



**MARYLAND**  
DEPARTMENT OF  
BUDGET & MANAGEMENT

MARTIN O'MALLEY  
Governor

ANTHONY BROWN  
Lieutenant Governor

T. ELOISE FOSTER  
Secretary

DAVID C. ROMANS  
Deputy Secretary

January 1, 2012

The Honorable Martin O'Malley  
Governor  
Executive Department  
State House  
Annapolis, MD 21401

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401-1991

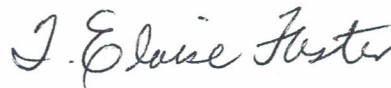
The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401-1991

Dear Governor O'Malley, President Miller and Speaker Busch:

Chapter 690 of the Acts of 2009 (House Bill 735) requires the Department of Budget and Management (DBM), in conjunction with the appropriate department secretaries and agency heads, to evaluate all skilled and professional service positions that have been designated special appointments under § 6-405(a)(3) of the State Personnel and Pensions Article and to determine whether these positions should continue to be considered special appointments in the State Personnel Management System.

A copy of this report is attached. If there are any questions regarding the information provided in this report, please do not hesitate to contact Ms. Cindy Kollner, Executive Director of the Office of Personnel Services and Benefits, at 410-767-4716.

Sincerely,



T. Eloise Foster  
Secretary

Enclosure

Cindy Kollner  
Rebecca Burner

~Effective Resource Management~

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## **REPORT OF AT-WILL EMPLOYMENT DESIGNATIONS**

### **INTRODUCTION**

Chapter 690 of the Acts of 2009 (House Bill 735) requires the Department of Budget and Management (DBM) in conjunction with the appropriate department secretaries and agency heads, to evaluate all skilled and professional service positions that have been designated special appointments (SA) under § 6-405(a)(3) of the State Personnel and Pensions Article (SPP) to determine whether these positions should continue to be considered SA in the State Personnel Management System. The results of the evaluation are to be reported to the Governor and the General Assembly on or before January 1, 2012.

### **CRITERIA FOR SPECIAL APPOINTMENT STATUS**

SPP Section 6-405(a) contains criteria under which positions in the skilled or professional services may be considered SA. A position in these employment categories may be considered SA if the individual in the position:

1. is directly appointed by the Governor by an appointment that is not provided by the Maryland Constitution;
2. is directly appointed by the Board of Public Works;
3. performs a significant policy role or provides direct support to a member of the executive service, as determined by the DBM Secretary;
4. is assigned to the Government House;
5. is assigned to the Governor's Office; or
6. is specified by law to be a special appointment.

In accordance with the language in HB 735, this report only addresses those positions considered to be SA under § 6-405(a)(3), meaning those positions that perform a significant policy role or provide direct support to a member of the executive service, as determined by the DBM Secretary.

### **DATA COLLECTION**

To determine the positions subject to evaluation, the Office of Personnel Services and Benefits (OPSB) within DBM prepared and distributed a list to each executive agency that contained that agency's SA-designated positions. Each agency was asked to:

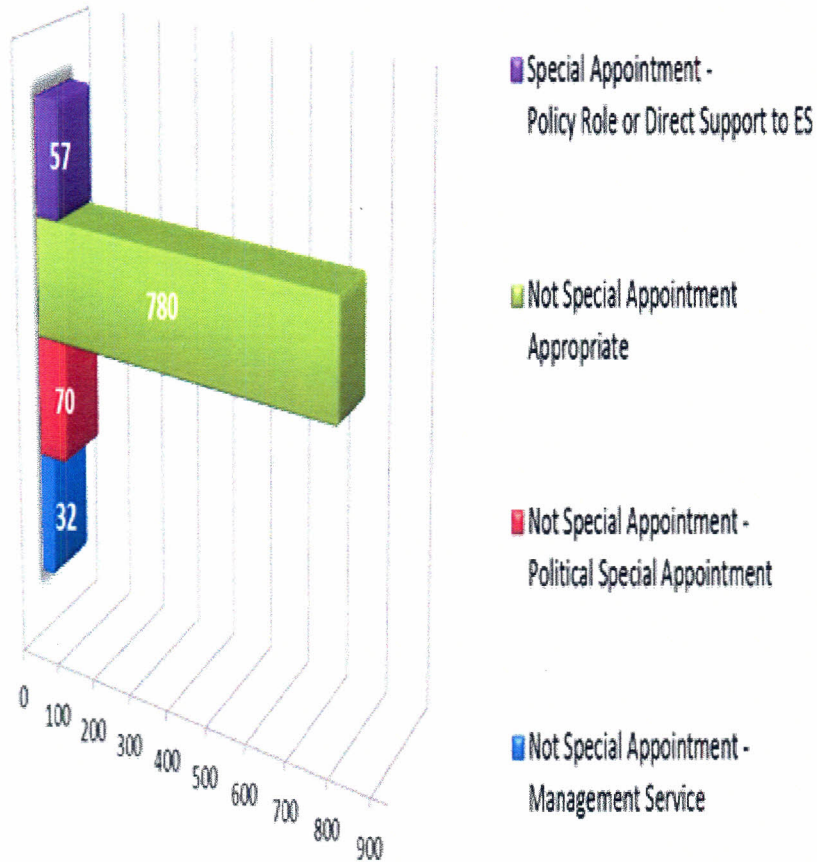
1. Determine the criterion under SPP § 6-405(a) that provided the basis for the SA designation for each position;
2. Identify those specific positions considered SA under § 6-405(a)(3), and
3. Of these positions:
  - Identify which positions no longer warrant SA designation; and
  - Provide DBM with position description forms for each position that met the criteria and warranted SA designation.

**RESULTS OF SPECIAL APPOINTMENT POSITION REVIEW**

Of the total 4,453 SA positions, 939 are designated as SA positions, pursuant to SPP § 6-405(a)(3). As illustrated in the following tables, of these 939 positions, it was determined that 57 performed a significant policy role or provided direct support to a member of the executive service and, therefore, were appropriately designated SA. It was further determined that an additional 70 positions performed a function that merited political special appointment status and an additional 32 positions performed a management function that placed the position in the management service. Approximately 780 positions were found not to warrant any form of at-will status.

RESULTS	# POSITIONS	%
SA Appropriate Based on SPP § 6-405 (a)(3) – Significant Policy Role or Direct Support to Executive	57	6%
Not SA Appropriate – Skilled/Professional Service	780	83%
Not SA Appropriate – Political Special Appointment Job Function	70	8%
Not SA Appropriate – Management Service Class/Function	32	3%
<b>Total no longer SA Appropriate</b>	<b>882</b>	<b>94%</b>

## Results of Special Appointment Position Review



### FOLLOW- UP ACTIONS

As a result of this study, OPSB has flagged the positions in our system that were identified as not being appropriately designated as SA under SPP § 6-405(a)(3). As these positions are vacated, they will be converted to the correct employee status, classification, and/or service criteria.