



SPONSOR: Sen. Poore & Sen. Henry

Sens. Bushweller, Ennis, Hansen, Marshall,
McBride, McDowell, Sokola, Townsend, Walsh

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY
SENATE BILL NO. 2

AN ACT TO AMEND TITLES 14, 15, 18, 19, 29 AND 31 OF THE DELAWARE CODE TO PROVIDE FOR THE REORGANIZATION OF STATE GOVERNMENT BY CREATING THE DEPARTMENT OF HUMAN RESOURCES; TRANSFERRING SELECTED DIVISIONS AND OTHER ORGANIZATIONAL UNITS FROM THE OFFICE OF MANAGEMENT AND BUDGET TO THE DEPARTMENT OF HUMAN RESOURCES; AMENDING REFERENCES TO SUPERSEDED AGENCIES OR OFFICERS; AND ALIGNING THE DUTIES OF THE SECRETARY OF HUMAN RESOURCES AND THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

1 WHEREAS, it is necessary to periodically examine the structure of State services in order to create a
2 state government that is responsive to customers and provides high quality services; and

3 WHEREAS, the government of the State of Delaware and the citizens of the state are well served by a
4 quality workforce of talented and well trained State employees; and

5 WHEREAS, the recruitment, retention, and development of that workforce is important in ensuring that
6 the State is a place that continues to have highly effective employees; and

7 WHEREAS, state employees and taxpayers of Delaware are best served when state employee benefits
8 are provided in an effective and efficient manner; and

9 WHEREAS, in order to fulfill the goal of effective and efficient benefit provision, it requires regular
10 study and review of ways to save costs and incorporate the latest best practices; and

11 WHEREAS, the State's workforce should always strive to better reflect the diversity of the population
12 that it serves; and

13 WHEREAS, in order to ensure the fulfillment of this goal, it is important to continuously be reviewing
14 and implementing current best practices for the development of a diverse workforce; and

15 WHEREAS, the proportion of a diverse and inclusive state employee population enhances the
16 performance of all state employees, and in turn enhances the quality of services the State provides; and

17 WHEREAS, a separate, independent office focused on Human Resources, Statewide Benefits,

18 Diversity, and Inclusion issues will lead to a government that functions more effectively for the people of the
19 State of Delaware;

20 NOW, THEREFORE:

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

22 Section 1. Amend Title 29 of the Delaware Code by inserting a new chapter to read as follows:

23 CHAPTER 90D. DEPARTMENT OF HUMAN RESOURCES

24 § 9001D Establishment of Department of Human Resources.

25 A Department of Human Resources, referred to in this chapter as "Department," is hereby established.

26 § 9002 D Secretary; appointment; salary; employees and assistants.

27 (a) There shall be a Secretary of the Department of Human Resources, hereinafter referred to in this
28 chapter as "Secretary," to be appointed by and to serve at the pleasure of the Governor, with the advice and
29 consent of the Senate. The Secretary shall be paid a salary established by the Governor within the limitation of the
30 funds appropriated therefor.

31 (b) The Secretary may employ such employees as may be required to carry out the duties of this office
32 and may fix the salaries of such employees within the limitations of the funds appropriated therefor.

33 (c) In the event of a vacancy in the position of Secretary, including the death, resignation, temporary
34 incapacity or removal of the incumbent, and prior to the appointment of a successor, the Governor may appoint
35 any qualified individual to serve as Acting Secretary.

36 (d) The Secretary may call upon any other state officer for such assistance as the Secretary may require
37 and may employ such special help as it may require to carry out this chapter. The Secretary shall fix the
38 compensation of such persons as may be employed to be paid out of such funds as the General Assembly may
39 appropriate for that purpose.

40 § 9003D General powers and duties.

41 The Secretary of the Department of Human Resources shall have the following powers, duties and
42 functions:

43 (a) To supervise, direct and account for the administration and operation of the Department, its
44 divisions, subdivisions, offices, functions and employees;

45 (b) To supervise and direct all human resources and benefits employees in Executive Branch agencies
46 subject to terms and conditions of negotiated service level agreements with Executive Branch agencies.

47 (c) To appoint and fix the salary, with the written approval of the Governor, of the following
48 administrators, who may be removed from office by the Secretary with the written approval of the Governor and
49 who shall have such powers, duties and functions in the administration and operation of the Department as may be
50 assigned by the Secretary:

51 (1) A Deputy Secretary position in the Department who shall be known as the Deputy Secretary and
52 who shall be qualified by training and experience to perform the duties of the office.

53 (2) A Director of Personnel Management who shall be qualified by training and experience to perform
54 the duties of the office.

55 (3) A Chief Diversity Officer who shall be qualified by training and experience to perform the duties of
56 the office.

57 (4) A Director of Labor Relations and Employment Practices who shall be qualified by training and
58 experience to perform the duties of the office.

59 (5) A Director of Statewide Benefits who shall be qualified by training and experience to perform the
60 duties of the office.

61 (d) To appoint such additional personnel as may be necessary for the administration and operation of
62 the Department within such limitations as may be imposed by law;

63 (e) To establish, consolidate or abolish such divisions, subdivisions and offices within the Department
64 or transfer or combine the powers, duties and functions of the divisions and other groups within the Department,
65 with the written approval of the Governor, as may be necessary, provided that all powers, duties and functions
66 required by law shall be provided for and maintained;

67 (f) To make and enter into any and all contracts, agreements or stipulations, to retain, employ and
68 contract for the services of private and public consultants, research and technical personnel and to procure by
69 contract, consulting, research, technical and other services and facilities, whenever they shall be deemed by the
70 Secretary necessary or desirable in the performance of the functions of the Department and whenever funds shall be
71 available for such purpose, with the specific requirement that all necessary legal services be provided pursuant to
72 Chapter 25 of this title;

73 (g) To approve and sign all collective bargaining agreements on behalf of the State.

74 (h) To delegate any of the Secretary's powers, duties or functions to an individual in paragraph (c) of
75 this section, except the power to remove employees of the Department or to fix their compensation;

76 (i) To establish and to promulgate such rules and regulations governing the administration and operation
77 of the Department as may be deemed necessary by the Secretary and which are not inconsistent with the laws of
78 this State;

79 (j) To maintain such facilities throughout the State as may be required for the effective and efficient
80 operation of the Department;

81 (k) To adopt an official seal or seals for the Department;

82 (l) To accept and to receive, in furtherance of the Department's function, funds, grants and services from
83 the federal government or its agencies;

84 (m) To assume such other powers, duties and functions as the Governor may assign that are not
85 otherwise inconsistent with the laws of this State;

86 (n) To prepare, in cooperation with the division directors, a proposed budget for the operation of the
87 Department, to be submitted for the consideration of the Governor and the General Assembly. The Department
88 shall be operated within the limitation of the annual appropriation and any other funds appropriated by the General
89 Assembly, with the provision that special funds may be used in accordance with approved programs, grants and
90 appropriations;

91 § 9004D Exemptions.

92 The following positions set forth in this section shall be exempt from Chapter 59 of this title:

93 (1) Secretary of the Department of Human Resources;

94 (2) Deputy Secretary;

95 (3) Director of Personnel Management;

96 (4) Chief Diversity Officer;

97 (5) Director of Labor Relations and Employment Practices; and

98 (6) Director of Statewide Benefits.

99 § 9005D Personnel Management.

100 (a) The Division of Personnel Management of the Department of Human Resources is hereby
101 established, having the powers, duties and functions as follows:

102 (1) Consistent with the right of public employees to organize under Chapter 13 of Title 19, the Director
103 of Personnel Management shall have the following responsibilities:

104 a. Attend all meetings of the Merit Employee Relations Board, act as liaison between the Board and the

105 Department of Human Resources, and cooperate with the staff of the Board in administrative and technical
106 activities;

107 b. Establish and maintain a roster of all employees in the classified service as defined in § 5903 of this
108 title, setting forth pertinent data as to each employee, including the class, title of the position held, salary or pay,
109 and any change in class title, pay or status;

110 c. Designate an employee to act as the staff development officer for the Department of Human
111 Resources, funded through appropriated special funds. This individual will support statewide training programs
112 for state managers, supervisors and employees. Statewide training programs will be supported with funds
113 generated from the assessment of charges for courses on agencies participating in certain classes held by the
114 Department of Human Resources. The Department of Human Resources may set charges for courses to sustain or
115 create training programs with the funds placed in an appropriated special fund account;

116 d. Encourage the development of more effective personnel administration within the departments and
117 agencies in the state service and make available for this purpose the assistance and facilities of the Merit
118 Employee Relations Board;

119 e. Investigate from time to time the operation and effect of Chapter 59 of this title, and of the rules made
120 thereunder and to report findings and recommendations to the Merit Employee Relations Board; and

121 f. Perform any other lawful acts necessary or desirable to carry out the provisions of Chapter 59 of this
122 title and the rules adopted thereunder.

123 (b) The Director of Personnel Management shall assume such other powers, duties and functions as the
124 Secretary of the Department of Human Resources may assign that are not otherwise inconsistent with the laws of
125 this State.

126 § 9006D Diversity and Inclusion.

127 (a) The Division of Diversity and Inclusion of the Department of Human Resources is hereby established
128 having powers, duties and functions as follows:

129 (1) The Division shall assume all responsibilities and oversight previously assigned to the Governor's
130 Council on Equal Employment Opportunity.

131 (2) The Chief Diversity Officer shall have the following responsibilities:

132 a. Guide efforts to define, assess, and cultivate access, equity, diversity, and inclusion throughout state
133 government.

134 b. Provide analysis of various forms of institutional data to benchmark and promote accountability for the
135 diversity mission of state agencies.

136 c. Promote and provide education to foster an awareness and understanding of the various laws,
137 regulations, and policies regarding nondiscrimination.

138 d. Collaborate with state agencies to identify policies and practices supporting the recruitment and
139 retention of employees from historically underrepresented groups.

140 e. Develop diversity metrics and processes to assess diversity, equity, and inclusion efforts.

