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By: **Prince George's County Delegation**  
Introduced and read first time: February 4, 2004  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 26, 2004

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CHAPTER 196

1 AN ACT concerning

2 **Prince George's County - State's Attorney's Office - Support Staff -**  
3 **Collective Bargaining**  
4 **PG 307-04**

5 FOR the purpose of ~~authorizing the State's Attorney in Prince George's County to~~  
6 ~~appoint certain clerical, secretarial, and administrative staff for the office;~~  
7 ~~providing that certain positions are classified according to the county pay and~~  
8 ~~classification plan; providing that staff appointed to certain positions are subject~~  
9 ~~to county personnel policies and procedures and the labor code for county~~  
10 ~~employees; providing that salaries for certain positions are as provided in the~~  
11 ~~county budget; providing that all employees of the office except those who are~~  
12 ~~subject to county personnel policies and procedures serve at the pleasure of the~~  
13 ~~State's Attorney providing that certain eligible full-time nonexempt employees~~  
14 ~~of the State's Attorney's Office are subject to the county personnel law; providing~~  
15 ~~that certain employees are subject to certain collective bargaining provisions for~~  
16 ~~compensation; providing for the participation of the County Executive and the~~  
17 ~~State's Attorney in the collective bargaining process; and generally relating to~~  
18 ~~the State's Attorney's office in Prince George's County.~~

19 BY repealing and reenacting, with amendments,  
20 Article 10 - Legal Officials  
21 Section 40(q)  
22 Annotated Code of Maryland  
23 (2001 Replacement Volume and 2003 Supplement)

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

3 **Article 10 - Legal Officials**

4 40.

5 (q) In Prince George's County:

6 (1) (i) The State's Attorney's annual salary shall be:

- 7 1. \$107,775 for calendar year 1999;
- 8 2. \$107,775 for calendar year 2000;
- 9 3. \$111,000 for calendar year 2001;
- 10 4. \$114,300 for calendar year 2002;
- 11 5. \$119,900 for calendar year 2003;
- 12 6. \$119,900 for calendar year 2004; and
- 13 7. \$125,500 for calendar year 2005 and for each subsequent  
14 calendar year.

15 (ii) The State's Attorney may not, except in connection with duties  
16 as State's Attorney, appear as counsel or represent any party professionally before  
17 any court, board, commission, or agency of this State or any county or political  
18 subdivision of this State. The State's Attorney may not engage in the private practice  
19 of law but may participate in the pro bono program administered by the Prince  
20 George's County Bar Foundation.

21 (2) The State's Attorney may appoint two deputy State's Attorneys and  
22 73 assistant State's Attorneys. The deputy State's Attorneys and assistant State's  
23 Attorneys serve at the pleasure of the State's Attorney.

24 (3) The annual salary of the deputy State's Attorneys shall be within the  
25 discretion of the State's Attorney, but may not exceed \$108,000. The salaries are to be  
26 paid by the county on the certification of the State's Attorney to the County Executive  
27 and County Council.

28 (4) The annual salary of the assistant State's Attorneys shall be within  
29 the discretion of the State's Attorney, but may not exceed \$100,000. The salaries are to  
30 be paid by the county on the certification of the State's Attorney to the County  
31 Executive and County Council.

32 (5) The deputy State's Attorneys and the assistant State's Attorneys,  
33 except in connection with their duties as deputy State's Attorneys and assistant  
34 State's Attorneys, may not appear as counsel or represent any party professionally

1 before any court, board, commission or agency of this State or any county or political  
 2 subdivision of this State. The deputy State's Attorneys and assistant State's Attorneys  
 3 may not engage in the private practice of law, but may participate in the pro bono  
 4 program administered by the Prince George's County Bar Foundation.

5 (6) The deputy State's Attorneys and the assistant State's Attorneys  
 6 shall perform whatever work as may be directed by the State's Attorney, or as  
 7 authorized by law, and under the direction of the State's Attorney may present cases  
 8 to the grand juries, sign indictments and criminal informations, and perform  
 9 whatever other acts and duties in relation to the grand juries and in the operation of  
 10 the office as are necessary and proper.

