

SENATE BILL 347

P4, D4

EMERGENCY BILL

7lr2148
CF HB 457

By: **Charles County Senators**

Introduced and read first time: January 25, 2017

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2017

CHAPTER _____

1 AN ACT concerning

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

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

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 the Child Support Enforcement Administration of the Department of Human
2 Resources.

3 BY repealing and reenacting, without amendments,
4 Article – Family Law
5 Section 10–117
6 Annotated Code of Maryland
7 (2012 Replacement Volume and 2016 Supplement)

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

10 **Article – Family Law**

11 10–117.

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

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

17 (c) Any personnel of the local support enforcement office involved in a transfer
18 under this section shall be in the State Personnel Management System and shall be placed
19 in the position that is comparable to or most closely compares to their former position,
20 without further examination or qualification. These employees shall be credited with the
21 years of service with the jurisdiction for purposes of seniority, including the determination
22 of leave accumulation and the determination of layoff rights under Title 11, Subtitle 2 of
23 the State Personnel and Pensions Article, and, except as provided under § 2–510 of the
24 Courts Article, shall become members of the Employees’ Pension System of the State of
25 Maryland. All previous pension contributions shall be transferred in accordance with Title
26 37 of the State Personnel and Pensions Article. These employees shall receive no
27 diminution in compensation or accumulated leave solely as a result of the transfer. The
28 salary grade of these employees shall be determined using a salary based on the same
29 hourly rate of salary of the employee at the time of transfer. Annual leave in excess of that
30 which may be retained annually in the State Personnel Management System may be
31 retained at the time of transfer if that accumulation was permitted by the former employer.

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

36 SECTION 3. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

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

40 (2) the Reformed Contributory Pension Benefit of the Employees' Pension
41 System as provided under Title 23, Subtitle 2, Part IV of the State Personnel and Pensions

1 Article if the beginning date of the individual's employment with the Child Support Unit of
2 the Office of the State's Attorney for Charles County was on or after July 1, 2011.

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

12 (g) The actuarial valuation required under § 37-205 of the State Personnel and
13 Pensions Article for employees transferred under this Act shall be performed by the actuary
14 designated by the Board of Trustees in accordance with § 21-125 of the State Personnel
15 and Pensions Article.

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

19 SECTION 4. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect July~~
20 ~~1, 2017~~ is an emergency measure, is necessary for the immediate preservation of the public
21 health or safety, has been passed by a yea and nay vote supported by three-fifths of all the
22 members elected to each of the two Houses of the General Assembly, and shall take effect
23 from the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.