141 (b) The Chief Diversity Officer shall assume such other powers, duties and functions as the Secretary of
142 the Department of Human Resources may assign that are not otherwise inconsistent with the laws of this State.

143 § 9007D Labor Relations and Employment Practices.

144 (a) The Division of Labor Relations and Employment Practices of the Department of Human Resources
145 is hereby established having powers, duties and functions as follows:

146 (1) The Director of the Division of Labor Relations and Employment Practices shall have the following
147 responsibilities:

148 a. To establish management practices that address workplace fairness and stability in accordance with
149 Merit law and Merit Rules.

150 b. To assume the central leadership role for the Executive Branch over all matters relating to collective
151 bargaining, and any other personnel and labor relations matters affecting the Executive Branch and its
152 departments and agencies, including negotiations with employee organizations, labor arbitration, Public
153 Employment Relations Board, Department of Labor, Equal Employment Opportunity Commission and other
154 administrative proceedings.

155 c. To assume responsibility for any other agreement or arrangements made involving employee
156 organizations that represent employees subject to Executive Branch authority.

157 (b) The Director of Labor Relations and Employment Practices shall assume such other powers, duties
158 and functions as the Secretary of the Department of Human Resources may assign that are not otherwise
159 inconsistent with the laws of this State.

160 § 9008D Statewide Benefits.

161 (a) The Division of Statewide Benefits of the Department of Human Resources is hereby established
162 having powers, duties and functions as follows:

163 (1) With the exception of deferred compensation pursuant to Chapter 60A of this title and any other
164 investment or retirement savings plan, the Director of Statewide Benefits shall be responsible for the management
165 and administration of all currently existing and future state employee benefits programs, including but not limited
166 to group health, group life, flexible benefits, dental, vision, prescription, long-term care, disability, supplemental
167 benefits and the Blood Bank.

168 (b) The Director of Statewide Benefits shall assume such other powers, duties and functions as the
169 Secretary of the Department of Human Resources may assign that are not otherwise inconsistent with the laws of
170 this State.

171 § 9008D Counsel; powers and duties.

172 The Department shall employ one counsel experienced in the field of labor and employment law, who
173 may advise the Department on matters of labor and employment law and who shall assist the Department in
174 developing standards, policies, programs and training materials that satisfy Delaware and federal law

175 § 9010D Functions prior to July 1, 2017.

176 The Department of Human Resources, through appropriate divisions, subdivisions and offices, shall have
177 the power to perform and shall be responsible for the performance of all the powers, duties and functions that
178 were vested in the Human Resource Management and the Benefits and Insurance Administration Sections of the
179 Office of Management and Budget prior to July 1, 2017, and which are not otherwise specifically assigned to the
180 Department of Human Resources by this chapter, excepting only those powers, duties and functions expressly
181 vested in or retained by any such person, department, board, commission or agency.

182 § 9011D Appeals.

183 Any and all rights of appeal now existing by law, with respect to any act or acts constituting the exercise
184 of any function or functions transferred by this chapter to the Department of Human Resources or to any division
185 or subdivision or office thereof, shall continue to exist with respect to such act or acts as hereafter performed by
186 the Department of Human Resources or by the division, subdivision or office to which such function is
187 transferred, and each such appeal shall be perfected in the manner heretofore provided by law.

188 § 9012D Transfers and continuity.

189 (a) All books, records, papers, maps, charts, plans and other material including, but not limited to, any
190 equipment in the possession of any agency of the State and used in connection with a function transferred by this
191 chapter to the Department of Human Resources shall, on July 1, 2017, be delivered into the custody of the said

192 Department. All investigations, petitions, hearings and legal proceedings pending before or instituted by any
193 agency from which functions are transferred by this chapter and not concluded prior to July 1, 2017, shall
194 continue unabated and remain in full force and effect, notwithstanding the passage of this chapter and, where
195 necessary, may be completed before, by or in the name of the Department. All orders, rules and regulations made
196 by any agency from which functions are transferred by this chapter and which govern such functions, and which
197 are in effect on July 1, 2017, shall remain in full force and effect until revoked or modified in accordance with law
198 by the Department. All contracts and obligations of any agency made or undertaken in the performance of a
199 function transferred to the Department by this chapter and being in force on July 1, 2017, shall, notwithstanding
200 this chapter, remain in full force and effect and be performed by the Department.

201 (b) Employees of any agency whose functions are consistent with and have been transferred to the
202 Department of Human Resources by this chapter shall continue and be deemed to be the employees of the said
203 Department on July 1, 2017, and, where applicable, with all the benefits accrued as merit employees as of July 1,
204 2017.

205 (c) All definitions and references to any commission, board, department, council or agency which appear
206 in any other act or law shall, to the extent that they are consistent with this chapter and in connection with a
207 function transferred to the Department of Human Resources, be construed as referring and relating to the
208 Department of Human Resources as created and established by this chapter.

209 (d) All definitions and references to any director, commissioner, executive secretary, commission, board
210 or council member or other similar person which appear in any other act or law shall, to the extent that they are
211 consistent with this chapter and in connection with a function transferred by this chapter to the Department of
212 Human Resources, be construed as referring or relating to such person or persons and their powers, duties and
213 functions as established and created by this chapter.

214 § 9013D Misnomer in donation.

215 Any misnomer shall not defeat or annul any gift, grant, devise or bequest to the Department of Human
216 Resources or any predecessor agency thereof if it sufficiently appears by the will, conveyance or other writing that
217 the party making the same intended to pass and convey thereby the estate or interest therein expressed or
218 described to the Department or to any commission, board, department, authority, council or agency, from which,
219 by this chapter, the powers, duties and functions have been transferred to the Department.

220 § 9014D Supremacy.

221 All other laws or parts of laws now in effect inconsistent with this chapter are repealed, superseded,
222 modified or amended so far as necessary to conform to and give full force and effect to this chapter.

223 Section 2. Amend § 2515, Title 29 of the Delaware Code by making deletions as shown by strikethrough
224 and insertions as shown by underline as follows:

225 § 2515 Exceptions.

226 (d) Notwithstanding § 2507 of this title, the Department of Personnel established pursuant to Chapter
227 90D of this title shall be permitted to employ one counsel experienced in the field of labor and employment law to
228 advise the Department on matters of labor and employment law and assist the Department in developing
229 standards, policies, programs and training materials that satisfy Delaware and federal law.

230 Section 3. Amend § 6303A, Title 29 of the Delaware Code by making deletions as shown by
231 strikethrough and insertions as shown by underline as follows:

232 § 6303A General powers and duties.

233 (11) To appoint and fix the salary, with the written approval of the Governor, of the following
234 administrators, who may be removed from office by the Director with the written approval of the Governor and
235 who shall have such powers, duties and functions in the administration and operation of the Office as may be
236 assigned by the Director:

237 a. A Management Services Administrator who shall be qualified by training and experience to perform
238 the duties of the office.

239 b. A Facilities Management Administrator who shall be qualified by training and experience to perform
240 the duties of the office.

241 c. A Government Support Services Administrator who shall be qualified by training and experience to
242 perform the duties of the office.

243 ~~d. A Human Resource Management Administrator who shall be qualified by training and experience to~~
244 ~~perform the duties of the office.~~

245 ~~e. A Benefits and Insurance Administrator who shall be qualified by training and experience to perform~~
246 ~~the duties of the office.~~

247 f.d. An Administrator of Budget Development, Planning and Administration who shall be qualified by
248 training and experience to perform the duties of the office.

249 Section 4. Amend § 6305A, Title 29 of the Delaware Code by making deletions as shown by

250 strikethrough and insertions as shown by underline as follows:

251 § 6305A Exemptions.

252 The following positions set forth in this section shall be exempt from Chapter 59 of this title:

253 (1) Director of the Office of Management and Budget;

254 (2) Management Services Administrator;

255 (3) Facilities Management Administrator;

256 (4) Government Support Services Administrator; and

257 ~~(5) Human Resource Management Administrator;~~

258 ~~(6) Benefits and Insurance Administrator; and~~

259 ~~(7)~~ Administrator of Budget Development, Planning and Administration.

260 Section 5. Amend § 6305A, Title 29 of the Delaware Code by making deletions as shown by
261 strikethrough and insertions as shown by underline as follows:

262 ~~§ 6309A Human Resources Management.~~

263 ~~(a) The Human Resources Management Section of the Office of Management and Budget is hereby~~
264 ~~established having powers, duties and functions relating to human resources as follows:~~

265 ~~(1) In addition to the duties imposed upon the Human Resources Management Administrator elsewhere~~
266 ~~in this Code and consistent with the right of public employees to organize under Chapter 13 of Title 19, it shall be~~
267 ~~the Administrator's duty to:~~

268 ~~a. Attend all meetings of the Merit Employee Relations Board and act as liaison between the Board and~~
269 ~~the Office of Management and Budget, and to cooperate with the staff of the Board in administrative and technical~~
270 ~~activities;~~

271 ~~b. Establish and maintain a roster of all employees in the classified service as defined in § 5903 of this~~
272 ~~title, setting forth pertinent data as to each employee, including the class title of the position held, salary or pay,~~
273 ~~and any change in class title, pay or status;~~

274 ~~e. Designate an employee to act as the staff development officer for the Office of Management and~~
275 ~~Budget, funded through appropriated special funds. This individual will support statewide training programs for~~
276 ~~state managers, supervisors and employees. Statewide training programs will be supported with funds generated~~
277 ~~from the assessment of charges for courses on agencies participating in certain classes held by the Office of~~
278 ~~Management and Budget. The Office of Management and Budget may set charges for courses to sustain or create~~

279 training programs with the funds placed in an appropriated special fund account;

280 ~~d. Encourage the development of more effective personnel administration within the departments and~~
281 ~~agencies in the state service and to make available for this purpose the assistance and facilities of the Merit~~
282 ~~Employee Relations Board;~~

283 ~~e. Investigate from time to time the operation and effect of Chapter 59 of this title, and of the rules made~~
284 ~~thereunder and to report findings and recommendations to the Merit Employee Relations Board; and~~

285 ~~f. Perform any other lawful acts necessary or desirable to carry out the provisions of Chapter 59 of this~~
286 ~~title and the rules adopted thereunder.~~

