

HOUSE BILL 1261

P4, K4, D4

2lr0960
CF SB 894

By: **Baltimore City Delegation and Delegates Branch, Clippinger, Conaway, Glenn, Harrison, Haynes, McHale, Mitchell, Oaks, B. Robinson, Stukes, Tarrant, and Washington**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Representation of Child Support Enforcement**
3 **Administration – Transfer of Employees**

4 FOR the purpose of requiring that, if the Office of the Attorney General hires certain
5 employees of the Office of the State’s Attorney for Baltimore City who were
6 providing certain services for the Child Support Enforcement Administration
7 during a certain period, the employees shall be placed in certain positions in the
8 State Personnel Management System and receive certain employment rights,
9 service credit for certain purposes, certain annual or sick leave, and certain
10 rights as a member of the Employees’ Pension System of the State of Maryland
11 and for determining eligibility for certain other benefits; providing certain
12 exceptions for certain employees who retire or do not transfer service credit
13 from the Employees’ Retirement System of the City of Baltimore; requiring
14 Baltimore City, under certain circumstances, to make certain payments to
15 certain employees and to transfer certain pension contributions in a certain
16 manner; declaring certain findings and the intent of the General Assembly; and
17 generally relating to the transfer of certain employees from the Office of the
18 State’s Attorney for Baltimore City to the Office of the Attorney General.

19 BY repealing and reenacting, without amendments,
20 Article – Family Law
21 Section 10–115(g)
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2011 Supplement)

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

26 **Article – Family Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10–115.

2 (g) (1) A State’s Attorney may make a written agreement with the
3 Secretary of Human Resources and the county to provide legal representation for a
4 fiscal year. An agreement shall be made by September 1 of the year preceding the
5 fiscal year for which representation will be provided.

6 (2) An agreement shall establish reasonable administrative and fiscal
7 requirements for:

8 (i) providing and continuing representation; and

9 (ii) reimbursement.

10 SECTION 2. AND BE IT FURTHER ENACTED, That:

11 (a) The General Assembly finds that the Office of the State’s Attorney for
12 Baltimore City has given notice in accordance with § 10–115(g)(1) of the Family Law
13 Article that, after September 30, 2012, the Office will no longer elect to provide legal
14 representation to the Child Support Enforcement Administration of the Department of
15 Human Resources in Baltimore City.

16 (b) For each of the 11 attorney positions and 1 clerical supervisor position in
17 the 2012 agreement between the Child Support Enforcement Administration and the
18 Office of the State’s Attorney for Baltimore City, it is the intent of the General
19 Assembly that a position identification number be created in the Office of the Attorney
20 General.

21 (c) If the Office of the Attorney General hires an employee of the Office of the
22 State’s Attorney for Baltimore City who provides services under the 2012 agreement
23 between the Child Support Enforcement Administration and the Office of the State’s
24 Attorney for Baltimore City for the period between October 1, 2011, and September 30,
25 2012:

26 (1) the employee:

27 (i) shall be placed in a position in the State Personnel
28 Management System that is comparable to or most closely compares to their former
29 position, without further examination or qualification, and with a salary grade that is
30 commensurate with the hourly rate of salary of the employee from Baltimore City as of
31 September 30, 2012;

32 (ii) may not receive a diminution in compensation solely as a
33 result of the election by the Office of the State’s Attorney for Baltimore City to no
34 longer provide legal services to the Child Support Enforcement Administration;

1 (iii) shall be credited with the years of service with Baltimore
2 City for purposes of seniority, including the determination of leave accumulation and
3 layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article;

4 (iv) unless the employee retires from the Employees' Retirement
5 System of the City of Baltimore, may retain the amount of annual or sick leave to the
6 employee's credit to the extent allowed by Baltimore City even if in excess of the
7 amounts allowed to be retained annually under the State Personnel Management
8 System; and

9 (v) unless the employee retires or otherwise does not transfer
10 service credit from the Employees' Retirement System of the City of Baltimore:

11 1. shall be credited with the years of service with
12 Baltimore City for purposes of determining eligibility for participation as a retiree in
13 the State Employee and Retiree Health and Welfare Benefits Program under § 2-308
14 of the State Personnel and Pensions Article based on the starting date for service with
15 Baltimore City instead of the starting date of employment with the State; and

16 2. shall become a member of the Employees' Pension
17 System of the State of Maryland with a beginning date for membership, for purposes
18 of determining which selection of benefits applies to the employee, to be the beginning
19 date for membership in the Baltimore City Employees' Retirement System and shall
20 be entitled to a transfer of service credit as provided in Title 37 of the State Personnel
21 and Pensions Article;

22 (2) an employee who elects to not transfer credit from the Employees'
23 Retirement System of the City of Baltimore shall become a member of the Employees'
24 Pension System of the State of Maryland as of the date of employment with the State,
25 and may not receive service credit for the period of employment by Baltimore City; and

26 (3) an employee who is eligible to retire from the Employees'
27 Retirement System of the City of Baltimore:

28 (i) may retire from the Employees' Retirement System of the
29 City of Baltimore;

30 (ii) shall become a member of the Employees' Pension System of
31 the State of Maryland as of the date of employment with the State, and may not
32 receive service credit for the period of employment by Baltimore City; and

33 (iii) may not carry over any accumulated sick leave or annual
34 leave to State service; and

35 (4) Baltimore City shall:

1 (i) pay to each employee who transfers employment to the
2 Office of the Attorney General any compensation that is due to the employee on
3 termination of employment with Baltimore City as of September 30, 2012, except for
4 any accumulated leave that the employee elects to transfer to the State; and

5 (ii) transfer pension contributions for employees who transfer
6 employment to the Office of the Attorney General in accordance with Title 37 of the
7 State Personnel and Pensions Article, except for any employees who retire or elect not
8 to transfer service credit from the Employees' Retirement System of the City of
9 Baltimore.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2012.