

[(2)] (II) Determine the qualifications, appointment, removal, tenure, terms of employment, and compensation of employees unless otherwise prohibited by law.

(2) THE SECRETARY SHALL DESIGNATE EXECUTIVE SERVICE EMPLOYEE AND COMMISSION PLAN EMPLOYEE POSITIONS IN THE HUMAN RESOURCES MANAGEMENT SYSTEM THAT:

(I) MUST BE FILLED WITHOUT REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION; OR

(II) IN ACCORDANCE WITH THE CRITERIA ESTABLISHED UNDER § 6-405(B) OF THE STATE PERSONNEL AND PENSIONS ARTICLE, MAY BE FILLED WITH REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION.

(3) ON AN ANNUAL BASIS, THE SECRETARY SHALL REPORT ON THE TOTAL NUMBER OF POSITIONS DESIGNATED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of Legislative Services, with the assistance of the Department of Budget and Management, the Department of Transportation, and labor organizations that represent State employees, shall review the State Personnel Management System law and regulations and other relevant State laws and regulations, including the Department of Transportation's Human Resources Management System, to determine:

(1) the number of at-will employees, special appointments, and management service employees in the Executive Branch agencies of State government;

(2) the rationale for designating the majority of, or all, employees in an agency as at-will employees; and

(3) the possibility of providing additional merit system protections to management service employees up to a certain grade level or depending on the job description of the employee.

(b) The Department of Legislative Services shall make recommendations as to appropriate and effective legislative and administrative changes in the State's personnel systems that will help strike a better balance between the need to provide