287 ~~(b) The Human Resources Management Administrator shall assume such other powers, duties and~~
288 ~~functions as the Director of the Office of Management and Budget may assign which are not otherwise~~
289 ~~inconsistent with the laws of this State.~~

290 Section 6. Amend § 6306A, Title 29 of the Delaware Code by making deletions as shown by
291 strikethrough and insertions as shown by underline as follows:

292 ~~§ 6310A Benefits and Insurance Administration.~~

293 ~~(a) The Benefits and Insurance Administration Section of the Office of Management and Budget is~~
294 ~~hereby established having powers, duties and functions as follows:~~

295 ~~(1) With the exception of deferred compensation pursuant to Chapter 60A of this title and any other~~
296 ~~investment or retirement savings plan, the Administrator shall be responsible for the management and~~
297 ~~administration of all currently existing and future state employee benefits programs, including but not limited to~~
298 ~~group health, group life, flexible benefits, dental, vision, prescription, long term care, disability and the Blood~~
299 ~~Bank.~~

300 ~~(2) The Director of the Office of Management and Budget shall have such powers and duties with regard~~
301 ~~to the State Insurance Coverage Office as may be provided in the annual operating act.~~

302 ~~(b) The Benefits and Insurance Administrator shall assume such other powers, duties and functions as the~~
303 ~~Director of the Office of Management and Budget may assign which are not otherwise inconsistent with the laws~~
304 ~~of this State.~~

305 Section 7. Amend §121, Title 14 of the Delaware Code by making deletions as shown by strikethrough
306 and insertions as shown by underline as follows:

307 § 121 General powers of the Department of Education.

308 (a) The Department shall exercise general control and supervision over the public schools of the State,
309 including:

310 (4) Hiring, through the Secretary, by execution of a written contract for a term of not less than 1 year and
311 not more than 5 years, of certificated professional employees, other than those persons described in paragraph
312 (a)(3) of this section and § 103(a)(2) of this title, necessary for carrying out the policies, rules and regulations of
313 the Department. For the purposes of this subsection, the term "certificated professional employees" includes
314 education associates, education specialists, field agents, technicians and other employees holding positions of
315 similar rank. The Secretary may elect not to renew the contract of a certificated professional employee upon its
316 expiration. However, in such a case, the Secretary shall notify the employee in writing by certified mail, return
317 receipt requested, at least 4 months prior to the expiration date of the existing contract that the Secretary does not
318 intend to renew the contract, thereby providing official notice that the services of the employee are to be
319 terminated. Failure to notify a person covered under this subsection in writing by the required date shall result in
320 an automatic extension of the existing contract for a period of 1 year from its expiration date. The written
321 notification shall indicate that just cause exists for the Secretary's proposed action. For the purposes of this
322 subsection, "just cause" shall be defined as including, but not limited to, reduction in force, inefficiency, or
323 unsatisfactory performance of duties. Any employee notified of the Secretary's intention not to renew for reasons
324 other than a reduction in force may request a formal hearing before a hearing officer appointed by the ~~Director of~~
325 ~~the Office of Management and Budget~~ Secretary of the Department of Human Resources within 15 calendar days
326 from the date that notice of the Secretary's intention not to renew is sent by certified mail. In the event that an
327 employee requests a hearing in a timely manner, the ~~Office of Management and Budget~~ Department of Human
328 Resources shall convene a hearing no earlier than 10 days nor later than 90 days after receipt of the request for a
329 hearing, unless both parties agree to a different schedule. The employee shall have the opportunity to present
330 information in the employee's own defense and may have legal counsel at the hearing;

331 (5) Dismissing or disciplining, through the Secretary, during the contract period, for misconduct in
332 office, incompetency, or willful neglect of duty, any officer or certificated professional employee appointed under
333 this title or under any special school law, except an employee whose position is covered in § 103(a)(2) of this title,
334 giving the employee a copy of the charges against the employee. In making a determination to dismiss or to
335 impose a lesser disciplinary action, the Secretary shall assess and take into account any mitigating or extenuating
336 circumstances as well as the employee's work history. Any employee dismissed pursuant to this subsection may

337 request a formal hearing before a hearing officer appointed by the ~~Director of the Office of Management and~~
338 ~~Budget~~ Secretary of the Department of Human Resources within 15 calendar days from the date that notice is sent
339 by certified mail or the date of receipt of the written notification of dismissal from the Secretary if hand-delivered,
340 whichever is applicable. In the event that an employee timely requests a hearing, the ~~Office of Management and~~
341 ~~Budget~~ Department of Human Resources shall convene a hearing no earlier than 10 days nor later than 90 days
342 after receipt of the request for a hearing, unless both parties agree to a different schedule. The employee shall have
343 the opportunity to present information in the employee's own defense and may have legal counsel at the hearing;

344 (6) Hiring, through the Secretary, any clerical assistants and other noncertificated employees necessary to
345 provide support in carrying out the policies, rules and regulations of the Department or the State Board, or both.
346 An employee hired pursuant to this subsection shall not enter into a written contract with the Department. Such
347 employee shall be subject to dismissal or other disciplinary action imposed by the Secretary only for just cause.
348 For the purposes of this subsection, "just cause" includes, but is not limited to, reduction in force, inefficiency
349 unsatisfactory performance of duties, misconduct, immorality, incompetency, and willful neglect of duty;

350 In making a determination to dismiss or to impose a lesser disciplinary action pursuant to this subsection,
351 the Secretary shall assess and take into account any mitigating or extenuating circumstances as well as the
352 employee's work history. Any employee dismissed pursuant to this subsection may request a formal hearing
353 before a hearing officer appointed by the ~~Director of the Office of Management and Budget~~ Secretary of the
354 Department of Human Resources within 15 calendar days from the date that notice is sent by certified mail or the
355 date of receipt of the written notification of dismissal from the Secretary if hand-delivered, whichever is
356 applicable. In the event that an employee timely requests a hearing, the ~~Office of Management and Budget~~
357 Department of Human Resources shall convene a hearing no earlier than 10 days nor later than 90 days after
358 receipt of the request for a hearing, unless both parties agree to a different schedule. The employee shall have the
359 opportunity to present information in the employee's own defense and may have legal counsel at the hearing;

360 Section 8. Amend §1327, Title 14 of the Delaware Code by making deletions as shown by strikethrough
361 and insertions as shown by underline as follows:

362 § 1327 Leave of absence for person in military service.

363 (b) Any principal, teacher or other school employee taking a leave of absence authorized by subsection
364 (a) of this section who, as a member of the Delaware National Guard or a United States military reserve
365 organization, has been ordered to active duty to augment active forces for any operational mission, shall continue

366 to receive the principal's, teacher's or other school employee's state compensation during the initial period of
367 active duty prescribed by the military, to be reduced by any military compensation received. While on such leave
368 of absence, for a period not to exceed 2 years, the employee and the employee's dependents shall continue to
369 receive benefits provided under any applicable group health insurance plan offered by the school district, provided
370 that the employee continues to pay any employee-share premium for such plan. The ~~Office of Management and~~
371 ~~Budget~~ Department of Human Resources shall develop any rules and regulations necessary to implement the
372 provisions of this subsection. These rules shall make it the responsibility of the employee to initiate the claim and
373 supply the required military pay information. The State shall be responsible for collecting information relating to
374 State compensation. Claims shall be filed within 90 days of release from active duty or passage of this legislation,
375 whichever is later.

376 Section 9. Amend §9219, Title 14 of the Delaware Code by making deletions as shown by strikethrough
377 and insertions as shown by underline as follows:

378 § 9219 Basic salary schedule for Plan A employees.

379 (d) The Board of Trustees of the College may certify that specific instructional positions are in scarce
380 supply and shall report that determination to the Secretary of the Department of Human Resources, the Director of
381 the Office of Management and Budget and Controller General. After such certification, new hires on the Salary
382 Plan A schedule who are to be engaged in positions of scarce supply may be offered a salary by the Board of
383 Trustees that exceeds the scheduled salary by up to 15%.

384 (2) a. The class specifications for positions occupied by Delaware Technical and Community College
385 Plan B employees shall be assigned paygrades comparable to the Merit System pay plan using the same criteria
386 authorized by the ~~Office of Management and Budget~~ Department of Human Resources for Merit System
387 positions.

388 b. Periodic classification maintenance reviews shall be processed under the normal ~~Office of~~
389 ~~Management and Budget~~ Department of Human Resources maintenance review processes. Critical
390 reclassifications shall be processed under the same general system as the Merit System, subject to final approval
391 of a committee composed of the President of the College, Secretary of the Department of Human Resources,
392 Director of the Office of Management and Budget and Controller General.

393 (3) The College is authorized to hire at up to 100% of the midpoint of an assigned paygrade upon the
394 signature of the appropriate Vice President and Campus Director; hiring beyond the 100% of midpoint shall

395 require the signatures of the Secretary of the Department of Human Resources, Director of the Office of
396 Management and Budget and Controller General.

397 (4) Any changes in the allocation of jobs to grade level shall be approved by the Board of Trustees and
398 filed with the Secretary of the Department of Human Resources, Director of the Office of Management and
399 Budget and the Controller General.

400 Section 10. Amend §213, Title 15 of the Delaware Code by making deletions as shown by strikethrough
401 and insertions as shown by underline as follows:

402 § 213 Employees; duties and compensation.

403 (b) The duties of such employees and the duties of any investigator appointed by the State Election
404 Commissioner pursuant to § 302(14) of this title hereof, shall be prescribed by the Board and the compensation
405 fixed by the ~~Director of the Office of Management and Budget~~ Secretary of the Department of Human Resources.

406 Section 11. Amend §3207, Title 18 of the Delaware Code by making deletions as shown by strikethrough
407 and insertions as shown by underline as follows:

408 § 3207 Legal agent of the State.

409 The ~~Director of the Office of Management and Budget~~ Secretary of the Department of Human Resources
410 shall be the legal agent for the State and shall be empowered to enter into the contract for group life insurance
411 with any insurance carrier designated by the State Employee Benefits Committee.

