

SENATE BILL 473

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2001 Regular Session  
11r1945  
CF 11r0558

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By: **Senator Jimeno**

Introduced and read first time: February 2, 2001

Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County Circuit Court Domestic Relations Division**  
3 **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 that the State make a certain annual grant to the County  
10 to ensure that pension benefits are paid at the level required; providing for the  
11 calculation, certification, and payment of that annual grant; providing for the  
12 payment of retirement health benefits; conditioning the payment of retirement  
13 health benefits on the payment by the State of a certain contribution; creating  
14 an exemption to a certain provision of the State pension law relating to the  
15 reemployment of retirees; providing for the application of this Act; and generally  
16 relating to the pension and retirement benefits paid to employees of the  
17 Domestic Relations Division of the Anne Arundel County Circuit Court who  
18 transfer into the State Personnel Management System.

19 BY adding to  
20 Article - Courts and Judicial Proceedings  
21 Section 2-510  
22 Annotated Code of Maryland  
23 (1998 Replacement Volume and 2000 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article - Family Law  
26 Section 10-117(c)  
27 Annotated Code of Maryland  
28 (1999 Replacement Volume and 2000 Supplement)

29 BY repealing and reenacting, with amendments,  
30 Article - State Personnel and Pensions  
31 Section 22-406(b) and 23-201

1 Annotated Code of Maryland  
2 (1997 Replacement Volume and 2000 Supplement)

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

5 **Article - Courts and Judicial Proceedings**

6 2-510.

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

11 (B) AN EMPLOYEE OF THE DOMESTIC RELATIONS DIVISION OF THE ANNE  
12 ARUNDEL COUNTY CIRCUIT COURT WHO IS TRANSFERRED ON OR BEFORE JULY 1,  
13 2002 INTO THE STATE PERSONNEL MANAGEMENT SYSTEM AS AN EMPLOYEE OF THE  
14 CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THE MARYLAND DEPARTMENT  
15 OF HUMAN RESOURCES OR AS THE SPECIAL ASSISTANT ATTORNEY GENERAL  
16 ASSIGNED TO THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION MAY ELECT TO:

17 (1) REMAIN AS A PARTICIPANT IN THE ANNE ARUNDEL COUNTY  
18 RETIREMENT AND PENSION SYSTEM; OR

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

21 (C) (1) IF AN EMPLOYEE ELECTS TO REMAIN AS A PARTICIPANT IN THE  
22 ANNE ARUNDEL COUNTY RETIREMENT AND PENSION SYSTEM, THE ELECTION  
23 REMAINS IN EFFECT ONLY AS LONG AS THE EMPLOYEE REMAINS EMPLOYED BY THE  
24 CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THE DEPARTMENT OF HUMAN  
25 RESOURCES.

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

29 (D) (1) UNTIL THE DATE THAT THE LAST EMPLOYEE TRANSFERRED TO THE  
30 STATE PERSONNEL MANAGEMENT SYSTEM LEAVES SERVICE IN THE CHILD SUPPORT  
31 ENFORCEMENT ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES,  
32 THE COMPTROLLER OF THE TREASURY SHALL PROVIDE TO THE ANNE ARUNDEL  
33 COUNTY GOVERNMENT EACH AUGUST 1, FOR THE PAYMENT OF PENSION BENEFITS,  
34 A GRANT EQUAL TO THE AMOUNT OF THE CONTRIBUTION RATES CERTIFIED UNDER  
35 PARAGRAPH (2) OF THIS SUBSECTION TIMES THE EMPLOYEE'S SALARY DURING THE  
36 PREVIOUS FISCAL YEAR.

37 (2) ON OR BEFORE MAY 15 OF EACH YEAR, THE BOARD OF TRUSTEES OF  
38 THE ANNE ARUNDEL COUNTY RETIREMENT AND PENSION SYSTEM SHALL CERTIFY  
39 TO THE COMPTROLLER OF THE TREASURY THE EMPLOYER AND EMPLOYEE

1 CONTRIBUTION RATES FOR PENSION BENEFITS DETERMINED FOR THE ANNE  
2 ARUNDEL COUNTY RETIREMENT AND PENSION SYSTEM FOR THE PREVIOUS FISCAL  
3 YEAR.

