

HOUSE BILL 1047

P4, L1

(3lr1487)

ENROLLED BILL

— *Ways and Means/ Education, Energy, and the Environment* —

Introduced by **Delegate Ebersole**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Services Education Program – Transfer of Locally Employed**
3 **Educational Professionals**

4 FOR the purpose of requiring certain educational professionals employed by a county board
5 of education, *the Baltimore City Board of School Commissioners*, or a county public
6 library system who transfer to the Juvenile Services Education Program ~~to be placed~~
7 ~~in a position comparable to their former position and compensated at a salary based~~
8 ~~on the same hourly rate as their former position; requiring a locally employed~~
9 ~~educational professional who transfers to the Program to receive no diminution in~~
10 ~~accumulated leave and authorizing the individual to retain annual leave~~ *to be given*
11 *credit as a State employee for certain years of service for the purpose of establishing*
12 *leave accrual rates; authorizing an individual who transfers to the Program to*
13 *transfer leave balances* in excess of a certain limit under certain circumstances;
14 *requiring an individual who transfers to the Program to be subject to certain leave*
15 *accumulation and carry over requirements on commencement of employment in the*

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.

Italics indicate opposite chamber/conference committee amendments.



1 *Program*; applying this Act retroactively; and generally relating to the transfer of
 2 accumulated leave of locally employed educational professionals who transfer to the
 3 Juvenile Services Education Program.

4 BY adding to

5 Article – Human Services

6 Section 9–609

7 Annotated Code of Maryland

8 (2019 Replacement Volume and 2022 Supplement)

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

11 **Article – Human Services**

12 **9–609.**

13 (A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
 14 INDICATED.

15 (2) “LOCAL PUBLIC SCHOOL EMPLOYER” MEANS A COUNTY BOARD OF
 16 EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

17 (3) “~~LOCALLY~~ LOCALLY EMPLOYED EDUCATIONAL PROFESSIONAL”
 18 MEANS AN INDIVIDUAL WHO IS EMPLOYED, ~~OR WAS EMPLOYED,~~ BY:

19 ~~(1) (I) A COUNTY BOARD OF EDUCATION, INCLUDING BALTIMORE~~
 20 ~~CITY, LOCAL PUBLIC SCHOOL EMPLOYER IN A POSITION FOR WHICH CERTIFICATION~~
 21 ~~WAS REQUIRED PROFESSIONAL STANDARDS ARE ESTABLISHED BY THE STATE~~
 22 ~~BOARD OF EDUCATION AND THE PROFESSIONAL STANDARDS AND TEACHER~~
 23 ~~EDUCATION BOARD; OR~~

24 ~~(2) (II) A COUNTY PUBLIC LIBRARY SYSTEM IN THE POSITION OF~~
 25 ~~LIBRARIAN OR PUBLIC LIBRARY ASSOCIATE.~~

26 (B) ~~THIS SECTION APPLIES ONLY TO A LOCALLY EMPLOYED EDUCATIONAL~~
 27 ~~PROFESSIONAL WHO, ON OR AFTER JULY 1, 2022, TRANSFERS TO THE JUVENILE~~
 28 ~~SERVICES EDUCATION PROGRAM.~~

29 (C) ~~A LOCALLY EMPLOYED EDUCATIONAL PROFESSIONAL WHO TRANSFERS~~
 30 ~~TO THE JUVENILE SERVICES EDUCATION PROGRAM:~~

31 (1) ~~SHALL BE PLACED IN A POSITION THAT IS COMPARABLE TO OR~~
 32 ~~MOST CLOSELY COMPARES TO THE INDIVIDUAL’S FORMER POSITION WITHOUT~~
 33 ~~FURTHER EXAMINATION OR QUALIFICATION; AND~~

1 ~~(2) SHALL BE COMPENSATED AT A SALARY BASED ON THE SAME~~
2 ~~HOURLY RATE OF SALARY OF THE INDIVIDUAL'S FORMER POSITION AT THE TIME OF~~
3 ~~THE TRANSFER.~~