412 Section 12. Amend §3208, Title 18 of the Delaware Code by making deletions as shown by strikethrough
413 and insertions as shown by underline as follows:

414 § 3208 Administration of chapter.

415 The ~~Director of the Office of Management and Budget~~ Secretary of the Department of Human Resources
416 may perform all acts necessary or proper for administration of the insurance coverage provided.

417 Section 13. Amend §6502, Title 18 of the Delaware Code by making deletions as shown by strikethrough
418 and insertions as shown by underline as follows:

419 § 6502 Insurance for the protection of the State and the public; determination of coverage.

420 There is hereby established the Insurance Coverage Determination Committee, which shall be composed
421 of the ~~Director of the Office of Management and Budget~~ Secretary of the Department of Human Resources, the
422 State Auditor and the Insurance Commissioner or their designees, during their respective terms of office.

423 The ~~Director of the Office of Management and Budget~~ Secretary of the Department of Human Resources

424 or his or her designee shall serve as the Chair of the Committee. The Committee shall from time to time
425 determine the method of insuring, the amount of insurance, and the class of coverage covering any type of risk to
426 which the State may be exposed, including, but not limited to: property insurance, as defined in § 904 of this title;
427 surety insurance, as defined in § 905(a)(1) of this title; casualty insurance, as defined in § 906 of this title; marine
428 and transportation and "wet marine" insurance, as defined in § 907 of this title; title insurance, as defined in § 908
429 of this title; to be effected and carried by the State or any subdivision thereof, including all school districts, but
430 excluding, however, municipal corporations, counties, and the authorities relating to the crossings of the Delaware
431 River and the Delaware Bay.

432 Section 14. Amend §6505, Title 18 of the Delaware Code by making deletions as shown by strikethrough
433 and insertions as shown by underline as follows:

434 § 6505 Establishment of Insurance Coverage Office.

435 There is hereby established under the direction and supervision of the ~~Director of the Office of~~
436 ~~Management and Budget~~ Secretary of the Department of Human Resources the Insurance Coverage Office, the
437 executive head of which shall be the Insurance Coverage Administrator, who shall serve in the state classified
438 service.

439 Section 15. Amend §6521, Title 18 of the Delaware Code by making deletions as shown by strikethrough
440 and insertions as shown by underline as follows:

441 § 6521 Payment of premiums on commercial insurance.

442 The estimated appropriation necessary for commercially procured insurance as authorized by § 6520 of
443 this title for each fiscal year shall be determined by the Insurance Coverage Office and submitted to the ~~Director~~
444 ~~of the Office of Management and Budget~~ Secretary of the Department of Human Resources for review and
445 consideration as part of the annual ~~contingency~~ budgets requested by the ~~Office~~ Department. Upon
446 appropriation by the General Assembly the funds shall be utilized by the Administrator for the payment of
447 premiums for coverages.

448 Section 16. Amend §6532, Title 18 of the Delaware Code by making deletions as shown by strikethrough
449 and insertions as shown by underline as follows:

450 § 6532 Payment of premium allocations.

451 The estimated appropriation necessary for each fiscal year shall be determined by the Insurance
452 Coverage Office and submitted to the ~~Director of the Office of Management and Budget~~ Secretary of the

453 Department of Human Resources for review and consideration as ~~1~~ part of the annual ~~contingency~~ budgets
454 requested by the ~~Office-Department~~. Upon appropriation by the General Assembly, the funds shall be utilized for
455 the purposes of paying coverages.

456 Section 17. Amend §6541, Title 18 of the Delaware Code by making deletions as shown by strikethrough
457 and insertions as shown by underline as follows:

458 § 6541 Inspections of insured property.

459 The Insurance Coverage Office shall have available to it the services of the State Fire Marshal and the
460 State Fire Marshal's deputies for the purpose of inspecting self-insured real and personal property of the State, and
461 may call upon the Fire Marshal and State Fire Marshal's deputies to conduct such inspections of such property as
462 are reasonable and necessary to determine the risk involved in insuring same and to provide the basis for requests
463 or suggestions as to how undesirable hazards may be corrected; and the Fire Marshal and the State Fire Marshal's
464 deputies shall cooperate with the Insurance Coverage Office in this regard, conducting such investigations as are
465 requested and reporting the results thereof to the Insurance Coverage Office together with such recommendations
466 as the investigator shall deem to be appropriate.

467 All state agencies, officials and employees will render full cooperation to the Fire Marshal and the
468 Insurance Coverage Office in these matters and shall promptly correct such hazards as are found to exist, and
469 failure to do so shall be referred to the ~~Director of the Office of Management and Budget~~ Secretary of the
470 Department of Human Resources by the Insurance Coverage Office for such remedial executive action as the
471 Governor shall deem appropriate.

472 Section 18. Amend §204, Title 19 of the Delaware Code by making deletions as shown by strikethrough
473 and insertions as shown by underline as follows:

474 § 204 Training and apprenticeship programs.

475 (a) The State Department of Labor shall develop and conduct employee training and registered
476 apprenticeship programs, in cooperation with participating appointing authorities and the ~~Office of Management~~
477 ~~and Budget~~ Department of Human Resources. The ~~Office of Management and Budget~~ Department of Human
478 Resources shall assist appointing authorities in utilizing such programs, and in developing the apprenticeships
479 which are established pursuant to this section.

480 (b) The ~~Director of the Office of Management and Budget~~ Secretary of the Department of Human
481 Resources, in cooperation with the Department of Labor and other participating appointing authorities, shall

482 develop and annually revise a list of employment classifications in the classified service which are appropriate for
483 apprenticeship training by December 31.

484 (c) The Apprenticeship and Training Section of the Department of Labor shall establish procedures for
485 the coordination of programs developed under this section, in cooperation with the ~~Director of the Office of~~
486 Management and Budget Secretary of the Department of Human Resources.

487 (d) Subject to the approval of the ~~Director of the Office of Management and Budget Secretary of the~~
488 Department of Human Resources and the procedures established by the Apprenticeship and Training Section of
489 the Department of Labor, each participating agency shall determine the location and positions in which
490 apprenticeships are to be established.

491 (e) The Secretary of Labor shall include in the Secretary's annual report the following:

492 (10) A summary of characteristics of applicants and participants in the program deemed pertinent by the
493 ~~Director of the Office of Management and Budget Secretary of the Department of Human Resources~~.

494 Section 19. Amend §2301B, Title 19 of the Delaware Code by making deletions as shown by
495 strikethrough and insertions as shown by underline as follows:

496 § 2301B Hearing officers.

497 (d) The removal of a hearing officer by the Secretary of Labor, after consultation with the Chairperson of
498 the Board, during the term of appointment may be made for just cause. For the purposes of this subsection only,
499 "just cause" shall be defined as including, but not limited to, reduction in force, inefficiency or unsatisfactory
500 performance of duties. The employee may contest the removal and file for binding arbitration and an arbitrator
501 will be appointed jointly by the Chairperson of the Merit Employees Relations Board and the ~~Director of the~~
502 Office of Management and Budget Secretary of the Department of Human Resources to determine the matter.

503 Section 20. Amend §3402, Title 19 of the Delaware Code by making deletions as shown by strikethrough
504 and insertions as shown by underline as follows:

505 § 3402 Disbursement of special assessment funds.

506 b. Of this 25 percent sum, not more than \$100,000 shall be allocated for subgrants to fund career training
507 for state employees. Appropriate regulations for the granting of these funds shall be developed by the Delaware
508 Economic Development Office, in cooperation with the ~~Office of Management and Budget Secretary of the~~
509 Department of Human Resources and a representative of a public employees' union representing state employees.

510 Section 21. Amend §3301, Title 29 of the Delaware Code by making deletions as shown by strikethrough

511 and insertions as shown by underline as follows:

512 § 3301 Established; composition; qualifications; terms of office.

513 There is established a commission known as the "Delaware Compensation Commission," hereinafter
514 referred to as the "Commission," consisting of 6 members, 2 of whom shall be appointed by the Governor, 1 by
515 the President Pro Tempore of the Senate and 1 by the Speaker of the House of Representatives. The fifth member
516 shall be the President of the Delaware Round Table. The ~~Director of the Office of Management and Budget~~
517 Secretary of the Department of Human Resources of the State shall serve as an ex officio and nonvoting member
518 of the Commission. The appointees shall be persons not holding any public office nor employed substantially full-
519 time with compensation by this State while serving on this Commission. Those appointed shall serve for a 6 year
520 term. Any member is eligible for reappointment.

521 Section 22. Amend §5105, Title 29 of the Delaware Code by making deletions as shown by strikethrough
522 and insertions as shown by underline as follows:

523 § 5105 Leave of absence for military service; pension rights; term of successor appointees.

524 (b) Any employee of the State taking a leave of absence authorized by subsection (a) of this section who,
525 as a member of the Delaware National Guard or a United States military reserve organization, has been ordered to
526 active duty to augment active forces for any operational mission, shall continue to receive that employee's own
527 state compensation during the initial period of active duty prescribed by the military, to be reduced by any
528 military compensation received. While on such leave of absence, for a period not to exceed 2 years, the employee
529 and the employee's dependents shall continue to receive benefits provided under the State's group health insurance
530 plan, provided that the employee continues to pay any employee-share premium for such plan. The ~~Office of~~
531 ~~Management and Budget~~ Department of Human Resources shall develop any rules and regulations necessary to
532 implement the provisions of this subsection. These rules shall make it the responsibility of the employee to initiate
533 the claim and supply the required military pay information. The State shall be responsible for collecting
534 information relating to State compensation. Claims shall be filed within 90 days of release from active duty or
535 passage of this legislation, whichever is later.

536 Section 23. Amend §5113, Title 29 of the Delaware Code by making deletions as shown by strikethrough
537 and insertions as shown by underline as follows:

538 § 5113 Leave for Olympic competition.

539 (d) The ~~State Personnel Commission~~ Department of Human Resources shall implement this section by

540 the adoption of appropriate rules and regulations.

