
By: **Delegates McIntosh and Rawlings**
Introduced and read first time: February 13, 1998
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Employees - District Court Employees**

3 FOR the purpose of removing certain clerical, administrative, and full-time constable
4 positions in the District Court of Maryland from the State Personnel
5 Management System; providing that certain clerical, administrative, and
6 constabular employees of the District Court are in the personnel system of the
7 judicial branch; repealing a certain provision of law requiring that the salary of
8 certain commissioners be set by the Secretary of Budget and Management;
9 making a stylistic change; providing that this Act is not intended to affect
10 certain benefits of employees transferred under this Act and that the employees
11 shall be transferred without any diminution of compensation or benefits; and
12 generally relating to employees of the District Court of Maryland.

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 2-601(b), 2-604(b), and 2-607(b)
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1997 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - State Personnel and Pensions
20 Section 6-303, 6-401, 9-202(a), and 9-801(a)
21 Annotated Code of Maryland
22 (1997 Replacement Volume)

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

25 **Article - Courts and Judicial Proceedings**

26 2-601.

27 (b) Except as [provided in § 2-602 of this subtitle or] otherwise PROVIDED by
28 law, the clerical, administrative, and constabular employees of the District Court

1 shall be appointed by the Chief Judge of the District Court on the recommendation of
2 the administrative judge for the district [and shall be in the skilled service, with the
3 exception of special appointments, in the State Personnel Management System] AND
4 SHALL BE IN THE PERSONNEL SYSTEM OF THE JUDICIAL BRANCH.

5 2-604.

6 (b) Constables may serve either full time or part time. Full-time constables
7 [are in the skilled service, with the exception of special appointments, in the State
8 Personnel Management System and] shall be paid on the same salary scale as that
9 set by the Secretary of Budget and Management pursuant to § 2-309(d) of this article
10 for full-time deputy sheriffs in Baltimore City. Part-time constables [are not in the
11 State Personnel Management System, and] are paid the compensation prescribed by
12 the General Assembly, and serve at the pleasure of the Chief Judge of the District
13 Court.

14 2-607.

15 (b) (1) Commissioners shall be adult residents of the counties in which they
16 serve, but they need not be lawyers.

17 [(2) The salary of commissioners shall be set by the Secretary of Budget
18 and Management.

19 (3)] (2) Each commissioner shall hold office at the pleasure of the Chief
20 Judge of the District Court, and has the powers and duties prescribed by law.

21 [(4)] (3) Except without additional compensation, unless otherwise fixed
22 by law, an employee of the District Court, who is an adult, may be granted, in the
23 same manner, commissioner powers and duties in the county where [he] THE
24 EMPLOYEE is employed.

25 **Article - State Personnel and Pensions**

26 6-303.

27 All positions in the Judicial Branch of State government are excluded from the
28 State Personnel Management System except[:

29 (1) the positions in the District Court of Maryland that are listed in §
30 6-401(b) of this title; or

31 (2)] as otherwise provided by law.

32 6-401.

33 (a) Except as provided in this title or otherwise by law, all positions in the
34 Executive Branch of State government that are included in the State Personnel
35 Management System are in the skilled service.

1 [(b) Except as otherwise provided by law, the following positions in the Judicial
2 Branch of State government are in the skilled service:

3 (1) clerical and administrative positions in the District Court of
4 Maryland; and

5 (2) full-time constables in the District Court of Maryland.

6 (c)] (B) The skilled service includes any other position that is specified by law
7 to be in the skilled service.

8 9-202.

9 (a) Except as provided in subsection (b) of this section, this subtitle applies
10 to[:

11 (1)] all employees of all units in the Executive Branch of State
12 government, including any unit with an independent personnel system[; and

13 (2) all employees of the District Court of Maryland who are in the State
14 Personnel Management System].

15 9-801.

16 (a) Except as provided in subsection (b) of this section, this subtitle applies
17 to[:

18 (1)] all employees, including temporary employees, of all units in the
19 Executive Branch of State government, including any unit with an independent
20 personnel system[; and

21 (2) all employees of the District Court of Maryland who are in the State
22 Personnel Management System].

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is not intended to
24 affect the benefits allowed from time to time under the State Employee and Retiree
25 Health and Welfare Benefits Program or the State Retirement and Pension System
26 for any employee transferred from the State Personnel Management System under
27 this Act. These employees shall not lose any compensation solely as a result of the
28 transfer, nor lose any accumulated leave, leave accrual rates, or other benefits.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 1998.