

Chapter 414

(House Bill 1089)

AN ACT concerning

Calvert County – Appointment of Assistant Sheriff – Candidates

FOR the purpose of requiring the Sheriff of Calvert County to appoint as assistant sheriff an individual who is an active duty deputy sheriff and holds a certain rank in the Calvert County Sheriff's Office or an individual who is not a current employee of the Sheriff's Office; establishing that the Sheriff has sole discretion to appoint the assistant sheriff; authorizing the Sheriff to appoint the assistant sheriff without subjecting the candidate to a written examination; establishing that the assistant sheriff serves at the pleasure of the Sheriff; establishing the salary, benefits, and merit status of the assistant sheriff based on the position the assistant sheriff held immediately before appointment; requiring an active duty deputy sheriff who was appointed to the position of assistant sheriff to be permitted to return to the position the assistant sheriff held before appointment including certain salary adjustments; and generally relating to sheriffs in Calvert County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Article – Courts and Judicial Proceedings

2–309.

(f) (1) (i) The Sheriff of Calvert County shall receive an annual salary of:

1. \$78,000 for calendar year 2006;
2. \$81,000 for calendar year 2007;
3. \$84,000 for calendar year 2008; and

4. \$87,000 for calendar year 2009 and each subsequent calendar year.

(ii) 1. On or after January 1, 2011, the County Commissioners may pay to the Sheriff additional compensation equal to the amount of contributions the County Commissioners would have made to the Calvert County Employees' Savings Plan on behalf of the Sheriff for the years of service the Sheriff accrued as the Sheriff of Calvert County prior to joining the Calvert County Employees' Savings Plan.

2. The amount payable in subsubparagraph 1 of this subparagraph may be made in one or more payments as deemed appropriate by the County Commissioners.

(2) The Sheriff may appoint deputy sheriffs in the number and at the salary approved by the County Commissioners. The deputy sheriffs shall serve under the direction of the Sheriff. Within one year of their appointment, they shall complete the course prescribed for police officers by the Maryland Police Training Commission. The deputy sheriffs funded by the County Commissioners will become merit system employees of the Calvert County Sheriff's Office upon completion of their initial probation period and may not be dismissed without cause, except the deputy sheriffs funded through grants or other sources may be dismissed without cause when the funding source is depleted. There may be no honorary deputy sheriffs of Calvert County and no one is authorized to carry badges, certificates, or other materials for the purpose of identifying the bearer as an honorary deputy sheriff. However, the Sheriff may appoint as special deputy sheriffs any members of the police force of the towns of North Beach or Chesapeake Beach who shall have all of the powers and authority of the deputy sheriffs. The County Commissioners are authorized to reimburse the towns of North Beach and Chesapeake Beach in whole or in part for services performed by the special deputy sheriffs outside the town limits.

(3) (I) The Sheriff may appoint 1 full-time assistant sheriff who shall:

[(i)] 1. Serve under the direction of the Sheriff; and

[(ii)] 2. Be designated by the Sheriff as a line officer.

(II) THE SHERIFF SHALL APPOINT AN INDIVIDUAL TO SERVE AS THE ASSISTANT SHERIFF WHO:

1. IS AN ACTIVE DUTY DEPUTY SHERIFF AND HOLDS THE RANK OF A COMMISSIONED OFFICER IN THE CALVERT COUNTY SHERIFF'S OFFICE; OR

2. IS NOT A CURRENT EMPLOYEE OF THE CALVERT COUNTY SHERIFF'S OFFICE.

(III) 1. THE APPOINTMENT OF THE ASSISTANT SHERIFF IS IN THE SOLE DISCRETION OF THE SHERIFF.

2. THE SHERIFF MAY APPOINT THE ASSISTANT SHERIFF WITHOUT SUBJECTING THE CANDIDATE TO A WRITTEN EXAMINATION.

3. THE ASSISTANT SHERIFF SERVES AT THE PLEASURE OF THE SHERIFF.

(IV) 1. IF THE ASSISTANT SHERIFF WAS AN ACTIVE DUTY DEPUTY SHERIFF IN THE CALVERT COUNTY SHERIFF'S OFFICE IMMEDIATELY BEFORE APPOINTMENT, THE ASSISTANT SHERIFF:

A. SHALL RECEIVE AN ANNUAL SALARY THAT DOES NOT EXCEED BY MORE THAN 6 PERCENT THE SALARY OF THE HIGHEST RANKING OFFICER IN THE CALVERT COUNTY SHERIFF'S OFFICE;

B. SHALL RETAIN MERIT STATUS; AND

C. AT THE END OF AN APPOINTMENT, SHALL BE PERMITTED TO RETURN TO THE PREVIOUS RANK THE ASSISTANT SHERIFF HELD PRIOR TO APPOINTMENT, INCLUDING ANY COST-OF-LIVING ADJUSTMENTS AND SALARY STEP INCREASES THE ASSISTANT SHERIFF WOULD HAVE RECEIVED IF THE DEPUTY SHERIFF HAD NOT BEEN APPOINTED ASSISTANT SHERIFF.

2. IF THE ASSISTANT SHERIFF WAS NOT AN EMPLOYEE OF THE CALVERT COUNTY SHERIFF'S OFFICE IMMEDIATELY BEFORE APPOINTMENT, THE ASSISTANT SHERIFF:

A. SHALL RECEIVE AN ANNUAL SALARY THAT IS ESTABLISHED THROUGH A MUTUAL AGREEMENT BETWEEN THE SHERIFF AND THE COUNTY COMMISSIONERS OF CALVERT COUNTY; ~~AND~~

B. SHALL BE AFFORDED ALL THE BENEFITS AVAILABLE TO FULL-TIME EMPLOYEES IN THE CALVERT COUNTY SHERIFF'S OFFICE; AND

C. MAY NOT BE GIVEN MERIT STATUS.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, any Sheriff of Calvert County who, since 1948, has served for three or more terms

shall receive a pension when he leaves office in the annual amount of \$150 for each year served. This pension shall be paid not less frequently than once a month.

(ii) This paragraph does not apply to a term of office that begins on or after July 1, 1988.

(5) (i) The County Commissioners of Calvert County may provide in their annual budget for a pension to be paid to the surviving spouse, if any, of any Sheriff of Calvert County who was in office as of October 1970.

(ii) The pension shall be in the amount of \$250 a month and shall be paid to the surviving spouse, if any, for the life of that surviving spouse.

(6) (i) This paragraph applies to an individual who:

1. On or after July 1, 2008, serves as the Sheriff of Calvert County; and

2. As the Sheriff of Calvert County does not participate in the Employees' Pension System under Title 23 of the State Personnel and Pensions Article.

(ii) An individual described in subparagraph (i) of this paragraph may participate in the Calvert County Employees' Savings Plan.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 2, 2012.