541 Section 24. Amend §5114, Title 29 of the Delaware Code by making deletions as shown by strikethrough
542 and insertions as shown by underline as follows:

543 § 5114 Membership in Blood Bank of Delaware.

544 (e) ~~The Director of the Office of Management and Budget~~ Secretary of the Department of Human
545 Resources shall be responsible for the administration of this section.

546 Section 25. Amend §5257, Title 29 of the Delaware Code by making deletions as shown by strikethrough
547 and insertions as shown by underline as follows:

548 § 5257 Return to work.

549 (a) Once an employee has been determined to have the ability to return to employment by the
550 Committee, the employee will receive the following assistance:

551 (1) Merit employees may be placed in any vacant merit position, for which they qualify, by the ~~Office of~~
552 ~~Management and Budget~~ Secretary of the Department of Human Resources.

553 (b) Once an individual has been determined to have the ability to return to employment by the
554 committee, the individual will receive the following assistance:

555 (1) Former merit employees enrolled in and previously deemed eligible for the Long-Term Disability
556 Program may, when available and appropriate, be placed by the ~~Office of Management and Budget~~ Department of
557 Human Resources in any merit position, for which they qualify without a certification list, as long as the paygrade
558 does not exceed their paygrade at the time of their acceptance into and eligibility for the Short-Term Disability
559 Program. Exceptions to the paygrade limitation may be made for vacancies for which a documented shortage of
560 qualified applicants exists.

561 Section 26. Amend §5258, Title 29 of the Delaware Code by making deletions as shown by strikethrough
562 and insertions as shown by underline as follows:

563 § 5258 Appeals.

564 The carrier shall notify a participating employee of its determination of the employee's eligibility for
565 short-term disability benefits in writing by certified mail, return receipt requested, within 10 days of the carrier's
566 determination. Within 90 days of the postmark date of the carrier's written notice of its determination, an
567 aggrieved participating employee may appeal any denial of disability benefits by filing a written petition setting
568 forth with particularity the grounds for appeal with the carrier. The carrier shall have the authority to reverse all or

569 any part of its initial decision to deny benefits and shall notify the employee, the employing organization and the
570 Statewide Benefits Office in writing by certified mail, return receipt requested within 10 days of the carrier's
571 determination.

572 Within 20 days of the postmark date of the carrier's determination of appeal an aggrieved participating
573 employee may file a second level appeal of denial of disability benefits by filing a written petition setting forth
574 with particularity the grounds for second appeal, with the Appeals Administrator, who shall conduct an informal
575 review, and who shall have the authority to reverse all or any part of the decision of the carrier to deny benefits.

576 The Appeals Administrator or designee, shall issue a final written decision and shall mail it to the
577 employee by certified mail, return receipt requested, within 30 days of speaking with the employee. The
578 Committee shall designate an officer of the Division of ~~the~~ Statewide Benefits Office to act as the Appeals
579 Administrator.

580 If the Appeals Administrator affirms the carrier's decision to deny disability benefits or any part thereof,
581 an aggrieved employee may appeal to the Committee within 20 days of the postmark date of the notice of the
582 determination from the Appeals Administrator by filing a written petition with the Committee setting forth with
583 particularity the grounds for appeal. The Committee may designate an appropriate officer of the ~~Office of~~
584 ~~Management and Budget~~ Department of Human Resources as a hearing officer to hear evidence presented by the
585 participating employee or, in its sole discretion, it may decide to hear the appeal directly. The Committee or
586 hearing officer, as the case may be, shall determine whether the determination to deny benefits complies with the
587 applicable disability plan adopted by the Committee. The hearing officer and/or Committee shall have all of the
588 following powers in respect to the conduct at the hearing:

589 Section 27. Amend §5901, Title 29 of the Delaware Code by making deletions as shown by strikethrough
590 and insertions as shown by underline as follows:

591 § 5901 Definitions.

592 (a) As used in this chapter, unless the context requires a different meaning:

593 ~~(5) "Director" means the Director of the Office of Management and Budget appointed pursuant to this~~
594 ~~chapter.~~

595 ~~(6)~~ "Merit comparable positions" means those positions which for salary determination purposes, are
596 assigned, pursuant to the State Budget Act, classification titles and/or pay grades that are comparable to the titles
597 and/or pay grades of similar positions in the classified service.

598 (7) "Rules" means those rules adopted by the Board pursuant to this chapter.

599 (7) "Secretary" means the Secretary of the Department of Human Resources.

600 Section 28. Amend §5903, Title 29 of the Delaware Code by making deletions as shown by strikethrough
601 and insertions as shown by underline as follows:

602 § 5903 Classified service and exemptions.

603 Unless otherwise required by law, as used in this chapter, "classified service" or "state service" means all
604 positions of state employment other than the following positions, which are excluded:

605 (16) All judges or other members of the state judiciary, referees, jurors and others appointed by the
606 judiciary, but excluding all other employees of the Court of Common Pleas, with the exception of the Court
607 Administrator, Deputy Court Administrator, Judicial Case Management Administrator, Judicial Operations
608 Managers, Chief of Court Security, Chief Electronic Court Reporter, Investigative Supervisor, Controller,
609 Management Analysts, Human Resource Specialist, Court Security Officer Supervisor, Court Security Officers I
610 and II, and 1 judicial secretary for each judge, and the Justice of the Peace Court system with the exception of the
611 Court Administrator, Operations Managers, Judicial Operations Managers, Investigative Supervisor, Controller,
612 Fiscal Administrative Officer, Family Services Program Support Administrator, Management Analysts, Judicial
613 Secretary, Administrative Specialists, Chiefs of Court Security and Human Resource Specialists. The staff
614 attorney and law clerk positions in the Court of Common Pleas and the Justices of the Peace Courts shall be
615 exempt positions and shall be excluded from classified service. Any incumbent occupying a position that is
616 "classified" by the ~~Director of the Office of Management and Budget~~ Secretary of the Department of Human
617 Resources in compliance with this section shall be considered qualified without further testing, and shall be
618 continued in the position without loss of compensation. Future hires into any classified position in the Justice of
619 the Peace Courts vacated subsequent to July 15, 1976, will be made in accordance with this chapter.

620 (17) c. Agencies that experience circumstances that require the use of casual seasonal employees that are
621 not defined in subsection (a) of this section must submit a request to the Secretary of the Department of Human
622 Resources, the Director of the Office of Management and Budget and the Controller General for approval. Upon
623 completion of 1 year of work from casual seasonal employee, the Secretary of the Department of Human
624 Resources, the Director of the Office of Management and Budget and the Controller General must review the
625 agency need for such casual seasonal employment.

626 (23) Positions designated as exempt by either the determination by the Secretary of the Department of

627 Human Resources, the Director of the Office of Management and Budget and Controller General or via budget
628 epilogue language.

629 Any classified employee leaving the classified service to accept a position under paragraph (4), (5), (6) or
630 (23) of this section shall automatically be granted an extended leave of absence. Upon completion of such
631 appointment, the ~~Director of the Office of Management and Budget~~ Secretary shall place the employee in a
632 classified position for which the employee meets minimum qualifications in the same or a lower pay-grade as the
633 position that the employee held when leaving the classified service. The salary shall be paid at no less than the
634 equivalent pay grade and percentage of the pay grade midpoint from which the employee took this leave of
635 absence.

636 Section 29. Amend §5904, Title 29 of the Delaware Code by making deletions as shown by strikethrough
637 and insertions as shown by underline as follows:

638 § 5904 Classification of exempt employees.

639 Any employee whose position has been in an exempt status under § 5903(4) and (5) of this title who, as
640 the result of a reorganization of state government approved by the General Assembly, is thereafter assigned to a
641 position in the classified service, shall have such position classified by the ~~Director of the Office of Management~~
642 ~~and Budget~~ Secretary and an appropriate title and pay grade assigned thereto, in accordance with this chapter and
643 the rules and regulations promulgated under this chapter. Any such employee shall be continued in such
644 employee's newly assigned position without an examination requirement, unless subsequently separated from such
645 position as provided by law.

646 Section 30. Amend §5904A, Title 29 of the Delaware Code by making deletions as shown by
647 strikethrough and insertions as shown by underline as follows:

648 § 5904A Exceptional employment.

649 Employment of persons with mental or physical disabilities in a Selective Placement Program or an
650 Agency Aide Program shall be administered by the ~~Human Resource Management Administrator~~ Director of
651 Personnel Management or their designee. Such employment shall be by appointment without competitive
652 recruitment and without listing on a referral list. Employment through the Selective Placement Program is limited
653 to 12 months. Each appointee in the Selective Placement Program who successfully completes a trial work period,
654 or passes a competitive examination, may be considered for permanent employment or probationary employment
655 in the classified service. An appointment through the Agency Aide Program is of indefinite duration. Before any

656 appointment is made, the ~~Human Resource Management Administrator~~ Director of Personnel Management or
657 their designee shall advise the applicant of the availability of benefits counseling resources, which offer
658 information or guidance on the effect of employment on public benefits including income from the Social Security
659 Administration.

660 Section 31. Amend §5906, Title 29 of the Delaware Code by making deletions as shown by strikethrough
661 and insertions as shown by underline as follows:

662 § 5906 Composition of the Merit Employee Relations Board.

663 (c) The ~~Director of the Office of Management and Budget~~ Secretary of the Department of Human
664 Resources, or the ~~Director's~~ their designee, shall be the liaison between the Board and the ~~Office of Management~~
665 ~~and Budget~~ Department of Human Resources and shall attend all meetings of the Board. The ~~Director~~ Secretary
666 shall not participate in the deliberation of any cases before the Board, nor sit with members of the Board, during
667 the hearing or deliberations. The ~~Director~~ Secretary or the ~~Director's~~ their designee shall be limited to representing
668 and/or testifying on behalf of the ~~Office of Management and Budget~~ Department of Human Resources and other
669 state agencies before the Board.

670 (d) The Merit Employee Relations Board shall have clerical and legal support staff separate from the
671 staff of the ~~Office of Management and Budget~~ Department of Human Resources, and such staff shall be located
672 separate from the ~~Office of Management and Budget~~ Department of Human Resources.

