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By: Delegates Love and Cadden

Introduced and read first time: February 9, 2001 Assigned to: Appropriations

Committee Report: Favorable with amendments House action: Adopted Read second time: March 17, 2001

CHAPTER_____

1 AN ACT concerning

2 3

Anne Arundel County Circuit Court Domestic Relations Division Employees - Pension and Retirement Health Benefits

4 FOR the purpose of allowing an individual, who is an employee of the Domestic

5 Relations Division of the Anne Arundel County Circuit Court on or before a

6 certain date and subsequently is transferred into the State Personnel

7 Management System, to remain in the Anne Arundel County Retirement and

8 Pension System or transfer into the Employees' Pension System of the State of

9 Maryland; requiring the Central Payroll Bureau to deduct a certain amount

10 from the biweekly salaries of certain employees; requiring that the State make

11 a certain annual grant to Department of Human Resources provide the County

12 to ensure that pension benefits are paid at the level required with certain

13 <u>funding on a quarterly basis;</u> providing for the calculation, certification, and

14 payment of that annual grant and payment of these funds; providing for the

15 payment of retirement health benefits; conditioning the payment of retirement

16 health benefits on the payment by the State of a certain contribution; creating

17 an exemption to a certain provision of the State pension law relating to the

18 reemployment of retirees; providing for the application of this Act; and generally

19 relating to the pension and retirement benefits paid to employees of the

20 Domestic Relations Division of the Anne Arundel County Circuit Court who

21 transfer into the State Personnel Management System.

22 BY adding to

- 23 Article Courts and Judicial Proceedings
- 24 Section 2-510
- 25 Annotated Code of Maryland
- 26 (1998 Replacement Volume and 2000 Supplement)

- 1 BY repealing and reenacting, with amendments,
- 2 Article Family Law
- 3 Section 10-117(c)
- 4 Annotated Code of Maryland
- 5 (1999 Replacement Volume and 2000 Supplement)

6 BY repealing and reenacting, with amendments,

- 7 Article State Personnel and Pensions
- 8 Section 22-406(b) and 23-201
- 9 Annotated Code of Maryland
- 10 (1997 Replacement Volume and 2000 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

- 12 MARYLAND, That the Laws of Maryland read as follows:
- 13

Article - Courts and Judicial Proceedings

14 2-510.

15 (A) THIS SECTION APPLIES ONLY TO EMPLOYEES OF THE DOMESTIC
16 RELATIONS DIVISION OF THE ANNE ARUNDEL COUNTY CIRCUIT COURT WHO, ON OR
17 BEFORE JUNE 30, 2002 WERE PARTICIPANTS IN THE ANNE ARUNDEL COUNTY
18 RETIREMENT AND PENSION SYSTEM.

(B) AN EMPLOYEE OF THE DOMESTIC RELATIONS DIVISION OF THE ANNE
ARUNDEL COUNTY CIRCUIT COURT WHO IS TRANSFERRED ON OR BEFORE JULY 1,
2002 INTO THE STATE PERSONNEL MANAGEMENT SYSTEM AS AN EMPLOYEE OF THE
CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THE MARYLAND DEPARTMENT
OF HUMAN RESOURCES OR AS THE SPECIAL ASSISTANT ATTORNEY GENERAL
ASSIGNED TO, INCLUDING ANY ATTORNEY REPRESENTING THE CHILD SUPPORT
ENFORCEMENT ADMINISTRATION MAY ELECT TO:

26 (1) REMAIN AS A PARTICIPANT IN THE ANNE ARUNDEL COUNTY27 RETIREMENT AND PENSION SYSTEM; OR

28 (2) BECOME AN ENROLLEE IN THE EMPLOYEES' PENSION SYSTEM OF 29 THE STATE OF MARYLAND.

30 (C) (1) IF AN EMPLOYEE ELECTS TO REMAIN AS A PARTICIPANT IN THE
31 ANNE ARUNDEL COUNTY RETIREMENT AND PENSION SYSTEM, THE ELECTION
32 REMAINS IN EFFECT ONLY AS LONG AS THE EMPLOYEE REMAINS EMPLOYED BY THE
33 CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THE DEPARTMENT OF HUMAN
34 RESOURCES.

35 (2) IF THE EMPLOYEE TRANSFERS TO ANOTHER POSITION IN STATE
36 SERVICE, THE EMPLOYEE SHALL BECOME AN ENROLLEE OF THE EMPLOYEES'
37 PENSION SYSTEM OF MARYLAND.

