

HOUSE BILL 665

P4

3lr2600

By: **Delegates DeBoy, Barkley, Beidle, Frick, Lafferty, B. Robinson, and Sophocleus**

Introduced and read first time: February 1, 2013

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2013

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – Law Enforcement Employees – Extra Compensation**

3 FOR the purpose of providing that a law enforcement employee of any unit of State
4 government, instead of only certain law enforcement employees of the
5 Department of State Police and the Department of Natural Resources, who
6 works on certain holidays is entitled to certain extra compensation; making this
7 Act subject to a certain contingency; requiring the Secretary of Budget and
8 Management to give certain notices to the Department of Legislative Services;
9 providing for the termination of this Act under certain circumstances; and
10 generally relating to the compensation of law enforcement employees.

11 BY repealing and reenacting, with amendments,
12 Article – State Personnel and Pensions
13 Section 8–308
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2012 Supplement)

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

18 **Article – State Personnel and Pensions**

19 8–308.

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 (a) Except as provided in § 8–305(c) of this subtitle, a law enforcement
2 employee of any unit of State government or a State Police cadet who works more than
3 8 hours in a normal 8–hour workday is entitled to be paid at the rate of one and
4 one–half times the employee’s or cadet’s regular hourly rate of pay for time worked in
5 excess of 8 hours.

6 (b) (1) In this subsection, “off–duty hours” means any hours:

7 (i) during a law enforcement employee’s scheduled off–duty
8 day; or

9 (ii) during a law enforcement employee’s on–duty day after the
10 employee has gone off duty.

11 (2) Except as otherwise provided in this subsection, a law enforcement
12 employee of any unit of State government who is called to duty on the employee’s
13 scheduled off–duty day is entitled to be paid at the rate of one and one–half times the
14 employee’s regular hourly rate of pay for each hour worked on the off–duty day.

15 (3) Except as provided in paragraph (4) of this subsection, a law
16 enforcement employee of the Department of State Police holding a noncommissioned
17 rank or a law enforcement employee of the Department of Natural Resources holding a
18 rank of sergeant or below, park ranger supervisor or below, or park services supervisor
19 or below who is called to duty during the employee’s off–duty hours is entitled to be
20 paid at the rate of one and one–half times the employee’s regular hourly rate of pay for
21 the greater of:

22 (i) the hours worked during the off–duty hours; or

23 (ii) 4 hours.

24 (4) A law enforcement employee of the Department of State Police
25 holding a noncommissioned rank or a law enforcement employee of the Department of
26 Natural Resources holding a rank of sergeant or below who makes an appearance in
27 court on official duty during the employee’s off–duty hours is entitled to be paid at the
28 rate of one and one–half times the employee’s regular hourly rate of pay for the
29 greater of:

30 (i) the hours worked during the off–duty hours; or

31 (ii) 2 hours.

32 (c) A law enforcement employee of [the Department of State Police holding a
33 noncommissioned rank, a law enforcement employee of the Department of Natural
34 Resources holding a rank of sergeant or below] **ANY UNIT OF STATE GOVERNMENT**,
35 or a police communications operator of the Department of State Police or Natural
36 Resources Police who is required to work 4 or more hours on New Year’s Day,

1 Thanksgiving Day, or Christmas Day, or who is scheduled to be off duty on New Year's
2 Day, Thanksgiving Day, or Christmas Day and is called to duty on any part of that
3 day is entitled to:

4 (1) compensatory time of 1 day; and

5 (2) payment at the rate of one and one-half times the employee's
6 regular hourly rate of pay for each hour worked on that day.

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

8 (a) (1) This Act is contingent on the execution, on or before September 30,
9 2013, of a preliminary agreement, for the economic reopener for fiscal year 2015,
10 between the State and the State Law Enforcement Officer's Labor Alliance that
11 includes the additional compensation provided in § 8-308(c) of the State Personnel
12 and Pensions Article, as enacted by Section 1 of this Act.

13 (2) If the preliminary agreement is not executed on or before
14 September 30, 2013, this Act shall be null and void without the necessity of further
15 action by the General Assembly.

16 (3) The Secretary of Budget and Management shall notify the
17 Department of Legislative Services on or before October 5, 2013, of whether the
18 preliminary agreement was executed.

19 (b) (1) If this Act takes effect, it shall terminate effective January 1, 2014,
20 unless the State and the State Law Enforcement Officer's Labor Union execute, on or
21 before December 31, 2013, a final agreement for the economic reopener for fiscal year
22 2015 that includes the additional compensation provided in § 8-306(c) of the State
23 Personnel and Pensions Article, as enacted by Section 1 of this Act.

24 (2) If the final agreement is not executed on or before December 31,
25 2013, this Act, with no further action required by the General Assembly, shall be
26 abrogated and of no further force and effect at the end of December 31, 2013.

27 (3) The Secretary of Budget and Management shall notify the
28 Department of Legislative Services, on or before January 15, 2014, of whether the
29 final agreement was executed.

30 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of
31 this Act, this Act shall take effect October 1, 2013.