11 (7) The State's Attorney may appoint an administrative assistant to  
 12 serve at the pleasure of the State's Attorney. The annual salary of the administrative  
 13 assistant shall be within the discretion of the State's Attorney, but may not exceed  
 14 \$59,000. The salary is to be paid by the county on the certification of the State's  
 15 Attorney to the County Executive and County Council. The administrative assistant  
 16 is not subject to the rules and regulations of the county merit system, but shall be  
 17 entitled to all benefits provided for county employees under the merit system.

18 (8) (I) ~~THE STATE'S ATTORNEY MAY APPOINT TO THE FOLLOWING~~  
 19 ~~POSITIONS CLERICAL, SECRETARIAL, AND ADMINISTRATIVE STAFF AS IN THE~~  
 20 ~~STATE'S ATTORNEY'S JUDGMENT MAY BE NECESSARY FOR THE PROPER CONDUCT OF~~  
 21 ~~THE OFFICE:~~

22 1- ~~ADMINISTRATIVE AIDE I, II, III, AND IV AS CLASSIFIED IN~~  
 23 ~~THE COUNTY PAY AND CLASSIFICATION PLAN; AND~~

24 2- ~~GENERAL CLERK I, II, III, AND IV AS CLASSIFIED IN THE~~  
 25 ~~COUNTY PAY AND CLASSIFICATION PLAN.~~

26 (H) ~~AN EMPLOYEE APPOINTED UNDER SUBPARAGRAPH (I) OF THIS~~  
 27 ~~PARAGRAPH:~~

28 1- ~~IS SUBJECT TO THE COUNTY PERSONNEL POLICIES AND~~  
 29 ~~PROCEDURES AND LABOR CODE GOVERNING COUNTY EMPLOYEES; AND~~

30 2- ~~SHALL RECEIVE A SALARY AS PROVIDED IN THE COUNTY~~  
 31 ~~BUDGET.~~

32 (9) (I) ~~THE STATE'S ATTORNEY SHALL APPOINT ALL EMPLOYEES OF~~  
 33 ~~THE OFFICE.~~

34 (H) ~~EXCEPT FOR EMPLOYEES SUBJECT TO THE COUNTY~~  
 35 ~~PERSONNEL POLICIES AND PROCEDURES, ALL EMPLOYEES SERVE AT THE PLEASURE~~  
 36 ~~OF THE STATE'S ATTORNEY ALL ELIGIBLE FULL-TIME NONEXEMPT EMPLOYEES, AS~~  
 37 ~~DESCRIBED IN THE PRINCE GEORGE'S COUNTY LABOR CODE, OF THE STATE'S~~  
 38 ~~ATTORNEY'S OFFICE SHALL BE SUBJECT TO THE COUNTY PERSONNEL LAW.~~

1 (II) AN EMPLOYEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS  
2 PARAGRAPH:

3 1. HAS THE RIGHT TO ORGANIZE AND BARGAIN  
4 COLLECTIVELY; AND

5 2. SHALL BE SUBJECT TO THE PRINCE GEORGE'S LABOR  
6 CODE WITH REGARD TO COLLECTIVE BARGAINING FOR COMPENSATION, INCLUDING  
7 PENSION AND FRINGE BENEFITS, HOURS, AND TERMS AND CONDITIONS OF  
8 EMPLOYMENT.

9 (III) THE COUNTY EXECUTIVE SHALL BE CONSIDERED THE  
10 EMPLOYER OF THE EMPLOYEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS  
11 PARAGRAPH ONLY FOR THE PURPOSE OF COLLECTIVE BARGAINING FOR  
12 COMPENSATION, INCLUDING PENSION AND FRINGE BENEFITS, AND HOURS.

13 (IV) 1. THE STATE'S ATTORNEY SHALL BE CONSIDERED THE  
14 EMPLOYER OF THE EMPLOYEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS  
15 PARAGRAPH FOR PURPOSES OF COLLECTIVE BARGAINING FOR OTHER TERMS AND  
16 CONDITIONS OF EMPLOYMENT.

17 2. ANY REQUIRED FUNDING FOR A COLLECTIVE  
18 BARGAINING AGREEMENT NEGOTIATED BY THE STATE'S ATTORNEY UNDER THIS  
19 SUBPARAGRAPH SHALL BE SUBJECT TO THE APPROVAL OF THE COUNTY EXECUTIVE.

20 [(8)] ~~(9)~~ (9) The salary and expenses of the State's Attorney, the deputy  
21 State's Attorneys, and the assistant State's Attorneys shall be paid in equal  
22 semimonthly installments.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2004.