WHILE AN EMPLOYEE REMAINS A PARTICIPANT IN THE ANNE

2 ARUNDEL COUNTY RETIREMENT AND PENSION SYSTEM, THE STATE CENTRAL 3 PAYROLL BUREAU SHALL DEDUCT FROM THE EMPLOYEE'S BIWEEKLY SALARY AN 4 EMPLOYEE CONTRIBUTION THAT EQUALS THE EMPLOYEE'S SALARY MULTIPLIED BY 5 THE EMPLOYEE CONTRIBUTION RATE CERTIFIED BY THE ANNE ARUNDEL COUNTY 6 RETIREMENT AND PENSION SYSTEM UNDER SUBSECTION (D)(2) OF THIS SECTION. UNTIL THE DATE THAT THE LAST EMPLOYEE TRANSFERRED TO THE 7 (D) (1)8 STATE PERSONNEL MANAGEMENT SYSTEM LEAVES SERVICE IN THE CHILD SUPPORT 9 ENFORCEMENT ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES. 10 THE COMPTROLLER OF THE TREASURY DEPARTMENT OF HUMAN RESOURCES SHALL 11 PROVIDE PAY ON A QUARTERLY BASIS TO THE ANNE ARUNDEL COUNTY 12 GOVERNMENT EACH AUGUST 1. FOR THE PAYMENT OF PENSION BENEFITS. A GRANT 13 EQUAL TO THE AMOUNT OF THE CONTRIBUTION RATES CERTIFIED UNDER 14 PARAGRAPH (2) OF THIS SUBSECTION TIMES THE EMPLOYEE'S SALARY DURING THE 15 PREVIOUS FISCAL YEAR.: THE AMOUNT DEDUCTED BY THE STATE CENTRAL PAYROLL 16 (I) 17 BUREAU FROM AN EMPLOYEE'S BIWEEKLY SALARY FOR THAT QUARTER AS 18 PROVIDED UNDER SUBSECTION (C)(3) OF THIS SECTION; AND AN EMPLOYER CONTRIBUTION FOR THAT QUARTER EQUAL TO 19 (II) 20 THE TOTAL OF THE EMPLOYEE SALARIES SUBJECT TO A DEDUCTION UNDER 21 SUBSECTION (C)(3) OF THIS SECTION MULTIPLIED BY THE EMPLOYER CONTRIBUTION 22 RATE DETERMINED BY THE DEPARTMENT OF HUMAN RESOURCES UNDER 23 PARAGRAPH (3) OF THIS SUBSECTION. ON OR BEFORE MAY 15 OF EACH YEAR, THE BOARD OF TRUSTEES OF 24 (2)25 THE ANNE ARUNDEL COUNTY RETIREMENT AND PENSION SYSTEM SHALL CERTIFY 26 TO THE COMPTROLLER OF THE TREASURY DEPARTMENT OF HUMAN RESOURCES 27 THE EMPLOYER AND EMPLOYEE CONTRIBUTION RATES FOR PENSION BENEFITS 28 DETERMINED FOR THE ANNE ARUNDEL COUNTY RETIREMENT AND PENSION 29 SYSTEM FOR THE PREVIOUS NEXT FISCAL YEAR. THE STATE MAY LIMIT THE EMPLOYER CONTRIBUTION RATE PAID 30 (3)31 UNDER PARAGRAPH (2) OF THIS SUBSECTION IF THE EMPLOYER CONTRIBUTION 32 RATE CERTIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION IS GREATER THAN 33 THE EMPLOYER CONTRIBUTION RATE PAID BY THE STATE FOR STATE EMPLOYEES 34 UNDER THE STATE PERSONNEL MANAGEMENT SYSTEM, THE DEPARTMENT OF 35 HUMAN RESOURCES MAY LIMIT THE EMPLOYER CONTRIBUTION RATE TO THE 36 EMPLOYER CONTRIBUTION RATE PAID BY THE STATE FOR STATE EMPLOYEES 37 UNDER THE STATE PERSONNEL MANAGEMENT SYSTEM.

38 (4) AN EMPLOYEE TRANSFERRED UNDER THIS SECTION IS NOT
39 SUBJECT TO § 22-406(B)2) OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

40 (E) A RETIREE COVERED UNDER THIS SECTION WHO ELECTED TO REMAIN IN
41 THE ANNE ARUNDEL COUNTY RETIREMENT AND PENSION SYSTEM MAY RECEIVE
42 RETIREMENT HEALTH BENEFITS EQUAL TO THOSE RECEIVED BY RETIREES UNDER

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(3)

