



LAWRENCE J. HOGAN, JR.  
GOVERNOR  
COMMANDER-IN-CHIEF

STATE OF MARYLAND  
MILITARY DEPARTMENT  
FIFTH REGIMENT ARMORY  
BALTIMORE, MARYLAND 21201-2288

LINDA L. SINGH  
MAJOR GENERAL  
THE ADJUTANT GENERAL

1 March 2018

FROM: The Adjutant General  
TO: Military Department State Supervisory Staff and Federal Partners  
SUBJECT: Proper Supervision of State Employees

State personnel employed by the Maryland Military Department (MMD) cannot lawfully be supervised by non-State personnel. State law mandates that essential functions pertaining to the supervision of State personnel be taken by specified State officials only.

The State employees employed by the MMD are within the State Personnel Management System (SPMS) as established by the State Personnel Management System Reform Act of 1996. When creating the SPMS, the General Assembly unequivocally reserved certain management prerogatives to the State as employer, including the right to "hire, direct, supervise and assign employees."

Additionally, COMAR 17.04.01.04 addresses "Management Rights," including right to "appoint, promote, transfer, reassign, discipline and terminate employees," "direct and assign work," "determine...methods, means, personnel and funding necessary...to effectuate mission and objectives."

In addition to this general reservation of rights over its relationships to State employees, the law specifically mandates that many of the critical supervisory functions be taken by a specified State official. The following functions are specifically to be taken by the employee's supervisor:

- Creation of employee's official position description
- Attending formal training in completing performance evaluation of State employees
- Completion of preliminary performance appraisal
- Approval of Annual Leave
- Approval of certificate of illness for sick leave use
- Adjustment of grievances at the initial level

Furthermore, the governing statutes provide that only the appointing authority may take the following actions:

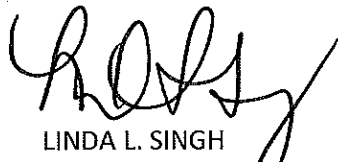
- Making the initial appointment
- Extending the period of initial probation
- Approving final annual performance evaluations
- Imposing discipline
- Adjusting grievances at the first step

SUBJECT: Proper Supervision of State Employees

While the law does permit the appointing authority, which is the Adjutant General in the case of the Military Department, to delegate its statutory functions (with the exception of termination), that delegation may only be made "to an employee or officer under the jurisdiction of the appointing authority." "Jurisdiction" is defined as the area of state employment within which the Adjutant General has legal power to administer State law.

In light of these clear statutory designations, it is not appropriate or lawful for the appointing authority of State employees to delegate the above referenced personnel functions to non-State employees. While there is nothing in the law that prohibits State employees at MMD from receiving technical direction from federal personnel, or from federal personnel providing input to State officials in the evaluation, scheduling or discipline of State personnel, the governing statutes reflect that the ultimate prerogative and responsibility in performing these management functions remains at all times with the State.

Encl  
Federal Partner Guidelines  
for Interacting with State Employees



LINDA L. SINGH  
Major General, MDARNG  
The Adjutant General