
By: **Senator Jimeno**
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Assigned to: Budget and Taxation

Committee Report: Favorable with amendments
Senate action: Adopted
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CHAPTER _____

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 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 funding on a quarterly basis; 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.

19 (B) AN EMPLOYEE OF THE DOMESTIC RELATIONS DIVISION OF THE ANNE
20 ARUNDEL COUNTY CIRCUIT COURT WHO IS TRANSFERRED ON OR BEFORE JULY 1,
21 2002 INTO THE STATE PERSONNEL MANAGEMENT SYSTEM AS AN EMPLOYEE OF THE
22 CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THE MARYLAND DEPARTMENT
23 OF HUMAN RESOURCES ~~OR AS THE SPECIAL ASSISTANT ATTORNEY GENERAL~~
24 ~~ASSIGNED TO, INCLUDING ANY ATTORNEY REPRESENTING THE CHILD SUPPORT~~
25 ENFORCEMENT ADMINISTRATION, MAY ELECT TO:

26 (1) REMAIN AS A PARTICIPANT IN THE ANNE ARUNDEL COUNTY
27 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.

1 (3) 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.

7 (D) (1) UNTIL THE DATE THAT THE LAST EMPLOYEE TRANSFERRED TO THE
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.;~~

16 (I) THE AMOUNT DEDUCTED BY THE STATE CENTRAL PAYROLL
17 BUREAU FROM AN EMPLOYEE'S BIWEEKLY SALARY FOR THAT QUARTER AS
18 PROVIDED UNDER SUBSECTION (C)(3) OF THIS SECTION; AND

19 (II) AN EMPLOYER CONTRIBUTION FOR THAT QUARTER EQUAL TO
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.

24 (2) ON OR BEFORE MAY 15 OF EACH YEAR, THE BOARD OF TRUSTEES OF
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.~~

30 (3) ~~THE STATE MAY LIMIT THE EMPLOYER CONTRIBUTION RATE PAID~~
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

1 THE ANNE ARUNDEL COUNTY RETIREMENT AND PENSION SYSTEM IF THE STATE
 2 EACH MONTH REIMBURSES THE COUNTY AN AMOUNT EQUAL TO THE COUNTY'S
 3 CONTRIBUTION FOR THOSE HEALTH BENEFITS.

4 ~~(F) THE COMPTROLLER MAY MAKE THE GRANTS REQUIRED UNDER THIS~~
 5 ~~SECTION AS A SETOFF AGAINST ANY MONEYS OTHERWISE DUE FROM ANNE~~
 6 ~~ARUNDEL COUNTY UNDER THE STATE BUDGET.~~

7

Article - Family Law

8 10-117.

9 (c) Any personnel of the local support enforcement office involved in a transfer
 10 under this section shall be in the State Personnel Management System and shall be
 11 placed in the position that is comparable to or most closely compares to their former
 12 position, without further examination or qualification. These employees shall be
 13 credited with the years of service with the jurisdiction for purposes of seniority,
 14 including the determination of leave accumulation and the determination of layoff
 15 rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article, and,
 16 EXCEPT AS PROVIDED UNDER § 2-510 OF THE COURTS ARTICLE, shall become
 17 members of the Employees' Pension System of the State of Maryland. All previous
 18 pension contributions shall be transferred in accordance with Title 37 of the State
 19 Personnel and Pensions Article. These employees shall receive no diminution in
 20 compensation or accumulated leave solely as a result of the transfer. The salary grade
 21 of these employees shall be determined using a salary based on the same hourly rate
 22 of salary of the employee at the time of transfer. Annual leave in excess of that which
 23 may be retained annually in the State Personnel Management System may be
 24 retained at the time of transfer if that accumulation was permitted by the former
 25 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 (ii) an individual whose average final compensation was less than
 31 \$10,000 and who is reemployed on a temporary or contractual basis;

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

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

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

- 1 (ii) a register of wills;
- 2 (iii) a State's Attorney; and
- 3 (iv) a sheriff;
- 4 (3) an employee or official of a participating governmental unit who is
5 eligible to participate under Title 31, Subtitle 1 of this article;
- 6 (4) an employee of the Office of the Sheriff of Baltimore City;
- 7 (5) an additional employee or agent of the State Racing Commission
8 authorized by § 11-207 of the Business Regulation Article;
- 9 (6) a permanent employee of the board of supervisors of elections of a
10 county;
- 11 (7) a full-time master in chancery or in juvenile causes who is appointed
12 on or after July 1, 1989, in any county by the circuit court for that county;
- 13 (8) an employee of the Maryland Environmental Service who is a
14 member of the Employees' Pension System on June 30, 1993, or transfers from the
15 Employees' Retirement System on or after July 1, 1993;
- 16 (9) an employee of Dorchester County who is not a member of the
17 County's general pension and retirement program;
- 18 (10) a former Baltimore City jail employee who became an employee of the
19 Baltimore City Detention Center and a member of the Employees' Pension System on
20 July 1, 1991;
- 21 (11) an employee of the Baltimore City Community College who is not a
22 clerical or professional employee;
- 23 (12) a court reporter for the Circuit Court for Charles County who is a
24 member of the Employees' Pension System on July 1, 1994, or transfers from the
25 Employees' Retirement System on or after July 1, 1994;
- 26 (13) a staff employee of the University System of Maryland, Morgan State
27 University, or St. Mary's College who is:
- 28 (i) a member of the Employees' Pension System on January 1,
29 1998, or transfers from the Employees' Retirement System on or after January 1,
30 1998; or
- 31 (ii) a staff employee of the University System of Maryland, Morgan
32 State University, or St. Mary's College who becomes an employee on or after January
33 1, 1998;

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

4 (15) an employee of the Town of Oakland on or after the date that the
5 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 Retirement
24 Plan; [or]

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

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

30 (I) WAS TRANSFERRED ON OR AFTER JULY 1, 2002, INTO THE
31 STATE PERSONNEL MANAGEMENT SYSTEM AS AN EMPLOYEE OF THE CHILD
32 SUPPORT ENFORCEMENT ADMINISTRATION OF THE MARYLAND DEPARTMENT OF
33 HUMAN RESOURCES;

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

1 (III) REMAINS AS AN EMPLOYEE OF THE CHILD SUPPORT
2 ENFORCEMENT ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES OR
3 ~~EMPLOYED AS A SPECIAL ASSISTANT ATTORNEY GENERAL ASSIGNED TO AN~~
4 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.