

SENATE BILL 763

K4, P4, D4

4lr1237
CF HB 805

By: **Senator Colburn**

Introduced and read first time: January 31, 2014

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 2014

CHAPTER _____

1 AN ACT concerning

2 **Talbot County – Child Support Enforcement ~~Administration~~ – Transfer of**
3 **Personnel**

4 FOR the purpose of transferring ~~the functions, powers, duties, and personnel of the~~
5 certain employees of Talbot County Department of Social Services Office of
6 Child Support Enforcement to the Child Support Enforcement Administration
7 of who served as employees of the child support division of the Talbot County
8 State’s Attorney’s Office as of a certain date to the Department of Human
9 Resources on a certain date; ~~providing that the transfer of personnel be done in~~
10 accordance with a certain provision of law; requiring that certain position
11 identification numbers be created in a certain manner; requiring that each
12 transferred employee be given credit with the State for years of county
13 employment for certain purposes and retain certain annual and sick leave credit
14 and service credit in the Employees’ Pension System; requiring that each
15 transferred employee be subject to certain benefit selections in the Employees’
16 Pension System; requiring Talbot County to pay certain compensation due as of
17 a certain date; and generally relating to the transfer of personnel ~~to the Child~~
18 Support Enforcement Administration of of Talbot County to the Department of
19 Human Resources.

20 ~~BY repealing and reenacting, without amendments,~~
21 ~~Article – Family Law~~
22 ~~Section 10-117~~
23 ~~Annotated Code of Maryland~~
24 ~~(2012 Replacement Volume and 2013 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 ~~10-117.~~

5 ~~(a) A county or circuit court with a local support enforcement office may~~
6 ~~request that the responsibility for support enforcement be transferred to the~~
7 ~~Administration.~~

8 ~~(b) A request for transfer of responsibility under this section must be made~~
9 ~~to the Department of Human Resources by September 1 of the year preceding the~~
10 ~~fiscal year for which responsibility will be transferred.~~

11 ~~(c) Any personnel of the local support enforcement office involved in a~~
12 ~~transfer under this section shall be in the State Personnel Management System and~~
13 ~~shall be placed in the position that is comparable to or most closely compares to their~~
14 ~~former position, without further examination or qualification. These employees shall~~
15 ~~be credited with the years of service with the jurisdiction for purposes of seniority,~~
16 ~~including the determination of leave accumulation and the determination of layoff~~
17 ~~rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article, and,~~
18 ~~except as provided under § 2-510 of the Courts Article, shall become members of the~~
19 ~~Employees' Pension System of the State of Maryland. All previous pension~~
20 ~~contributions shall be transferred in accordance with Title 37 of the State Personnel~~
21 ~~and Pensions Article. These employees shall receive no diminution in compensation or~~
22 ~~accumulated leave solely as a result of the transfer. The salary grade of these~~
23 ~~employees shall be determined using a salary based on the same hourly rate of salary~~
24 ~~of the employee at the time of transfer. Annual leave in excess of that which may be~~
25 ~~retained annually in the State Personnel Management System may be retained at the~~
26 ~~time of transfer if that accumulation was permitted by the former employer.~~

27 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, on July 1, 2014, all the~~
28 ~~functions, powers, and duties of the Talbot County Department of Social Services~~
29 ~~Office of Child Support Enforcement and the personnel indicated in Section 3 of this~~
30 ~~Act shall be transferred to the Child Support Enforcement Administration of the~~
31 ~~Department of Human Resources.~~

32 ~~SECTION 3. AND BE IT FURTHER ENACTED, That:~~

33 ~~(a) All employees of the Talbot County Department of Social Services Office~~
34 ~~of Child Support Enforcement who served as employees of the child support division of~~
35 ~~the Talbot County State's Attorney's Office as of September 30, 2013, shall be~~
36 ~~transferred to the Child Support Enforcement Administration of the Department of~~
37 ~~Human Resources in accordance with § 10-117(c) of the Family Law Article.~~

1 (b) A Position Identification Number (PIN) shall be created for each
2 transferred employee in a State classification commensurate with the employee's
3 salary grade at the time of transfer, and the salary grade shall be determined using a
4 salary based on the same hourly rate of salary of the employee at the time of transfer.

5 (c) Each transferred employee shall be given credit with the State for years
6 of county employment for purposes of:

7 (1) seniority, including the determination of leave accumulation under
8 Title 9 of the State Personnel and Pensions Article and the determination of layoff
9 rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article; and

10 (2) determining eligibility for participation as a retiree in the State
11 Employee and Retiree Health and Welfare Benefits Program under § 2-508 of the
12 State Personnel and Pensions Article, so that eligibility is based on the starting date
13 for service with Talbot County instead of the starting date of employment with the
14 State.

15 (d) Each transferred employee:

16 (1) shall retain:

17 (i) the amount of annual or sick leave to the employee's credit
18 to the extent allowed by Talbot County; and

19 (ii) the service credit in the Employees' Pension System earned
20 as a Talbot County employee; and

21 (2) be subject to:

22 (i) the Alternate Contributory Pension Selection of the
23 Employees' Pension System as provided under Title 23, Subtitle 2, Part III of the State
24 Personnel and Pensions Article, if the beginning date of the employee's employment
25 with Talbot County was on or before June 30, 2011; or

26 (ii) the Reformed Contributory Pension Benefit of the
27 Employees' Pension System as provided under Title 23, Subtitle 2, Part IV of the State
28 Personnel and Pensions Article, if the beginning date of the employee's employment
29 with Talbot County was on or after July 1, 2011.

30 (e) Talbot County shall pay to each employee transferred under this section
31 any compensation due to the employee on termination of county employment as of
32 June 30, 2014, except for any accumulated leave that the employee elects to transfer to
33 the State.

34 SECTION ~~4~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect July 1, 2014.