673 Section 32. Amend §5907, Title 29 of the Delaware Code by making deletions as shown by strikethrough
674 and insertions as shown by underline as follows:

675 § 5907 Powers, duties and functions of the Board.

676 In addition to the duties set forth elsewhere in this chapter, and consistent with the right of public
677 employees to organize under Chapter 13 of Title 19, the Board shall:

678 (1) Request that the ~~Director of the Office of Management and Budget~~ Secretary of the Department of
679 Human Resources investigate problems or complaints arising from the implementation of the Merit System and
680 the effect of merit policies and procedures on employees in the classified service;

681 (3) Require the ~~Director~~ Secretary to submit all proposed Merit Rule revisions to the statewide Labor-
682 Management Committee for review and comment prior to submission to the Board for public hearing and
683 adoption; and

684 Section 33. Amend §5908, Title 29 of the Delaware Code by making deletions as shown by strikethrough

685 and insertions as shown by underline as follows:

686 § 5908 Organization and meetings of the Board.

687 (a) The Board shall meet as often as necessary to assure the timely disposition of cases. The Chair shall
688 cause reasonable notice to be given to each Board member and the ~~Director of the Office of Management and~~
689 ~~Budget~~ Secretary of the Department of Human Resources of the time and place of each meeting. Three members
690 shall constitute a quorum for the transaction of business at any meeting.

691 Section 34. Amend §5910, Title 29 of the Delaware Code by making deletions as shown by strikethrough
692 and insertions as shown by underline as follows:

693 ~~§ 5910 Deputy.~~

694 ~~The Director may designate 1 or more employees to act as the Director's deputy or deputies. At least 1~~
695 ~~such deputy shall assist the Director with administration of the merit system insofar as it applies to the federally-~~
696 ~~aided agencies referred to in § 5952 of this title. In case of the Director's absence or inability to act, the Director's~~
697 ~~powers and duties shall devolve upon the deputy designated for such purpose.~~

698 Section 35. Amend §5914, Title 29 of the Delaware Code by making deletions as shown by strikethrough
699 and insertions as shown by underline as follows:

700 § 5914 Rules; hearing; adoption.

701 The ~~Director~~ Secretary shall prepare and submit to the Board proposed rules covering the classified
702 service. The rules shall be reviewed by the Board at a public hearing held following public notice. The rules, as
703 proposed by the ~~Director~~Secretary, shall become final upon the completion of the public hearing, unless rejected
704 by a majority of the members appointed to the Board.

705 Section 36. Amend §5915, Title 29 of the Delaware Code by making deletions as shown by strikethrough
706 and insertions as shown by underline as follows:

707 § 5915 Classification; uniformity; appeal of classification.

708 (b) After approval of such maintenance review classifications determination by the Secretary of the
709 Department of Human Resources and the Director of the Office of Management and Budget and Controller
710 General, the ~~Director of the Office of Management and Budget~~ Secretary of the Department of Human Resources
711 shall notify the agency and employee of the results. The maintenance review classification determination shall
712 become effective on the following July 1.

713 (d) Within 10 calendar days of the filing of an appeal, the Board shall assign an independent reviewer,

714 trained in job analysis, to evaluate the merits of the employee's appeal. Within 30 calendar days, the independent
715 reviewer must submit a written independent finding to the Board, and copy to the employee and the ~~Director of~~
716 ~~the Office of Management and Budget~~ Secretary. In unusual circumstances, the Board may authorize the
717 independent reviewer an additional 30 calendar days to complete the review.

718 (e) The employee and the ~~Director of the Office of Management and Budget~~ Secretary shall have 30
719 calendar days to accept the finding rendered by the independent reviewer and notify the Board.

720 (f) If the findings of the independent reviewer are accepted by the employee and the ~~Director of the~~
721 ~~Office of Management and Budget~~ Secretary, the Board shall also accept the findings.

722 (g) If these findings are ignored or disputed by either the employee or the ~~Director of the Office of~~
723 ~~Management and Budget~~ Secretary, the parties shall be notified and permitted to respond and the Board shall hold
724 a hearing on the employee's appeal within 60 calendar days.

725 (i) The Board shall render a final and binding decision on the matter within 15 calendar days of the
726 hearing. In rendering its decision, the Board shall consider the following criteria:

727 (2) The ~~Director's~~ Secretary's initial determination;

728 (3) The ~~Director's~~ Secretary's response to the independent reviewer's findings;

729 (k) In the event that the ~~Director's~~ Secretary can demonstrate that sufficient funds are not available to
730 fund the classification decisions rendered by this section, the effective date may be delayed until the beginning of
731 the next fiscal year.

732 Section 37. Amend §5916, Title 29 of the Delaware Code by making deletions as shown by strikethrough
733 and insertions as shown by underline as follows:

734 § 5916 Uniform pay plan; hazardous duty pay.

735 (b) No agency shall engage a consultant or authorize expenditures of any General or Special Funds for
736 the purpose of studying personnel policies and/or the wage and salary classification of employees without the
737 written authorization of the Secretary of the Department of Human Resources, the Director of the Office of
738 Management and Budget and the concurrence of the Controller General.

739 (d) A state employee may perform additional duties for a state agency other than that employee's
740 principal employing agency, with the consent of that employee's principal employing agency, and may be paid
741 additional compensation, provided such additional duties are not a part of that employee's regular duties for the
742 principal employing agency and not rendered during the time paid for by the principal employing agency. All

743 wage payments resulting from the performance of such additional duties, including FLSA overtime, shall be the
744 responsibility of the secondary employing agency unless otherwise authorized by the Director of the Office of
745 Management and Budget and the Secretary of the Department of Human Resources.

746 (f) Nothing in this section shall be construed or interpreted by the Merit Employee Relations Board or by
747 the ~~Director of the Office of Management and Budget~~ Secretary of the Department of Human Resources to
748 include hazardous duty pay as coming within the definition of fringe benefits.

749 Section 38. Amend §5917, Title 29 of the Delaware Code by making deletions as shown by strikethrough
750 and insertions as shown by underline as follows:

751 § 5917 Competitive recruitment.

752 (b) The ~~Director of Management and Budget~~ Secretary of the Department of Human Resources shall
753 maintain a listing of those positions in the classified service that require the administration of a competitive
754 examination. Examinations may be written or oral, or a combination of both, or they may be unassembled
755 examinations, in which case the examining authority may evaluate specialized training and experience.
756 Examinations shall be prepared by the ~~Director of the Office of Management and Budget~~ Secretary of the
757 Department of Human Resources, after consultation with the appointing authority where appropriate.

758 Section 39. Amend §5918, Title 29 of the Delaware Code by making deletions as shown by strikethrough
759 and insertions as shown by underline as follows:

760 § 5918 Promotions.

761 The rules shall provide for promotions, giving consideration to the applicant's qualifications,
762 performance record, seniority, conduct and, where practicable, to the results of competitive recruitment.
763 Vacancies shall be filled by promotion whenever practicable and in the best interest of the classified service. Any
764 promotional competition for a position funded solely by general funded appropriations, involving 2 or more
765 candidates and a referral list issued by the ~~Director~~ Secretary, shall be considered a competitive recruitment under
766 § 5917 of this title.

767 Section 40. Amend §5920, Title 29 of the Delaware Code by making deletions as shown by strikethrough
768 and insertions as shown by underline as follows:

769 § 5920 Rejection for unfitness.

770 The rules shall provide for the rejection of candidates or eligibles who fail to comply with reasonable
771 requirements of the ~~Director~~ Secretary in regard to such factors as age, physical condition, training and

772 experience, or who have been guilty of infamous or disgraceful conduct, are addicted to alcohol or to narcotics or
773 have attempted any deception or fraud in connection with an recruitment.

774 Section 41. Amend §5923, Title 29 of the Delaware Code by making deletions as shown by strikethrough
775 and insertions as shown by underline as follows:

776 § 5923 Emergency employment.

777 The rules shall provide for emergency employment for not over 30 days, with or without competition,
778 with the consent of the ~~Director~~ Secretary.

779 Section 42. Amend §5924, Title 29 of the Delaware Code by making deletions as shown by strikethrough
780 and insertions as shown by underline as follows:

781 § 5924 Department of Technology and Information's acceptable use policy.

782 The ~~Director of the Office of Management and Budget~~ Secretary of the Department of Human Resources
783 shall ensure that each merit employee signs a copy of the Department of Technology and Information's acceptable
784 use policy and that the signed copy is placed in each employee's personnel file. If an investigation concludes that a
785 merit employee has violated that policy, any discipline resulting in the loss of wages must first be reviewed by the
786 ~~Office of Management and Budget~~ Department of Human Resources prior to implementation of the discipline.

787 Section 43. Amend §5926, Title 29 of the Delaware Code by making deletions as shown by strikethrough
788 and insertions as shown by underline as follows:

789 § 5926 Reinstatement.

790 The rules shall provide for reinstatement within 2 years, with the approval of the ~~Director~~ Secretary, of
791 persons who resign in good standing or who are laid off without fault or delinquency on their part.

792 Section 44. Amend §5931, Title 29 of the Delaware Code by making deletions as shown by strikethrough
793 and insertions as shown by underline as follows:

794 § 5931 Grievances.

795 (a) The rules shall provide for the establishment of a plan for resolving employee grievances and
796 complaints. The final 2 steps of any such plan shall provide for hearings before the ~~Director~~ Secretary or the
797 ~~Director's~~ Secretary's designee and before the Board, respectively, unless a particular grievance is specifically
798 excluded or limited by the Merit Rules. The ~~Director~~ Secretary and the Board, at their respective steps in the
799 grievance procedure, shall have the authority to grant back pay, restore any position, benefits or rights denied,
800 place employees in a position they were wrongfully denied, or otherwise make employees whole, under a

801 misapplication of any provision of this chapter or the Merit Rules. The rules shall require that the Board take final
802 action on a grievance within 90 calendar days of submission to the Board. Upon approval of all parties, the 90
803 days may be extended an additional 30 calendar days.

