

Chapter 276

(Senate Bill 693)

AN ACT concerning

Injured Workers' Insurance Fund – Employee Compensation

FOR the purpose of providing that employees of the Injured Workers' Insurance Fund are not subject to certain laws, regulations, or executive orders governing State employee compensation; ~~clarifying that certain employees are not in the State Personnel Management System;~~ repealing a requirement that the Board for the Fund set compensation for its employees in accordance with the State pay plan; and generally relating to compensation of employees of the Injured Workers' Insurance Fund.

BY repealing and reenacting, with amendments,
 Article – Labor and Employment
 Section 10–113
 Annotated Code of Maryland
 (2008 Replacement Volume and 2010 Supplement)

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

Article – Labor and Employment

10–113.

(a) The Board:

- (1) shall appoint a President of the Fund;
- (2) shall appoint or employ attorneys to advise and represent the Fund in all legal matters and, where necessary, to sue or defend suits in the name of the Fund; and
- (3) may employ other staff.

(b) (1) Except as provided in paragraph (2) of this subsection, employees of the Fund are ~~special appointments~~ **NOT IN THE STATE PERSONNEL MANAGEMENT SYSTEM.**

(2) A classified employee of the Fund hired before July 1, 1990 in a nonprofessional or nontechnical position shall remain a member of the classified

service or its equivalent in the State Personnel Management System as long as the employee remains in a nonprofessional or nontechnical position with the Fund.

(c) (1) [Except as otherwise provided by law, the] **THE** Board shall set compensation for its employees.

(2) [To the extent practicable, the Board shall set the compensation in accordance with the State pay plan.] **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN EMPLOYEE OF THE FUND IS NOT SUBJECT TO ANY LAW, REGULATION, OR EXECUTIVE ORDER GOVERNING STATE EMPLOYEE COMPENSATION, INCLUDING FURLOUGHS, SALARY REDUCTIONS, OR ANY OTHER GENERAL FUND COST SAVINGS MEASURE.**

(d) (1) This subsection does not apply to the layoff of an employee because of lack of work.

(2) [A special appointment] **AN** employee of the Fund may not be permanently removed unless:

- (i) written charges are filed;
- (ii) the employee has an opportunity for a hearing in accordance with Title 10, Subtitle 2 of the State Government Article; and
- (iii) there is cause for removal.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.