4 (3) THE STATE MAY LIMIT THE EMPLOYER CONTRIBUTION RATE PAID  
5 UNDER PARAGRAPH (2) OF THIS SUBSECTION TO THE EMPLOYER CONTRIBUTION  
6 RATE PAID BY THE STATE FOR STATE EMPLOYEES UNDER THE STATE PERSONNEL  
7 MANAGEMENT SYSTEM.

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

10 (E) A RETIREE COVERED UNDER THIS SECTION WHO ELECTED TO REMAIN IN  
11 THE ANNE ARUNDEL COUNTY RETIREMENT AND PENSION SYSTEM MAY RECEIVE  
12 RETIREMENT HEALTH BENEFITS EQUAL TO THOSE RECEIVED BY RETIREES UNDER  
13 THE ANNE ARUNDEL COUNTY RETIREMENT AND PENSION SYSTEM IF THE STATE  
14 EACH MONTH REIMBURSES THE COUNTY AN AMOUNT EQUAL TO THE COUNTY'S  
15 CONTRIBUTION FOR THOSE HEALTH BENEFITS.

16 (F) THE COMPTROLLER MAY MAKE THE GRANTS REQUIRED UNDER THIS  
17 SECTION AS A SETOFF AGAINST ANY MONEYS OTHERWISE DUE FROM ANNE  
18 ARUNDEL COUNTY UNDER THE STATE BUDGET.

19 **Article - Family Law**

20 10-117.

21 (c) Any personnel of the local support enforcement office involved in a transfer  
22 under this section shall be in the State Personnel Management System and shall be  
23 placed in the position that is comparable to or most closely compares to their former  
24 position, without further examination or qualification. These employees shall be  
25 credited with the years of service with the jurisdiction for purposes of seniority,  
26 including the determination of leave accumulation and the determination of layoff  
27 rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article, and,  
28 EXCEPT AS PROVIDED UNDER § 2-510 OF THE COURTS ARTICLE, shall become  
29 members of the Employees' Pension System of the State of Maryland. All previous  
30 pension contributions shall be transferred in accordance with Title 37 of the State  
31 Personnel and Pensions Article. These employees shall receive no diminution in  
32 compensation or accumulated leave solely as a result of the transfer. The salary grade  
33 of these employees shall be determined using a salary based on the same hourly rate  
34 of salary of the employee at the time of transfer. Annual leave in excess of that which  
35 may be retained annually in the State Personnel Management System may be  
36 retained at the time of transfer if that accumulation was permitted by the former  
37 employer.

**Article - State Personnel and Pensions**

2 22-406.

3 (b) (1) This subsection does not apply to:

4 (i) an individual who has been retired for more than 10 years;

5 (ii) an individual whose average final compensation was less than  
6 \$10,000 and who is reemployed on a temporary or contractual basis;

7 (iii) an individual who is serving in an elected position as an official  
8 of a participating governmental unit or as a constitutional officer for a county that is  
9 a participating governmental unit;

10 (iv) a retiree of the Teachers' Retirement System:

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

13 2. whose employment compensation does not derive, in whole  
14 or in part, from State funds;

15 (v) a retiree of the Teachers' Retirement System who:

16 1. is or has been certified to teach in the State;

17 2. has verification of satisfactory or better performance in  
18 the last assignment prior to retirement;

19 3. based on the retired teacher's qualifications, has been  
20 appointed in accordance with § 4-103 of the Education Article;

21 4. A. retired with a normal service retirement allowance  
22 under § 22-401 of this article; or

23 B. retired with an early service retirement allowance under §  
24 22-402 of this article and has been retired for at least 12 months;