804 (c) No state employee shall be discharged, threatened or otherwise retaliated against with respect to the
805 terms or conditions of their employment due to the exercise of their rights under the grievance and complaint
806 procedure established under subsection (a) of this section.

807 (1) An employee who alleges a violation of this subsection may file a written complaint directly to the
808 ~~Human Resource Management Administrator~~ Department of Human Resources. The employee and the ~~Director~~
809 Secretary or designee may agree to meet and attempt an informal resolution of the complaint, and/or the ~~Director~~
810 Secretary or designee shall hear the complaint and issue a written decision within 45 days of the complaint's
811 receipt. Such decision shall be final and binding on the employee's appointing authority.

812 (3) If the complainant employee is not satisfied with the ~~Director~~ Secretary or designee's decision, the
813 employee may submit a written appeal to the Merit Employee Relations Board (MERB) within 20 calendar days
814 of receipt of that decision. Such appeal shall be handled and processed in the same manner as other appeals heard
815 by the MERB.

816 Section 45. Amend §5933, Title 29 of the Delaware Code by making deletions as shown by strikethrough
817 and insertions as shown by underline as follows:

818 § 5933 Leaves.

819 (d) The ~~Director of the Office of Management and Budget~~ Secretary shall promulgate such rules and
820 regulations as may be required to administer this act and shall periodically review and recommend other state
821 employees engaged in hazardous duty assignments for inclusion for coverage under this section.

822 (e) Notwithstanding subsection (a) of this section, any employee who suffers a serious illness or injury in
823 the line of duty that is caused or contributed to by war or act of war (declared or not), who is a member of the
824 United States Military or National Guard shall not be charged sick leave for recovery for medical procedures or
825 operations resulting from said injury or illness for a period of 6 months. To be eligible for this category of leave
826 the employee shall have returned to active state employment status for a period of not less than 30 calendar days
827 and shall have completed any necessary certification established by the ~~Director of Office of Management and~~
828 ~~Budget~~ Secretary. The eligibility for such period of leave shall not be longer than 6 consecutive months and shall
829 be invoked within the first year of return to active employment status. In extraordinary circumstances, approval

830 may be sought from the ~~Director of the Office of Management and Budget~~ Secretary to use said consecutive leave
831 on an intermittent basis. All benefits and rights within this subsection shall exhaust within the first year of return
832 to active employment status. The ~~Director of the Office of Management and Budget~~ Secretary shall be authorized
833 to establish rules and procedures consistent with this subsection.

834 Section 46. Amend §5938, Title 29 of the Delaware Code by making deletions as shown by strikethrough
835 and insertions as shown by underline as follows:

836 § 5938 Collective bargaining.

837 (e) The ~~Director~~ Secretary or their designee and the Board shall meet with the exclusive bargaining
838 representative at reasonable times to negotiate in good faith with respect to any rule to be adopted or amended
839 under §§ 5915 through 5921, 5933, 5935 and 5937 of this title and, to the extent the subject thereof is not covered
840 in whole or in part by a collective bargaining agreement under Chapter 13 of Title 19, §§ 5922 through 5932,
841 5934 and 5936 of this title.

842 Section 47. Amend §5941, Title 29 of the Delaware Code by making deletions as shown by strikethrough
843 and insertions as shown by underline as follows:

844 § 5941 Duties of state officers and employees.

845 All officers and employees of the State shall comply with and aid in all proper ways in carrying out this
846 chapter and the rules, regulations and orders thereunder. All officers and employees shall furnish any records or
847 information which the ~~Director~~ Secretary or the Board may request for any purpose of this chapter. The ~~Director~~
848 Secretary, with the approval of the Board, may institute and maintain any action or proceeding at law or in equity
849 that the ~~Director~~ Secretary considers necessary or appropriate to secure compliance with this chapter and the rules,
850 regulations and orders thereunder.

851 Section 48. Amend §5943, Title 29 of the Delaware Code by making deletions as shown by strikethrough
852 and insertions as shown by underline as follows:

853 § 5943 Enforcement of chapter by legal action.

854 (a) The exclusive remedy available to a classified employee for the redress of an alleged wrong, arising
855 under a misapplication of any provision of this chapter, the merit rules or the ~~Director's~~ Secretary's regulations
856 adopted thereunder, is to file a grievance in accordance with the procedure stated in the merit rules. Standing of a
857 classified employee to maintain a grievance shall be limited to an alleged wrong that affects his or her status in his
858 or her present position.

859 (b) Any Delaware resident or state employee may maintain a suit to restrain a disbursing officer from
860 making any payment in contravention of any provision of this chapter, the merit rules or the ~~Director's~~ Secretary's
861 regulations adopted thereunder. Jurisdiction for such action shall lie in the Chancery Court.

862 (c) The State may maintain an action for the reimbursement of wages, benefits or both, paid contrary to
863 this chapter, the merit rules or the ~~Director's~~ Secretary's regulations adopted thereunder, against the recipient
864 employee. All moneys recovered in such action shall be paid to the State Treasury and credited to the account
865 from which original payments had been drawn. The appointing authority may take disciplinary action against any
866 employee in the classified service who negligently prepared the document authorizing the overpayment of wages,
867 benefits or both, contrary to any provision of this chapter, the merit rules or the ~~Director's~~ Secretary's regulations
868 adopted thereunder. Disciplinary action shall not be taken against any employee in the classified service who
869 merely approved such document authorizing overpayment unless the person so approving participated in the
870 preparation of such document.

871 (d) Any person appointed or employed in contravention of any provision of this chapter, the merit rules
872 or the ~~Director's~~ Secretary's regulations adopted thereunder, who performs services for which such person is not
873 paid, may maintain an action against any officer or officers who purported to so appoint or employ such person to
874 recover the agreed wages, benefits or both, or the reasonable value thereof, if no pay was agreed upon, plus
875 interest, court costs and reasonable attorney's fees.

876 (f) For the purpose of subsections (d) and (e) of this section, the ~~Director of the Office of Management~~
877 ~~and Budget~~ Secretary or the ~~Director's~~ Secretary's designee shall determine whether an employee is properly
878 appointed. The ~~Director~~ Secretary or the ~~Director's~~ Secretary's designee shall certify the appointment by
879 approving the state personnel transaction supplied by the agency. The approval of the ~~Director~~ Secretary or the
880 ~~Director's~~ Secretary's designee shall relieve any officer or appointing authority from liability because of an
881 improper appointment, except where the improper appointment was effected through the fraud of any officer or
882 appointing authority. The approval of the ~~Director~~ Secretary or the ~~Director's~~ Secretary's designee shall similarly
883 relieve any officer or appointing authority from liability for the payment of wages, benefits or both arising under
884 subsection (d) or subsection (e) of this section, except where the officer or appointing authority is grossly
885 negligent in disregarding any provision of this chapter, the merit rules or the ~~Director's~~ Secretary's regulations
886 adopted thereunder. Such approval by the ~~Director~~ Secretary or the ~~Director's~~ Secretary's designee shall not
887 prevent the appointing authority from taking disciplinary action against any employee in the classified service

888 who negligently prepared the document authorizing the overpayment of wages, benefits or both.

889 Section 49. Amend §5944, Title 29 of the Delaware Code by making deletions as shown by strikethrough
890 and insertions as shown by underline as follows:

891 § 5944 Oaths, testimony and the production of records.

892 The Board, each Board member and the ~~Director~~ Secretary shall have power to administer oaths,
893 subpoena witnesses and compel the production of books and papers relevant to any investigation or hearing
894 authorized by this chapter. Any person who shall fail to appear in response to a subpoena or to answer any
895 question or produce any books or papers relevant to any such investigation or hearing may be compelled to do so
896 by order of the Superior Court.

897 Section 50. Amend §5948, Title 29 of the Delaware Code by making deletions as shown by strikethrough
898 and insertions as shown by underline as follows:

899 § 5948 Records of Board.

900 The Board's records, except such records as the rules may properly require to be held confidential for
901 reasons of public policy, shall be public records and shall be open to public inspection subject to reasonable
902 regulations as to the time and manner of inspection as may be prescribed by the ~~Director~~ Secretary. Reports
903 concerning character, personal history and health of employees or applicants for employment shall be held
904 confidential except when a majority of the Board shall find it to be in the public interest that the same shall be
905 open to public inspection.

906 Section 51. Amend §5950, Title 29 of the Delaware Code by making deletions as shown by strikethrough
907 and insertions as shown by underline as follows:

908 § 5950 Employee recognition.

909 (a) It shall be part of the function of state agencies to conduct employee recognition programs for Merit
910 System employees and employees in positions that are assigned comparable Merit System classes or pay grades.

911 All such employee recognition programs shall be approved by the ~~Director of the Office of Management~~
912 ~~and Budget~~ Secretary of the Department of Human Resources prior to implementation.

913 Section 52. Amend §5951, Title 29 of the Delaware Code by making deletions as shown by strikethrough
914 and insertions as shown by underline as follows:

915 § 5951 Services to political subdivisions and excluded agencies.

916 Subject to approval of the Board, which shall take into account the primary responsibility of the ~~Director~~

917 Secretary towards the classified service, the ~~Director~~ Secretary may enter into agreements with any agency
918 excluded from this chapter, or with any municipality or other political subdivision of this State to furnish services
919 and facilities of the Board to such agency, municipality or political subdivision in the administration of its
920 personnel according to merit principles. Any such agreement shall provide for the reimbursement to the State of
921 the reasonable cost of the services and facilities furnished, as determined by the ~~Director~~ Secretary. All excluded
922 agencies and all municipalities and political subdivisions of the State are authorized to enter into such agreements.

923 Section 53. Amend §5955, Title 29 of the Delaware Code by making deletions as shown by strikethrough
924 and insertions as shown by underline as follows:

925 § 5955 Federal Fair Labor Standards Act; application to state personnel practices and merit system rules.