4 ~~(D) AT THE TIME A LOCALLY EMPLOYED EDUCATIONAL PROFESSIONAL~~
5 ~~TRANSFERS TO THE JUVENILE SERVICES EDUCATION PROGRAM, A POSITION~~
6 ~~IDENTIFICATION NUMBER (PIN) SHALL BE CREATED IN A STATE CLASSIFICATION~~
7 ~~COMMENSURATE WITH THE SALARY GRADE OF THE INDIVIDUAL'S FORMER~~
8 ~~POSITION AT THE TIME OF TRANSFER.~~

9 ~~(E)~~ (1) A LOCALLY EMPLOYED EDUCATIONAL PROFESSIONAL WHO
10 TRANSFERS TO THE JUVENILE SERVICES EDUCATION PROGRAM;

11 ~~(F) SHALL RECEIVE NO DIMINUTION IN ACCUMULATED LEAVE~~
12 ~~SOLELY AS A RESULT OF THE TRANSFER; AND~~

13 ~~(H) MAY MAINTAIN THE LEAVE AND COMPENSATION RATES~~
14 ~~PROVIDED BY THE LOCAL EMPLOYER AFTER THE TRANSFER~~ SHALL BE GIVEN
15 CREDIT AS A STATE EMPLOYEE FOR THE INDIVIDUAL'S YEARS OF SERVICE AS A
16 LOCALLY EMPLOYED EDUCATIONAL PROFESSIONAL FOR THE PURPOSE OF
17 ESTABLISHING THE INDIVIDUAL'S LEAVE ACCRUAL RATES.

18 (2) (I) ~~A~~ SUBJECT TO SUBPARAGRAPH (II)1 OF THIS PARAGRAPH,
19 A LOCALLY EMPLOYED EDUCATIONAL PROFESSIONAL WHO TRANSFERS DIRECTLY
20 FROM A POSITION WITH A LOCAL PUBLIC SCHOOL EMPLOYER TO THE JUVENILE
21 SERVICES EDUCATION PROGRAM MAY RETAIN WITH NO PERIOD OF INTERVENING
22 EMPLOYMENT AND NO LAPSE IN EMPLOYMENT GREATER THAN 90 DAYS SHALL
23 RECEIVE ACCUMULATED ANNUAL LEAVE IN THE AMOUNT AUTHORIZED VERIFIED BY
24 THE INDIVIDUAL'S LOCAL PUBLIC SCHOOL EMPLOYER AT THE TIME OF TRANSFER
25 EVEN IF AS THE INDIVIDUAL'S ACCUMULATED ANNUAL LEAVE IS IN EXCESS OF
26 BALANCES AT THE TIME THE INDIVIDUAL LEFT THE LOCAL PUBLIC SCHOOL
27 EMPLOYER AND FOR WHICH THE INDIVIDUAL WAS NOT OTHERWISE COMPENSATED.

28 (II) A LOCALLY EMPLOYED EDUCATIONAL PROFESSIONAL WHO
29 TRANSFERS TO THE JUVENILE SERVICES EDUCATION PROGRAM IN ACCORDANCE
30 WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE:

31 1. ENTITLED TO TRANSFER ALL LEAVE BALANCES, EVEN
32 IF THE BALANCES EXCEED THE AMOUNT OF ANNUAL LEAVE AN EMPLOYEE OF THE
33 JUVENILE SERVICES EDUCATION PROGRAM IS AUTHORIZED TO RETAIN; AND

34 2. SUBJECT TO THE LEAVE ACCUMULATION AND CARRY
35 OVER REQUIREMENTS THAT OTHERWISE APPLY TO STATE EMPLOYEES WHEN THE

1 INDIVIDUAL BEGINS EMPLOYMENT IN THE JUVENILE SERVICES EDUCATION
2 PROGRAM.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
4 apply retroactively and shall be applied to and interpreted to affect any transfers by locally
5 employed educational professionals, as defined in § 9-609 of the Human Services Article,
6 as enacted by Section 1 of this Act, to the Juvenile Services Education Program on or after
7 July 1, 2022.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.