25 5. subject to item 6 of this item is employed as:

26 A. a substitute classroom teacher or substitute teacher  
27 mentor in a public school that has been recommended for reconstitution, or has been  
28 reconstituted, by the State Board of Education, until the public school meets the  
29 standards for school performance set by the State Board of Education;

30 B. a classroom teacher or teacher mentor in a public school  
31 that has been recommended for reconstitution, or has been reconstituted, by the State  
32 Board of Education, until the public school meets the standards for school  
33 performance set by the State Board of Education;

1 C. a classroom teacher or teacher mentor in a county or  
 2 subject area on a statewide basis in which the State Board of Education finds that  
 3 there is a shortage of teachers, until the State Board of Education finds the shortage  
 4 no longer exists in that county or subject area on a statewide basis; or

5 D. a substitute classroom teacher or substitute teacher  
 6 mentor in a county or subject area on a statewide basis in which the State Board of  
 7 Education finds that there is a shortage of teachers, until the State Board of  
 8 Education finds the shortage no longer exists in that county or subject area on a  
 9 statewide basis; and

10 6. receives verification of satisfactory or better performance  
 11 each year the teacher is employed under item 5 of this item;

12 (vi) a retiree of the Teachers' Retirement System who:

13 1. was employed as a principal within 5 years of retirement;

14 2. has verification of better than satisfactory performance in  
 15 the last assignment as a principal prior to retirement;

16 3. based on the retiree's qualifications, has been hired as a  
 17 principal;

18 4. A. retired with a normal service retirement allowance  
 19 under § 22-401 of this subtitle; or

20 B. retired with an early service retirement allowance under §  
 21 22-402 of this subtitle and has been retired for at least 12 months;

22 5. receives verification of better than satisfactory  
 23 performance each year the retiree is employed as a principal under item 3 of this  
 24 item; and

25 6. is not employed as a principal under item 3 of this item for  
 26 more than 4 years; [or]

27 (vii) a retiree of the Teachers' Retirement System:

28 1. who retired from a board of education or local school  
 29 system; and

30 2. who is reemployed in a part-time position with the  
 31 University System of Maryland; OR

32 (VIII) A FORMER EMPLOYEE OF THE DOMESTIC RELATIONS DIVISION  
 33 OF ANNE ARUNDEL COUNTY CIRCUIT COURT WHO TRANSFERS INTO THE STATE  
 34 EMPLOYEES' PERSONNEL SYSTEM UNDER § 2-510 OF THE COURTS ARTICLE.

35 (2) The Board of Trustees shall reduce an individual's allowance:

1 (i) by the amount that the sum of the individual's initial annual  
2 basic allowance and the individual's annual compensation exceeds the average final  
3 compensation used to compute the basic allowance; or

4 (ii) for a retiree who retired under the Workforce Reduction Act  
5 (Chapter 353 of the Acts of 1996), by the amount that the sum of the retiree's annual  
6 compensation and the retiree's annual basic allowance at the time of retirement,  
7 including the incentive provided by the Workforce Reduction Act, exceeds the average  
8 final compensation used to compute the basic allowance.

9 23-201.

10 (a) Except as provided in subsection (b) of this section, §§ 23-202 through  
11 23-205 of this subtitle apply only to:

12 (1) a regular employee whose compensation is provided by State  
13 appropriation or paid from State funds;

14 (2) an appointed or elected official of the State, including:

15 (i) a clerk of the circuit court;

16 (ii) a register of wills;

17 (iii) a State's Attorney; and

18 (iv) a sheriff;

19 (3) an employee or official of a participating governmental unit who is  
20 eligible to participate under Title 31, Subtitle 1 of this article;

21 (4) an employee of the Office of the Sheriff of Baltimore City;

22 (5) an additional employee or agent of the State Racing Commission  
23 authorized by § 11-207 of the Business Regulation Article;

24 (6) a permanent employee of the board of supervisors of elections of a  
25 county;