2	THE ANNE ARUNDEL COUNTY RETIREMENT AND PENSION SYSTEM IF THE STATE EACH MONTH REIMBURSES THE COUNTY AN AMOUNT EQUAL TO THE EMPLOYER'S CONTRIBUTION FOR THOSE HEALTH BENEFITS.
	(F) THE COMPTROLLER MAY MAKE THE GRANTS REQUIRED UNDER THIS SECTION AS A SETOFF AGAINST ANY MONEYS OTHERWISE DUE FROM ANNE ARUNDEL COUNTY UNDER THE STATE BUDGET.
7	Article - Family Law
8	10-117.
11 12 13 14 15 16 17 18 19 20 21 22 23 24	(c) Any personnel of the local support enforcement office involved in a transfer under this section shall be in the State Personnel Management System and shall be placed in the position that is comparable to or most closely compares to their former position, without further examination or qualification. These employees shall be credited with the years of service with the jurisdiction for purposes of seniority, including the determination of leave accumulation and the determination of layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article, and, EXCEPT AS PROVIDED UNDER § 2-510 OF THE COURTS ARTICLE, shall become members of the Employees' Pension System of the State of Maryland. All previous pension contributions shall be transferred in accordance with Title 37 of the State Personnel and Pensions Article. These employees shall receive no diminution in compensation or accumulated leave solely as a result of the transfer. The salary grade of these employees shall be determined using a salary based on the same hourly rate of salary of the employee at the time of transfer. Annual leave in excess of that which may be retained annually in the State Personnel Management System may be retained at the time of transfer if that accumulation was permitted by the former employer.
26	Article - State Personnel and Pensions
27	22-406.
28	(b) (1) This subsection does not apply to:
29	(i) an individual who has been retired for more than 10 years;
30 31	(ii) an individual whose average final compensation was less than \$10,000 and who is reemployed on a temporary or contractual basis;
	(iii) an individual who is serving in an elected position as an official of a participating governmental unit or as a constitutional officer for a county that is a participating governmental unit;
35	(iv) a retiree of the Teachers' Retirement System:
36	1. who retired and was reemployed by a participating

36 1. who retired and was reemployed by a participating
37 employer other than the State on or before September 30, 1994; and

 1 2 or in part, from State funds; 	2.	whose employment compensation does not derive, in whole
3 (v)	a retire	e of the Teachers' Retirement System who:
4	1.	is or has been certified to teach in the State;
5 6 the last assignment prior to re-	2. tirement;	has verification of satisfactory or better performance in
78 appointed in accordance with	3. § 4-103 c	based on the retired teacher's qualifications, has been of the Education Article;
9 10 under § 22-401 of this article	4. ; or	A. retired with a normal service retirement allowance
1112 22-402 of this article and has	B. been reti	retired with an early service retirement allowance under § red for at least 12 months;
13	5.	subject to item 6 of this item is employed as:
	ard of Ed	a substitute classroom teacher or substitute teacher n recommended for reconstitution, or has been lucation, until the public school meets the by the State Board of Education;
	public sc	a classroom teacher or teacher mentor in a public school titution, or has been reconstituted, by the State shool meets the standards for school Education;
	s, until the	a classroom teacher or teacher mentor in a county or ich the State Board of Education finds that e State Board of Education finds the shortage ect area on a statewide basis; or
28 Education finds that there is a	a shortage	a substitute classroom teacher or substitute teacher a statewide basis in which the State Board of e of teachers, until the State Board of e exists in that county or subject area on a
3132 each year the teacher is employed	6. oyed und	receives verification of satisfactory or better performance er item 5 of this item;
33 (vi)	a retiree	e of the Teachers' Retirement System who:
34	1.	was employed as a principal within 5 years of retirement;
3536 the last assignment as a princ	2. ipal prior	has verification of better than satisfactory performance in to retirement;

1 2 principal;	3.	based on the retiree's qualifications, has been hired as a				
3 4 under § 22-401 of this subtitle	4. e; or	A. retired with a normal service retirement allowance				
5 6 22-402 of this subtitle and has	B. s been ret	retired with an early service retirement allowance under § ired for at least 12 months;				
78 performance each year the ret9 item; and	5. iree is en	receives verification of better than satisfactory apployed as a principal under item 3 of this				
10 11 more than 4 years; [or]	6.	is not employed as a principal under item 3 of this item for				
12 (vii)	a retire	e of the Teachers' Retirement System:				
13 14 system; and	1.	who retired from a board of education or local school				
15 16 University System of Maryla	2. nd; OR	who is reemployed in a part-time position with the				
	NTY CII	MER EMPLOYEE OF THE DOMESTIC RELATIONS DIVISION RCUIT COURT WHO TRANSFERS INTO THE STATE IM UNDER § 2-510 OF THE COURTS ARTICLE.				
20 (2) The Bo	ard of Tr	ustees shall reduce an individual's allowance:				
21 (i)22 basic allowance and the indiv23 compensation used to compute	vidual's ar	amount that the sum of the individual's initial annual nnual compensation exceeds the average final sic allowance; or				
26 compensation and the retiree'	996), by s annual led by th	tiree who retired under the Workforce Reduction Act the amount that the sum of the retiree's annual basic allowance at the time of retirement, e Workforce Reduction Act, exceeds the average he basic allowance.				
29 23-201.						
30 (a) Except as provided in subsection (b) of this section, §§ 23-202 through 31 23-205 of this subtitle apply only to:						
32 (1) a regula 33 appropriation or paid from St		wee whose compensation is provided by State				
34 (2) an appo	ointed or	elected official of the State, including:				
35 (i)	a clerk	of the circuit court;				

