

Chapter 135

(Senate Bill 347)

AN ACT concerning

**Charles County – State’s Attorney’s Office and Child Support Enforcement
Administration – Transfer of Personnel**

FOR the purpose of transferring the functions, powers, and duties of the Child Support Unit of the Office of the State’s Attorney for Charles County to the Child Support Enforcement Administration of the Department of Human Resources; requiring that certain employees be transferred in accordance with certain provisions of law that provide for inclusion in the State Personnel Management System, seniority, compensation, annual leave accrual, transfer of certain pension contributions, and other personnel matters for employees transferring to the Child Support Enforcement Administration; requiring Charles County to pay certain personnel certain compensation as of a certain date; requiring the creation of certain Position Identification Numbers for certain transferred employees; providing for the determination of salary grade and seniority for transferred employees; requiring that certain transferred employees be given credit with the State for years of county employment for purposes of determining eligibility for participation as a retiree in the State Employee and Retiree Health and Welfare Benefits Program; requiring that certain transferred employees be subject to certain benefit selections in the Employees’ Pension System; providing that certain transferred employees are not responsible for depositing the difference between certain member contributions and interest in the Charles County Pension Plan and the Employees’ Pension System for certain creditable service earned in the Charles County Pension Plan; requiring a certain valuation to be performed by a certain actuary; making this Act an emergency measure; and generally relating to the transfer of certain personnel to the Child Support Enforcement Administration of the Department of Human Resources.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 10–117
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

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

Article – Family Law

10–117.

(a) A county or circuit court with a local support enforcement office may request that the responsibility for support enforcement be transferred to the Administration.

(b) A request for transfer of responsibility under this section must be made to the Department of Human Resources by September 1 of the year preceding the fiscal year for which responsibility will be transferred.

(c) Any personnel of the local support enforcement office involved in a transfer under this section shall be in the State Personnel Management System and shall be placed in the position that is comparable to or most closely compares to their former position, without further examination or qualification. These employees shall be credited with the years of service with the jurisdiction for purposes of seniority, including the determination of leave accumulation and the determination of layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article, and, except as provided under § 2–510 of the Courts Article, shall become members of the Employees' Pension System of the State of Maryland. All previous pension contributions shall be transferred in accordance with Title 37 of the State Personnel and Pensions Article. These employees shall receive no diminution in compensation or accumulated leave solely as a result of the transfer. The salary grade of these employees shall be determined using a salary based on the same hourly rate of salary of the employee at the time of transfer. Annual leave in excess of that which may be retained annually in the State Personnel Management System may be retained at the time of transfer if that accumulation was permitted by the former employer.

SECTION 2. AND BE IT FURTHER ENACTED, That, on July 1, 2017, all the functions, powers, and duties of the Child Support Unit of the Office of the State's Attorney for Charles County and the personnel indicated in Section 3 of this Act shall be transferred to the Child Support Enforcement Administration of the Department of Human Resources.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Except for the assistant State's Attorneys, all employees of the Child Support Unit of the Office of the State's Attorney for Charles County on June 30, 2017, shall be transferred to the Child Support Enforcement Administration of the Department of Human Resources in accordance with the provisions of § 10–117(c) of the Family Law Article.

(b) Except for the assistant State's Attorneys, a Position Identification Number (PIN) shall be created for each transferred employee in a State classification commensurate with the employee's salary grade at the time of the transfer. The salary grade shall be determined using a salary based on the same hourly rate of salary of the employee at the time of transfer. Each transferred employee shall be given credit with the State for years of County employment for purposes of seniority including the determination of leave accumulation and determination of layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article.

(c) If an employee of the Office of the State's Attorney for Charles County who provides services as an assistant State's Attorney under the 2017 agreement between the

Child Support Enforcement Administration and the Office of the State's Attorney for Charles County for the period between October 1, 2016, and June 30, 2017, both inclusive, is appointed by the Office of the Attorney General to continue providing services for the Child Support Enforcement Administration as a State employee on or after June 30, 2017, a Position Identification Number (PIN) shall be created for each transferred employee in a State classification commensurate with the employee's salary grade at the time of the transfer. The salary grade shall be determined using a salary based on the same hourly rate of salary of the employee at the time of transfer. Each transferred employee shall be given credit with the State for years of County employment for purposes of seniority including the determination of leave accumulation and determination of layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article.

(d) Each transferred employee who is a member of the Charles County Pension Plan on June 30, 2017, shall be given credit with the State for years of County employment for purposes of determining eligibility for participation as a retiree in the State Employee and Retiree Health and Welfare Benefits Program under § 2-508 of the State Personnel and Pensions Article, so that eligibility is based on the starting date for service with the Child Support Unit of the Office of the State's Attorney for Charles County instead of the starting date of employment with the State.

(e) Each transferred employee who is a member of the Charles County Pension Plan on June 30, 2017, and who becomes a member of the Employees' Pension System of the State of Maryland in accordance with this Act shall be subject to:

(1) the Alternate Contributory Pension Selection of the Employees' Pension System as provided under Title 23, Subtitle 2, Part III of the State Personnel and Pensions Article if the beginning date of the individual's employment with the Child Support Unit of the Office of the State's Attorney for Charles County was on or before June 30, 2011; or

(2) the Reformed Contributory Pension Benefit of the Employees' Pension System as provided under Title 23, Subtitle 2, Part IV of the State Personnel and Pensions Article if the beginning date of the individual's employment with the Child Support Unit of the Office of the State's Attorney for Charles County was on or after July 1, 2011.

(f) Notwithstanding § 37-203.1(a) of the State Personnel and Pensions Article, each transferred employee who transfers service credit from the Charles County Pension Plan to the Employees' Pension System of the State of Maryland in accordance with this Act is not responsible for depositing in the annuity savings fund of the Employees' Pension System the difference between the member contributions at the rate provided for in the Charles County Pension Plan, including interest on those contributions, and the member contributions at the rate provided for in the Employees' Pension System, including interest on those contributions of 5% per year compounded annually, for the individual's creditable service that was earned in the Charles County Pension Plan.

(g) The actuarial valuation required under § 37-205 of the State Personnel and Pensions Article for employees transferred under this Act shall be performed by the actuary

designated by the Board of Trustees in accordance with § 21-125 of the State Personnel and Pensions Article.

(h) It shall be the responsibility of Charles County to pay to each employee transferred under this Act any compensation due to the employee on termination of County employment as of June 30, 2017.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect July 1, 2017~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 11, 2017.