26 (7) a full-time master in chancery or in juvenile causes who is appointed  
27 on or after July 1, 1989, in any county by the circuit court for that county;

28 (8) an employee of the Maryland Environmental Service who is a  
29 member of the Employees' Pension System on June 30, 1993, or transfers from the  
30 Employees' Retirement System on or after July 1, 1993;

31 (9) an employee of Dorchester County who is not a member of the  
32 County's general pension and retirement program;

1 (10) a former Baltimore City jail employee who became an employee of the  
2 Baltimore City Detention Center and a member of the Employees' Pension System on  
3 July 1, 1991;

4 (11) an employee of the Baltimore City Community College who is not a  
5 clerical or professional employee;

6 (12) a court reporter for the Circuit Court for Charles County who is a  
7 member of the Employees' Pension System on July 1, 1994, or transfers from the  
8 Employees' Retirement System on or after July 1, 1994;

9 (13) a staff employee of the University System of Maryland, Morgan State  
10 University, or St. Mary's College who is:

11 (i) a member of the Employees' Pension System on January 1,  
12 1998, or transfers from the Employees' Retirement System on or after January 1,  
13 1998; or

14 (ii) a staff employee of the University System of Maryland, Morgan  
15 State University, or St. Mary's College who becomes an employee on or after January  
16 1, 1998;

17 (14) on or after the date that the Board of Education of Kent County  
18 begins participation in the Employees' Pension System, a supportive service employee  
19 of the Board of Education of Kent County; and

20 (15) an employee of the Town of Oakland on or after the date that the  
21 Town of Oakland begins participation in the Employees' Pension System.

22 (b) Sections 23-202 through 23-205 of this subtitle do not apply to:

23 (1) an individual who is or is entitled to be a member of any State system  
24 other than the Employees' Pension System;

25 (2) a contractual, emergency, or temporary extra employee;

26 (3) an individual who is employed under a federal public service  
27 employment program;

28 (4) an assessor who is a member of a retirement or pension system  
29 operated by a political subdivision of the State;

30 (5) an employee of a board of supervisors of elections who chose to stay in  
31 a local merit system under Article 33, § 2-207 of the Code;

32 (6) a nonclerical or nonprofessional employee of the Baltimore City  
33 Community College who:

34 (i) was an employee of the New Community College of Baltimore  
35 during the 1989-1990 academic year;

1 (ii) was employed by the New Community College of Baltimore on  
2 or before December 31, 1990, as a "Class A" member of the Baltimore City Retirement  
3 Plan; and

4 (iii) elected to remain a member of the Baltimore City Retirement  
5 Plan; [or]

6 (7) an employee who is not a member of a State system and who accepts  
7 a position for which the budgeted hours per fiscal year are less than 500 hours in the  
8 first fiscal year of employment; OR

9 (8) AN EMPLOYEE OF THE DOMESTIC RELATIONS DIVISION OF THE  
10 ANNE ARUNDEL COUNTY CIRCUIT COURT WHO:

11 (I) WAS TRANSFERRED ON OR AFTER JULY 1, 2002, INTO THE  
12 STATE PERSONNEL MANAGEMENT SYSTEM AS AN EMPLOYEE OF THE CHILD  
13 SUPPORT ENFORCEMENT ADMINISTRATION OF THE MARYLAND DEPARTMENT OF  
14 HUMAN RESOURCES;

15 (II) ELECTED, UNDER § 2-510 OF THE COURTS ARTICLE, TO REMAIN  
16 AS A PARTICIPANT IN THE ANNE ARUNDEL COUNTY RETIREMENT AND PENSION  
17 SYSTEM; AND

18 (III) REMAINS AS AN EMPLOYEE OF THE CHILD SUPPORT  
19 ENFORCEMENT ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES OR  
20 EMPLOYED AS A SPECIAL ASSISTANT ATTORNEY GENERAL ASSIGNED TO THE CHILD  
21 SUPPORT ENFORCEMENT ADMINISTRATION.

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