

HOUSE BILL 359

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P4

2002 Regular Session  
2r1619  
CF 2r1800

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By: **Delegates Hecht and Donoghue**

Introduced and read first time: January 25, 2002

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **State Employees - Contractual Employees - Break In Service**

3 FOR the purpose of providing that a contractual employee who has a break in service  
4 for a certain period of time, who is employed in a certain position during that  
5 break in service, and who is selected to fill a certain budgeted position, shall be  
6 given credit for service in the contractual position for the purpose of establishing  
7 steps in the pay grade applicable to the budgeted position, annual leave, and  
8 seniority rights and shall become a member of the Employees' Pension System of  
9 the State of Maryland; providing for the application of this Act; providing for the  
10 termination of this Act; and generally relating to the rights of contractual  
11 employees who have experienced a break in service and are selected to fill  
12 budgeted positions.

13 BY repealing and reenacting, with amendments,  
14 Article - State Personnel and Pensions  
15 Section 13-304  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 2001 Supplement)

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

20 **Article - State Personnel and Pensions**

21 13-304.

22 (A) THIS SECTION APPLIES TO A CONTRACTUAL EMPLOYEE WHO:

23 (1) WITHOUT A BREAK IN SERVICE, TRANSFERS TO A BUDGETED  
24 POSITION UNDER THIS SUBTITLE OR WHO IS SELECTED TO FILL A BUDGETED  
25 POSITION IN THE STATE PERSONNEL MANAGEMENT SYSTEM IN THE SAME  
26 PRINCIPAL UNIT THAT EMPLOYS THE CONTRACTUAL EMPLOYEE; OR

27 (2) (I) AFTER A BREAK IN SERVICE, HAS COMPLETED 1 YEAR OF  
28 EMPLOYMENT IN A BUDGETED POSITION UNDER THIS SUBTITLE OR A BUDGETED

1 POSITION IN THE STATE PERSONNEL MANAGEMENT SYSTEM IN THE SAME  
2 PRINCIPAL UNIT THAT EMPLOYED THE CONTRACTUAL EMPLOYEE PRIOR TO THE  
3 BREAK IN SERVICE;

4 (II) DID NOT INCUR A BREAK IN SERVICE FOR MORE THAN 1 YEAR;  
5 AND

6 (III) DURING THE BREAK IN SERVICE WAS EMPLOYED BY  
7 WASHINGTON COUNTY IN A POSITION THAT WAS SIMILAR IN DUTIES AND  
8 RESPONSIBILITIES TO THE CONTRACTUAL POSITION.

9 [(a)] (B) A contractual employee [who transfers to a budgeted position under  
10 this subtitle or who is selected to fill a budgeted position in the State Personnel  
11 Management System, without a break in service, in the same principal unit that  
12 employs the contractual employee,] shall be given credit for service in the contractual  
13 position for the purpose of establishing:

14 (1) steps in the pay grade applicable to the budgeted position;

15 (2) annual leave; and

16 (3) seniority rights.

17 [(b)] (C) A contractual employee who transfers to a budgeted position under  
18 this subtitle or who is selected to fill a budgeted position shall become a member of  
19 the Employees' Pension System of the State of Maryland.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this  
21 Act shall apply to a contractual employee who transfers to or is selected to fill a  
22 budgeted position between July 1, 2000 and July 1, 2001.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
24 effect October 1, 2002. It shall remain effective for a period of 1 year and, at the end  
25 of September 30, 2003, with no further action required by the General Assembly, this  
26 Act shall be abrogated and of no further force and effect.