

Article 64A - Merit System
Section 16
Annotated Code of Maryland
(1972 Replacement Volume and 1975 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 16 of Article 64A - Merit System, of the Annotated Code of Maryland (1972 Replacement Volume and 1975 Supplement) be and it is hereby repealed and reenacted, with amendments, to read as follows:

Article 64A - Merit System

16.

(A) Subject to the approval of the Governor, the Secretary of Personnel shall establish classes and classify therein all positions in the classified service, and shall, from time to time, thereafter as may be necessary, establish additional classes and classify therein new positions created, and may combine, alter or abolish existing classes. Each [such] class shall embrace all positions similar in respect to the duties and responsibilities appertaining thereto and the qualifications required for the fulfillment thereof and shall be given a classification title indicative of the character and rank of the employment. The classification title [thus] prescribed shall be observed in all records and communications of the Secretary, Comptroller and Treasurer. Employees shall assume the classification titles of their respective positions. Any change in the duties of a position, if material, shall operate to abolish it and create a new position which shall be classified under this section.

(B) IN ORDER TO INSURE THAT POSITIONS IN THE MARYLAND STATE SERVICE ARE PROPERLY CLASSIFIED, THE SECRETARY SHALL PERIODICALLY AUDIT A RANDOM SAMPLE OF ALL POSITIONS UNDER HIS SALARY JURISDICTION. THE SECRETARY MAY ORDER A STATE DEPARTMENT OR AGENCY TO TAKE APPROPRIATE ACTION TO BRING ANY POSITION DETERMINED TO BE INAPPROPRIATELY CLASSIFIED INTO COMPLIANCE WITH THE AUDIT AND FINDINGS OF THE SECRETARY. A FILLED POSITION WHICH IS DECLARED TO BE UNDER-CLASSIFIED SHALL BE RECLASSIFIED IMMEDIATELY OR NOT LATER THAN THE BEGINNING OF THE NEXT FISCAL YEAR FOLLOWING THE DETERMINATION. A FILLED POSITION WHICH IS DECLARED TO BE OVER-CLASSIFIED SHALL BE RECLASSIFIED [[WITHIN ONE YEAR OF THE AUDIT]] AT THE END OF THE SECOND FISCAL YEAR AFTER WHICH THE DETERMINATION IS MADE, AND ANY INCUMBENT SHALL BE REDUCED IN RANK APPROPRIATELY. ANY EMPLOYEE HOLDING A POSITION WHICH IS DECLARED TO BE OVER-CLASSIFIED SHALL BE GIVEN THE RIGHT TO GRIEVE UNDER THE DEPARTMENT'S ADMINISTRATIVE APPEAL PROCEEDINGS.