

SENATE BILL 894

P4, K4, D4

2lr3150
CF HB 1261

By: **Senator Jones–Rodwell**

Introduced and read first time: February 3, 2012

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2012

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Representation of Child Support Enforcement**
3 **Administration – Transfer of Employees**

4 FOR the purpose of requiring that, if the ~~Office of the Attorney General~~ Department of
5 Human Resources hires certain employees of the Office of the State’s Attorney
6 for Baltimore City who were providing certain services for the Child Support
7 Enforcement Administration during a certain period, the employees shall be
8 placed in certain positions in the State Personnel Management System and
9 receive certain employment rights, service credit for certain purposes, certain
10 annual or sick leave, and certain rights as a member of the Employees’ Pension
11 System of the State of Maryland and for determining eligibility for certain other
12 benefits; providing certain exceptions for certain employees who retire or do not
13 transfer service credit from the Employees’ Retirement System of the City of
14 Baltimore; requiring Baltimore City, under certain circumstances, to make
15 certain payments to certain employees and to transfer certain pension
16 contributions in a certain manner; declaring certain findings and the intent of
17 the General Assembly; and generally relating to the transfer of certain
18 employees from the Office of the State’s Attorney for Baltimore City to the
19 ~~Office of the Attorney General~~ Department of Human Resources.

20 BY repealing and reenacting, without amendments,
21 Article – Family Law
22 Section 10–115(g)
23 Annotated Code of Maryland
24 (2006 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Family Law**

4 10–115.

5 (g) (1) A State’s Attorney may make a written agreement with the
6 Secretary of Human Resources and the county to provide legal representation for a
7 fiscal year. An agreement shall be made by September 1 of the year preceding the
8 fiscal year for which representation will be provided.

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

11 (i) providing and continuing representation; and

12 (ii) reimbursement.

13 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

24 (c) If the ~~Office of the Attorney General~~ Department of Human Resources
25 hires an employee of the Office of the State’s Attorney for Baltimore City who provides
26 services under the 2012 agreement between the Child Support Enforcement
27 Administration and the Office of the State’s Attorney for Baltimore City for the period
28 between October 1, 2011, and September 30, 2012:

29 (1) the employee:

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

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

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

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

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

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

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

25 (2) an employee who elects to not transfer credit from the Employees'
26 Retirement System of the City of Baltimore shall become a member of the Employees'
27 Pension System of the State of Maryland as of the date of employment with the State,
28 and may not receive service credit for the period of employment by Baltimore City; and

29 (3) an employee who is eligible to retire from the Employees'
30 Retirement System of the City of Baltimore:

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

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

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

3 (4) Baltimore City shall:

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

8 (ii) transfer pension contributions for employees who transfer
9 employment to the ~~Office of the Attorney General~~ Department of Human Resources in
10 accordance with Title 37 of the State Personnel and Pensions Article, except for any
11 employees who retire or elect not to transfer service credit from the Employees'
12 Retirement System of the City of Baltimore.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.