

Letter from Department of Personnel on Senate Bill No. 813

May 5, 1971.

Honorable Marvin Mandel  
Governor of Maryland  
Executive Department  
Annapolis, Maryland 21404

Dear Governor Mandel:

It is my recommendation that you veto Senate Bill 813 which passed both Houses of the General Assembly. This bill would add a new Section 27 (e) to Article 64A titled "Merit System," and would repeal and re-enact Section 16B of Article 78A titled "Public Works," requiring actions concerning the creation of new permanent positions to be reported to the General Assembly.

Under this bill, when I take action to increase the salary of a particular classification between budget periods and you approve my action, such action would then have to be reported to the General Assembly on the first day of the next regular session. If the General Assembly takes no contrary action, the increased compensation shall be determined approved; but if the General Assembly reduces the compensation from that so proposed, the action of the Secretary of Personnel in granting the increase shall be held refuted and the compensation shall be fixed at the reduced and amended rate as of the first day of the next following fiscal year. In a large and viable organization such as the State Government, it is necessary on occasion to create new classifications (as provided for under the Merit System Law) and to fix their compensation to meet administrative needs. In my opinion, it would not be a good personnel practice to fix salaries on a temporary basis subject to having them reduced by the General Assembly at the next session. This would pose difficulties in recruiting and retaining competent men and women to staff the agencies if there were no assurance that the salaries once set shall be considered approved. In my opinion, individuals would be reluctant to assume new positions or to assume additional responsibilities on such a basis.

It is my further belief that such a law would be in conflict with the intent of the Merit System Law which vests in the Secretary of Personnel, subject to the approval of the Governor, the responsibility of setting salaries.

At the hearing before the Senate Finance Committee on this bill, I opposed it as did Dr. R. Kenneth Barnes, the Deputy Secretary of the Department of Budget and Fiscal Planning. Mr. Edward Johns also opposed the bill at that hearing.

At the same hearing, there was a companion bill, Senate Bill 811, which was also discussed. This bill would require the Secretary of Budget and Fiscal Planning to report to the General Assembly through committee as to the number, type, salaries, wages and other operating costs of additional personnel positions authorized by the Board of Public Works between regular legislative sessions. Dr. Barnes supported this bill and I would have no objection to its being signed.

Sincerely,

/s/ HENRY G. BOSZ,  
*Secretary of Personnel.*