

GENERAL REVISOR'S NOTE:

The State Personnel Article Review Committee notes, for consideration by the General Assembly, that employees of the Department of Personnel are treated differently from other employees of the State as to certain appeals. See COMAR 06.01.01.55.

As to the general authority of a public official to delegate to the Office of Administrative Hearings the authority to hear contested cases and issue proposed or final decisions, see SG § 10-207.

As to procedures governing a decision made by individuals who have not heard the evidence, including the opportunity of parties to file exceptions, see SG § 10-212.

GENERAL REVISOR'S NOTE TO TITLE:

Former Art. 41, § 9-104, which provided for the inclusion in the Department of the Office of the Secretary and of any other unit that may be declared, by law, to be part of the Department, is deleted to avoid the inference that the staff of the Secretary operates independently of the Department and to reflect that, except for any advisory units under § 2-105(b) of this subtitle, there are no designated independent units in the Department.

However, the authority of the Secretary over units that may be designated in the future has been retained in this title. See, e.g., §§ 2-103(c) and 2-105(d) of this subtitle.

Former Art. 41, § 9-106, which abolished the office of the Commissioner of Personnel, the State Employees' Standard Salary Board, and the State Incentive Awards Board and transferred all related authority and property to the Department of Personnel and its Secretary, is deleted as obsolete, since the transfer and other events contemplated already have occurred. Similarly, former Art. 64A, § 10(c), which provided for the substitution of references to the Secretary of Personnel for references to the defunct officers — i.e., "Commissioner", "Commissioner of State Employment and Registration", and "State Employment Commissioner" — is deleted.

See also Title 10, Subtitle 7 of the State Government Article, which provides that the property and obligations of an abolished unit vest in the unit that succeeds the abolished unit, and which keeps in effect the rules and regulations, orders, hearings, and proceedings of an abolished unit.

TITLE 3. EMPLOYEE RIGHTS AND PROTECTIONS GENERALLY.

SUBTITLE 1. NOTICE OF PERSONNEL PROVISIONS.

3-101. SCOPE OF SUBTITLE.

THIS SUBTITLE APPLIES TO ALL CLASSIFIED SERVICE AND UNCLASSIFIED SERVICE EMPLOYEES IN THE STATE PERSONNEL MANAGEMENT SYSTEM.

REVISOR'S NOTE: This section is new language added to clarify the scope of this subtitle.

Defined terms: "Classified service" § 1-101

"State Personnel Management System" § 1-101

"Unclassified service" § 1-101