

## Article - Transportation

2-102.

(d) (1) The Secretary may have in the Department the staff assistants, professional consultants, and employees provided in the State budget.

(2) Each staff assistant in charge of an area of responsibility and each professional consultant shall be appointed by and serves at the pleasure of the Secretary.

(3) [Unless] EXCEPT AS otherwise provided by law, the Secretary shall appoint and remove all other personnel in accordance with:

(I) [the] THE provisions of the [State Merit System Law] THE STATE PERSONNEL ARTICLE THAT GOVERN CLASSIFIED SERVICE EMPLOYEES; or

(II) [a] A human resources management system established by the Secretary under § 2-103.4 of this subtitle.

(4) The Secretary may delegate [his] THE authority to appoint and remove personnel of any unit to the head of that unit.

2-103.4.

(c) (1) Any human resources management system established under this section shall provide that classified [merit system personnel] SERVICE EMPLOYEES ~~IN THE STATE PERSONNEL MANAGEMENT SYSTEM~~ employed immediately prior to the date of its establishment shall be allowed to remain in the previous personnel system until June 30, 1996.

(2) Any person who as of June 30, 1996 is employed by the Department in a position authorized by the State budget, but not included under a collective bargaining agreement, shall be required to transfer into the human resources management system of the Department without loss of accumulated leave or retirement status. Any employee hired after the establishment of the new system as a permanent employee of the Department shall be hired under the provisions of the new Human Resources Management System.

(3) Nothing in this act shall affect the collective bargaining rights of members of the transit workers union.

(d) (4) These regulations shall include procedures that ensure that all employees of the Department covered by this section and all employees hired after June 1, 1992 shall be entitled to the same levels of appeal provided for in the State employees' grievance procedures as contained in [Article 64A of the Code] TITLE 10 OF THE STATE PERSONNEL ARTICLE. Any disciplinary action taken against such employees by the Department shall include the same levels of appeal contained in [Article 64A] DIVISION I OF THE STATE PERSONNEL ARTICLE and its implementing regulations.

(e) (1) The Secretary shall establish an employee performance incentive awards program [in accordance with Article 64A of the Code] THAT CONFORMS TO THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE STATE PERSONNEL ARTICLE.