

Chapter 613

(House Bill 1261)

AN ACT concerning

Baltimore City – Representation of Child Support Enforcement Administration – Transfer of Employees

FOR the purpose of requiring that, if the Office of the Attorney General ~~hires~~ appoints certain individuals who were employees of the Office of the State's Attorney for Baltimore City who were providing certain services for the Child Support Enforcement Administration during a certain period and continue providing certain services on or after a certain date, the employees shall be placed in certain positions in the State Personnel Management System and receive certain employment rights, service credit for certain purposes, certain annual or sick leave, and certain rights as a member of the Employees' Pension System of the State of Maryland and for determining eligibility for certain other benefits; requiring certain employees who transfer service credit from the Employees' Retirement System of the City of Baltimore to be subject to a certain pension selection or pension benefit; providing certain exceptions for certain employees who retire or do not transfer service credit from the Employees' Retirement System of the City of Baltimore; requiring Baltimore City, under certain circumstances, to make certain payments to certain employees and to transfer certain ~~pension~~ employer contributions and interest in a certain manner; declaring certain findings and the intent of the General Assembly; and generally relating to the transfer of certain employees from the Office of the State's Attorney for Baltimore City to ~~the Office of the Attorney General~~ position identification numbers in the Department of Human Resources.

BY repealing and reenacting, without amendments,
 Article – Family Law
 Section 10–115(g)
 Annotated Code of Maryland
 (2006 Replacement Volume and 2011 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

10–115.

(g) (1) A State's Attorney may make a written agreement with the Secretary of Human Resources and the county to provide legal representation for a

fiscal year. An agreement shall be made by September 1 of the year preceding the fiscal year for which representation will be provided.

(2) An agreement shall establish reasonable administrative and fiscal requirements for:

- (i) providing and continuing representation; and
- (ii) reimbursement.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The General Assembly finds that the Office of the State's Attorney for Baltimore City has given notice in accordance with § 10-115(g)(1) of the Family Law Article that, after September 30, 2012, the Office will no longer elect to provide legal representation to the Child Support Enforcement Administration of the Department of Human Resources in Baltimore City.

(b) For each of the 11 attorney positions and 1 clerical supervisor position in the 2012 agreement between the Child Support Enforcement Administration and the Office of the State's Attorney for Baltimore City, it is the intent of the General Assembly that a position identification number be created in the ~~Office of the Attorney General~~ Department of Human Resources.

(c) ~~If the Office of the Attorney General hires~~ an employee of the Office of the State's Attorney for Baltimore City who provides services under the 2012 agreement between the Child Support Enforcement Administration and the Office of the State's Attorney for Baltimore City for the period between October 1, 2011, and September 30, 2012 is appointed by the Office of the Attorney General to continue providing services for the Child Support Enforcement Administration as a State employee on or after October 1, 2012:

(1) the employee:

(i) shall be placed in a position in the State Personnel Management System that is comparable to or most closely compares to their former position, without further examination or qualification, and with a salary grade that is commensurate with the hourly rate of salary of the employee from Baltimore City as of September 30, 2012;

(ii) may not receive a diminution in compensation solely as a result of the election by the Office of the State's Attorney for Baltimore City to no longer provide legal services to the Child Support Enforcement Administration;

(iii) shall be credited with the years of service with Baltimore City for purposes of seniority, including the determination of leave accumulation and layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article;

(iv) unless the employee retires from the Employees' Retirement System of the City of Baltimore, may retain the amount of annual or sick leave to the employee's credit to the extent allowed by Baltimore City even if in excess of the amounts allowed to be retained annually under the State Personnel Management System; and

(v) unless the employee retires or otherwise does not transfer service credit from the Employees' Retirement System of the City of Baltimore;

~~1.~~ shall be credited with the years of service with Baltimore City for purposes of determining eligibility for participation as a retiree in the State Employee and Retiree Health and Welfare Benefits Program under ~~§ 2-308~~ § ~~2-508~~ of the State Personnel and Pensions Article based on the starting date for service with Baltimore City instead of the starting date of employment with the State; and

~~2.~~ shall become a member of the Employees' Pension System of the State of Maryland with a beginning date for membership, for purposes of determining which selection of benefits applies to the employee, to be the beginning date for membership in the Baltimore City Employees' Retirement System and shall be entitled to a transfer of service credit as provided in Title 37 of the State Personnel and Pensions Article;

(2) an employee who elects to transfer service credit from the Employees' Retirement System of the City of Baltimore to the Employees' Pension System of the State of Maryland as provided in Title 37 of the State Personnel and Pensions Article shall be subject to:

(i) the Alternate Contributory Pension Selection of the Employees' Pension System as provided under Title 23, Subtitle 2, Part III of the State Personnel and Pensions Article, if the beginning date of the employee's membership in the Baltimore City Employees' Retirement System was on or before June 30, 2011; or

(ii) the Reformed Contributory Pension Benefit of the Employees' Pension System as provided under Title 23, Subtitle 2, Part IV of the State Personnel and Pensions Article, if the beginning date of the employee's membership in the Baltimore City Employees' Retirement System was on or after July 1, 2011;

~~(2)~~ (3) an employee who elects to not transfer credit from the Employees' Retirement System of the City of Baltimore shall become a member of the Employees' Pension System of the State of Maryland as of the date of employment

with the State, and may not receive service credit for the period of employment by Baltimore City; ~~and~~

~~(3)~~ (4) an employee who is eligible to retire from the Employees' Retirement System of the City of Baltimore on or before September 30, 2012, and elects to retire from the Employees' Retirement System upon commencing employment with the State:

(i) ~~may retire from the Employees' Retirement System of the City of Baltimore;~~

~~(ii)~~ shall become a member of the Employees' Pension System of the State of Maryland as of the date of employment with the State, and may not receive service credit for the period of employment by Baltimore City; and

~~(iii)~~ (ii) may not carry over any accumulated sick leave or annual leave to State service; and

~~(4)~~ (5) Baltimore City shall:

(i) pay to each employee who transfers employment to the ~~Office of the Attorney General~~ State any compensation that is due to the employee on termination of employment with Baltimore City as of September 30, 2012, except for any accumulated leave that the employee elects to transfer to the State; and

(ii) transfer ~~pension~~ employer contributions and interest for employees who transfer employment to the ~~Office of the Attorney General~~ State in accordance with ~~Title 37 § 37-205~~ of the State Personnel and Pensions Article, except for any employees who retire or elect not to transfer service credit from the Employees' Retirement System of the City of Baltimore.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 22, 2012.