unless otherwise prohibited by law.

17 (2) The Secretary shall designate executive service employee and
18 commission plan employee positions in the Human Resources Management System
19 that:

20 (i) Must be filled without regard to political affiliation, belief, or
21 opinion; or

22 (ii) In accordance with the criteria established under § 6-405(b)
23 of the State Personnel and Pensions Article, may be filled with regard to political
24 affiliation, belief, or opinion.

25 (3) On an annual basis, the Secretary shall report on the total number
26 of positions designated under paragraph (2) of this subsection to the Governor and, in
27 accordance with § 2-1246 of the State Government Article, to the General Assembly.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2010.