926 Notwithstanding any other provision of state law, the federal Fair Labor Standards Act, Chapter 2 of
927 Title 29 of the United States Code, shall supersede state law relating to state personnel practices and shall
928 supersede the rules adopted by the Merit Employee Relations Board pursuant to this chapter, but only to the extent
929 such state law or merit rules are in conflict with the Fair Labor Standards Act [29 U.S.C. § 201 et seq.]. This
930 supersession of state law and the merit system rules shall continue in effect only so long as, and only to the extent
931 that, the provisions of the federal Fair Labor Standards Act [29 U.S.C. § 201 et seq.], by their own terms or by
932 judicial interpretation, are deemed to apply to state government personnel practices. To the extent necessary for
933 state compliance with the Fair Labor Standards Act, the ~~Director of the Office of Management and Budget~~
934 Secretary shall have the authority to implement this section, including, but not limited to, the authority to
935 determine where conflicts exist between state law or merit rules and the federal act, and to resolve such conflicts
936 by appropriate rulings and regulations.

937 Section 54. Amend §5956, Title 29 of the Delaware Code by making deletions as shown by strikethrough
938 and insertions as shown by underline as follows:

939 § 5956 Donated leave program.

940 (a) An officer or employee of this State, with the approval of his or her immediate supervisor or the
941 Director of the Division in which he or she is employed, may donate accrued sick leave and annual leave in equal
942 amounts to a Leave Bank established by the ~~Director of the Office of Management and Budget~~ Secretary for all
943 officers or employees of this State or to another officer or employee of this State.

944 (b) A person wishing to donate leave time under this section may request the ~~Director of the Office of~~
945 ~~Management and Budget~~ Secretary to debit the donor's sick leave and annual leave accounts.

946 (d) The ~~Director of the Office of Management and Budget~~ Secretary shall convert the donated leave into
947 cash value at the donor's rate of pay, shall re-convert the cash value to hours of leave at the recipient's rate of pay,
948 and shall then credit the recipient's account.

949 (g) The ~~Director of the Office of Management and Budget~~ Secretary shall have the authority to carry out
950 the mandates of this section.

951 Section 55. Amend §6071, Title 29 of the Delaware Code by making deletions as shown by strikethrough
952 and insertions as shown by underline as follows:

953 § 6071 Establishment [Fund suspended effective July 1, 2009; see 80 Del. Laws, c. 298, § 66]

954 (a) The First State Quality Improvement Fund is hereby established within the ~~Office of Management~~
955 ~~and Budget~~ Department of Human Resources.

956 Section 56. Amend §6404, Title 29 of the Delaware Code by making deletions as shown by strikethrough
957 and insertions as shown by underline as follows:

958 § 6404 General provisions.

959 (e)(1) Where the number of employee positions has been set forth in the salary line appropriation for an
960 agency in § 1 of the Budget Appropriation Bill, such number shall be interpreted to mean equivalent full -time
961 positions. The ~~Human Resources Management Administrator of the~~ Office of Management and Budget shall
962 maintain a listing of the employee positions as provided, the salary or wage for each position, and the source of
963 funding. A report of this listing shall be furnished monthly by the Director of the Office of Management and
964 Budget to the Controller General. The total of such salaries and wages for each agency shall not exceed the
965 agency appropriation therefore and the number of employee positions shall not be changed except as provided in
966 paragraph (e)(2) of this section. During the period when recruit classes for State Police are in training, the total
967 number of employees shall apply only to uniformed personnel authorized for duty.

968 Section 57. Amend §9015, Title 29 of the Delaware Code by making deletions as shown by strikethrough
969 and insertions as shown by underline as follows:

970 § 9015 Budgeting and financing.

971 (d) For the purpose of retaining and attracting experienced investigation and treatment workers in the
972 Division of Family Services, the Division may competitively recruit for Family Crisis Therapists in their
973 investigation and treatment units. Current Division employees who successfully apply for these positions shall
974 have their position reclassified to Family Crisis Therapist. Such reclassifications or reclassifications of vacant

975 positions to Family Crisis Therapist shall be effective upon the approval of Secretary of the Department of Human
976 Resources, the Director of the Office of Management and Budget and the Controller General. The Division is
977 authorized to transfer positions between budget units in order to adjust its complement to ensure the correct
978 number of fully functioning employees are in each functional unit of the Division. The Division shall submit a
979 quarterly report to the Secretary of the Department of Human Resources, the Director of the Office of
980 Management and Budget and the Controller General detailing any adjustments to the complement, the number of
981 Family Crisis Therapists hired and retention statistics.

982 Section 58. Amend §9010C, Title 29 of the Delaware Code by making deletions as shown by
983 strikethrough and insertions as shown by underline as follows:

984 § 9010C Exemptions from the merit system.

985 (b) The CIO, with the advice of the ~~Human Resources Management Administrator of the Office of~~
986 ~~Management and Budget~~ Secretary of the Department of Human Resources, shall create a compensation plan.
987 Implementation of said plan shall be contingent upon approval by the Director of the Office of Management and
988 Budget and Controller General. Any proposed compensation plan within the Department of Technology and
989 Information should be unique to information technology employees working at the Department and consider all
990 factors including areas requiring specialized skill sets and other elements of providing a comprehensive
991 technology service organization consistent with the recommendations of the Information Services Task Force.
992 Such a plan may include competency-based pay, pay-for-performance and other components necessary to recruit
993 and retain highly qualified information technology professionals to the State.

994 Section 59. Amend §9602, Title 29 of the Delaware Code by making deletions as shown by strikethrough
995 and insertions as shown by underline as follows:

996 § 9602 State Employee Benefits Committee.

997 (a) There is hereby established a State Employee Benefits Committee ("Committee"). The Committee
998 shall be comprised of the Lieutenant Governor, the Insurance Commissioner, the Chief Justice of the Supreme
999 Court, the State Treasurer, the Director of the Office of Management and Budget, the Controller General, ~~the~~
1000 ~~Secretary of Finance~~ the Secretary of the Department of Human Resources and the Secretary of Health and Social
1001 Services, or their designees. In addition, the Governor shall appoint 1 Committee member from the following
1002 persons: The President of the Delaware State Education Association or his or her designee, the Executive Director
1003 of the American Federation of State County and Municipal Employees or his or her designee, the President of the

1004 Correctional Officers Association of Delaware or his or her designee, or the President of the Delaware State
1005 Troopers Association or his or her designee. The appointment term shall be for 3 years. An organizational
1006 representative appointed by the Governor, after serving a 3-year term, shall not serve another term until all the
1007 organizational representatives named in this subsection have served a 3-year term. The Director of the Office of
1008 Management and Budget and the Secretary of Human Resources shall co-chair the Committee.

1009 (c) All members of the Committee and all legal, actuarial and administrative personnel shall be entitled to
1010 reimbursement for those travel and other expenses made necessary by their official duties that are approved by the
1011 ~~Benefits and Insurance Administrator~~ Director of Statewide Benefits.

1012 Section 60. Amend §9604, Title 29 of the Delaware Code by making deletions as shown by strikethrough
1013 and insertions as shown by underline as follows:

1014 § 9604 Duties of the ~~Director of the Office of Management and Budget~~ Secretary of Human Resources.

1015 The duties of the ~~Director of the Office of Management and Budget~~ Secretary of Human Resources under
1016 this chapter shall include:

1017 Section 61. Amend §10403, Title 29 of the Delaware Code by making deletions as shown by
1018 strikethrough and insertions as shown by underline as follows:

1019 § 10403 Definitions [For application of this section, see 80 Del. Laws, c. 112, § 7; and 80 Del. Laws, c.
1020 113, § 8]

1021 As used in this chapter:

1022 (3) "Executive Branch agency" means, for purposes of this chapter only, the Department of Agriculture,
1023 Department of Correction, Delaware Economic Development Office, Delaware National Guard, Delaware State
1024 Housing Authority, Department of Education, Department of Finance, Department of Health and Social Services,
1025 Department of Labor, Office of Management and Budget, Department of Natural Resources and Environmental
1026 Control, Department of Safety and Homeland Security, Department of Services for Children, Youth and Their
1027 Families, Department of State, Department of Technology and Information, Department of Human Resources and
1028 Department of Transportation.

1029 Section 62. Amend §1303, Title 31 of the Delaware Code by making deletions as shown by strikethrough
1030 and insertions as shown by underline as follows:

1031 § 1303 Duties of Coordinator.

1032 The Coordinator shall coordinate contact with, and referrals to, programs applicable to displaced

1033 homemakers which shall include:

1034 c. Utilization of the services of the ~~Office of Management and Budget~~ Department of Human Resources,
1035 which shall cooperate with the Department in locating employment opportunities;

1036 Section 63. The Secretary of the Department of Human Resources shall work in cooperation with all state
1037 agencies to develop a detailed plan of implementation centralizing all agency human resources employees under
1038 the Department of Human Resources. This plan shall include but not be limited to all budgetary, operational, and
1039 regulatory changes necessary to implement such a centralization as well as proposed service level agreements with
1040 state agencies to ensure continued operations. Said plan shall be implemented no later than June 30, 2018.

1041 Section 64. Any rules and regulations of any agency, department, office, board, commission or officer
1042 thereof affected by or mentioned in this Act, which were promulgated prior to the effective date of this act, shall
1043 remain in full force and effect until otherwise modified in accordance with Delaware law; provided that if any rule
1044 or regulation heretofore adopted shall conflict with any of the provisions of this act, the language contained in this
1045 act shall prevail over that contained in such rule or regulation.

1046 Section 65. If any provision of this Act, or of any rule, regulation or order thereunder, or the application
1047 of such provision to any person or circumstances, shall be invalid, the remainder of this Act and the application of
1048 such provisions of this Act or of such rule, regulation or order to persons or circumstances other than those to
1049 which it is held invalid shall not be affected thereby.

1050 Section 66. The provisions of this legislation shall be effective July 1, 2017.

SYNOPSIS

This legislation amends the Delaware Code to establish the Department of Human Resources by transferring various divisions and other organizational units from the Office of Management and Budget to the newly established Department of Human Resources. The powers and duties of the Director of the Office of Management and Budget and the Secretary of the Department of Human Resources are aligned to reflect the transfers of the divisions and other organizational units of the newly established Department of Human Resources. Various sections of the Delaware Code are amended to reflect changes in titles and nomenclature.

Author: Senator Poore