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1		(ii)	a register of wills;	
2		(iii)	a State's Attorney; and	
3		(iv)	a sheriff;	
4 5	(3) eligible to participate		byee or official of a participating governmental unit who is le 31, Subtitle 1 of this article;	
6	(4)	an emple	oyee of the Office of the Sheriff of Baltimore City;	
7 8	(5) authorized by § 11-20		ional employee or agent of the State Racing Commission Business Regulation Article;	
9 10	(6) county;	a permai	nent employee of the board of supervisors of elections of a	
11 12			ne master in chancery or in juvenile causes who is appointed v county by the circuit court for that county;	
	member of the Emplo	yees' Per	byee of the Maryland Environmental Service who is a assion System on June 30, 1993, or transfers from the a on or after July 1, 1993;	
16 17	(9) County's general pen		byee of Dorchester County who is not a member of the retirement program;	
			Baltimore City jail employee who became an employee of the ter and a member of the Employees' Pension System on	
21 22	(11) clerical or profession		byee of the Baltimore City Community College who is not a yee;	
	member of the Emplo	oyees' Per	eporter for the Circuit Court for Charles County who is a usion System on July 1, 1994, or transfers from the n on or after July 1, 1994;	
26 27	(13) University, or St. Ma		nployee of the University System of Maryland, Morgan State ege who is:	
		(i) m the Em	a member of the Employees' Pension System on January 1, aployees' Retirement System on or after January 1,	
	State University, or S 1, 1998;	(ii) t. Mary's	a staff employee of the University System of Maryland, Morgan College who becomes an employee on or after January	

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(14) on or after the date that the Board of Education of Kent County begins participation in the Employees' Pension System, a supportive service employee of the Board of Education of Kent County; and					
(15) an employee of the Town of Oakland on or after the date that the Town of Oakland begins participation in the Employees' Pension System.					
6 (b) Sections 23-202 through 23-205 of this subtitle do not apply to:					
7 (1) an individual who is or is entitled to be a member of any State system 8 other than the Employees' Pension System;					
9 (2) a contractual, emergency, or temporary extra employee;					
10 (3) an individual who is employed under a federal public service 11 employment program;					
12 (4) an assessor who is a member of a retirement or pension system 13 operated by a political subdivision of the State;					
14 (5) an employee of a board of supervisors of elections who chose to stay in 15 a local merit system under Article 33, § 2-207 of the Code;					
 16 (6) a nonclerical or nonprofessional employee of the Baltimore City 17 Community College who: 					
 18 (i) was an employee of the New Community College of Baltimore 19 during the 1989-1990 academic year; 					
 20 (ii) was employed by the New Community College of Baltimore on 21 or before December 31, 1990, as a "Class A" member of the Baltimore City Retirement 22 Plan; and 					
23(iii)elected to remain a member of the Baltimore City Retirement24Plan; [or]					
 (7) an employee who is not a member of a State system and who accepts a position for which the budgeted hours per fiscal year are less than 500 hours in the first fiscal year of employment; OR 					
 28 (8) AN EMPLOYEE OF THE DOMESTIC RELATIONS DIVISION OF THE 29 ANNE ARUNDEL COUNTY CIRCUIT COURT WHO: 					
 (I) WAS TRANSFERRED ON OR AFTER JULY 1, 2002, INTO THE STATE PERSONNEL MANAGEMENT SYSTEM AS AN EMPLOYEE OF THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THE MARYLAND DEPARTMENT OF HUMAN RESOURCES; 					
 (II) ELECTED, UNDER § 2-510 OF THE COURTS ARTICLE, TO REMAIN AS A PARTICIPANT IN THE ANNE ARUNDEL COUNTY RETIREMENT AND PENSION SYSTEM; AND 					

1(III)REMAINS AS AN EMPLOYEE OF THE CHILD SUPPORT2ENFORCEMENT ADMINISTRATION OF THE MARYLAND DEPARTMENT OF HUMAN

3 RESOURCES OR EMPLOYED AS A SPECIAL ASSISTANT ATTORNEY GENERAL ASSIGNED

4 TO AN ATTORNEY EMPLOYED TO REPRESENT THE CHILD SUPPORT ENFORCEMENT

5 ADMINISTRATION.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 7 July 1, 2001.