

HOUSE BILL 598

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11r2583

By: **Delegate Davis**

Introduced and read first time: February 9, 2011

Assigned to: Economic Matters

Reassigned: Economic Matters and Appropriations, February 17, 2011

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2011

CHAPTER _____

1 AN ACT concerning

2 **Injured Workers' Insurance Fund – Employee Compensation**

3 FOR the purpose of providing that employees of the Injured Worker's Insurance Fund
4 are not subject to certain laws, regulations, or executive orders governing State
5 employee compensation; ~~clarifying that certain employees are not in the State~~
6 ~~Personnel Management System~~; repealing a requirement that the Board for the
7 Fund set compensation for its employees in accordance with the State pay plan;
8 and generally relating to compensation of employees of the Injured Workers'
9 Insurance Fund.

10 BY repealing and reenacting, with amendments,
11 Article – Labor and Employment
12 Section 10–113
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2010 Supplement)

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

17 **Article – Labor and Employment**

18 10–113.

19 (a) The Board:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (1) shall appoint a President of the Fund;

2 (2) shall appoint or employ attorneys to advise and represent the Fund
3 in all legal matters and, where necessary, to sue or defend suits in the name of the
4 Fund; and

5 (3) may employ other staff.

6 (b) (1) Except as provided in paragraph (2) of this subsection, employees
7 of the Fund are ~~[special appointments] NOT IN THE STATE PERSONAL~~
8 ~~MANAGEMENT SYSTEM.~~

9 (2) A classified employee of the Fund hired before July 1, 1990 in a
10 nonprofessional or nontechnical position shall remain a member of the classified
11 service or its equivalent in the State Personnel Management System as long as the
12 employee remains in a nonprofessional or nontechnical position with the Fund.

13 (c) (1) ~~[Except as otherwise provided by law, the] THE~~ Board shall set
14 compensation for its employees.

15 (2) ~~[To the extent practicable, the Board shall set the compensation in~~
16 ~~accordance with the State pay plan.] EXCEPT AS OTHERWISE PROVIDED IN THIS~~
17 ~~SUBTITLE, AN EMPLOYEE OF THE FUND IS NOT SUBJECT TO ANY LAW,~~
18 ~~REGULATION, OR EXECUTIVE ORDER GOVERNING STATE EMPLOYEE~~
19 ~~COMPENSATION, INCLUDING FURLOUGHS, SALARY REDUCTIONS, OR ANY OTHER~~
20 ~~GENERAL FUND COST SAVINGS MEASURE.~~

21 (d) (1) This subsection does not apply to the layoff of an employee because
22 of lack of work.

23 (2) ~~[A special appointment] AN~~ employee of the Fund may not be
24 permanently removed unless:

25 (i) written charges are filed;

26 (ii) the employee has an opportunity for a hearing in accordance
27 with Title 10, Subtitle 2 of the State Government Article; and

28 (iii) there is cause for removal.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2011.