

SENATE BILL 137

P4, D4

0lr1688
CF HB 407

By: **Senators Cassilly, Gallion, and Jennings**

Introduced and read first time: January 10, 2020

Assigned to: Judicial Proceedings

Reassigned: Finance, January 13, 2020

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **Harford County – State’s Attorney’s Office and Child Support Administration –**
3 **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 Harford County to the Child Support
6 Administration of the Department of Human Services; requiring the creation of
7 certain Position Identification Numbers for certain transferred employees; providing
8 for the determination of salary grade and seniority for transferred employees;
9 requiring that certain transferred employees be given credit with the State for years
10 of county employment for purposes of determining leave accumulation and eligibility
11 layoff rights in the State Personnel Management System; requiring that certain
12 transferred employees be credited for certain unused leave; requiring Harford
13 County to pay certain personnel certain compensation as of a certain date; and
14 generally relating to the transfer of certain personnel to the Child Support
15 Administration of the Department of Human Services.

16 BY repealing and reenacting, without amendments,
17 Article – Family Law
18 Section 10–117
19 Annotated Code of Maryland
20 (2019 Replacement Volume)

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

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.



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 Services 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~~ **REMAIN** 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, 2020, all the functions, powers, and duties of the Child Support Unit of the Office of the State's Attorney for Harford County and the personnel indicated in Section 3 of this Act shall be transferred to the Child Support Administration of the Department of Human Services.

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 Harford County on June 30, 2020, shall be transferred to the Child Support Administration of the Department of Human Services 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.

(c) If an employee of the Office of the State's Attorney for Harford County who provides services as an assistant State's Attorney under the 2020 agreement between the Child Support Administration and the Office of the State's Attorney for Harford County for the period between October 1, 2019, and June 30, 2020, both inclusive, is appointed by the Office of the Attorney General to continue providing services for the Child Support Administration as a State employee on or after June 30, 2020, 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.

(d) Each transferred employee identified in paragraphs (b) and (c) of this subsection shall be given credit with the State for years of county employment for the purposes of seniority including the determination of leave accumulation under Title 9 of the State Personnel and Pensions Article and the determination of layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article. Each transferred employee shall also be credited for any unused leave accumulation earned during county employment.

(e) It shall be the responsibility of Harford County to pay each employee transferred under this Act any compensation due to the employee on termination of county employment as of June 30, 2020.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.