

# SENATE BILL 894

P4, K4, D4

(2lr3150)

## ENROLLED BILL

— Finance/Appropriations —

Introduced by **Senator Jones-Rodwell**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### 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~~ Office of the Attorney General appoints certain  
6 individuals who were employees of the Office of the State’s Attorney for  
7 Baltimore City who were providing certain services for the Child Support  
8 Enforcement Administration during a certain period and continue providing  
9 certain services on or after a certain date, the employees shall be placed in  
10 certain positions in the State Personnel Management System and receive  
11 certain employment rights, service credit for certain purposes, certain annual or  
12 sick leave, and certain rights as a member of the Employees’ Pension System of  
13 the State of Maryland and for determining eligibility for certain other benefits;  
14 requiring certain employees who transfer service credit from the Employees’  
15 Retirement System of the City of Baltimore to be subject to a certain pension

---

**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.

*Italics* indicate opposite chamber/conference committee amendments.



1 selection or pension benefit; providing certain exceptions for certain employees  
 2 who retire or do not transfer service credit from the Employees' Retirement  
 3 System of the City of Baltimore; requiring Baltimore City, under certain  
 4 circumstances, to make certain payments to certain employees and to transfer  
 5 certain ~~pension~~ employer contributions and interest in a certain manner;  
 6 declaring certain findings and the intent of the General Assembly; and  
 7 generally relating to the transfer of certain employees from the Office of the  
 8 State's Attorney for Baltimore City to ~~the~~ position identification numbers in the  
 9 Office of the Attorney General Department of Human Resources.

10 BY repealing and reenacting, without amendments,

11 Article – Family Law

12 Section 10–115(g)

13 Annotated Code of Maryland

14 (2006 Replacement Volume and 2011 Supplement)

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

17 **Article – Family Law**

18 10–115.

19 (g) (1) A State's Attorney may make a written agreement with the  
 20 Secretary of Human Resources and the county to provide legal representation for a  
 21 fiscal year. An agreement shall be made by September 1 of the year preceding the  
 22 fiscal year for which representation will be provided.

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

25 (i) providing and continuing representation; and

26 (ii) reimbursement.

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

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

33 (b) For each of the 11 attorney positions and 1 clerical supervisor position in  
 34 the 2012 agreement between the Child Support Enforcement Administration and the  
 35 Office of the State's Attorney for Baltimore City, it is the intent of the General

1 Assembly that a position identification number be created in the ~~Office of the Attorney~~  
 2 ~~General~~ Department of Human Resources.

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

10 (1) the employee:

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

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

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

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

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

29 ~~and~~ shall be credited with the years of service with  
 30 Baltimore City for purposes of determining eligibility for participation as a retiree in  
 31 the State Employee and Retiree Health and Welfare Benefits Program under ~~§ 2-308~~ §  
 32 2-508 of the State Personnel and Pensions Article based on the starting date for  
 33 service with Baltimore City instead of the starting date of employment with the State;  
 34 ~~and~~

35 ~~and~~ shall become a member of the Employees' Pension  
 36 System of the State of Maryland with a beginning date for membership, for purposes  
 37 of determining which selection of benefits applies to the employee, to be the beginning  
 38 date for membership in the Baltimore City Employees' Retirement System and shall

1 ~~be entitled to a transfer of service credit as provided in Title 37 of the State Personnel~~  
 2 ~~and Pensions Article;~~

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

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

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

15 ~~(2) (3)~~ an employee who elects to not transfer credit from the Employees'  
 16 Retirement System of the City of Baltimore shall become a member of the Employees'  
 17 Pension System of the State of Maryland as of the date of employment with the State,  
 18 and may not receive service credit for the period of employment by Baltimore City; ~~and~~

19 ~~(3) (4)~~ an employee who is eligible to retire from the Employees'  
 20 Retirement System of the City of Baltimore on or before September 30, 2012, and elects  
 21 to retire from the Employees' Retirement System upon commencing employment with  
 22 the State:

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

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

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

30 ~~(4) (5)~~ Baltimore City shall:

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

35 (ii) transfer ~~pension~~ employer contributions and interest for  
 36 employees who transfer employment to the ~~Office of the Attorney General~~ Department

1 ~~of Human Resources~~ *State* in accordance with ~~Title 37 § 37-205~~ of the State Personnel  
2 and Pensions Article, except for any employees who retire or elect not to transfer  
3 service credit from the Employees' Retirement System of the City of Baltimore.

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

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.