

# HOUSE BILL 1363

P4

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By: **Delegates Cluster, Barnes, Bromwell, DeBoy, Guzzone, McDermott, and Olszewski**

Introduced and read first time: February 12, 2013

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Law Enforcement Officers – Compensatory Leave – Cash Compensation**  
3 **and Creditable Service**

4 FOR the purpose of establishing that certain State law enforcement officers are  
5 entitled to receive compensation for a certain amount of certain unused  
6 compensatory leave; establishing that certain State law enforcement officers  
7 who receive a certain salary increase are entitled to receive compensation for  
8 any unused compensatory leave, but may only receive compensation at a certain  
9 rate; establishing that certain State law enforcement officers in their last year  
10 of service are entitled to receive compensation for a certain amount of certain  
11 unused compensatory leave; establishing that, at retirement, certain State law  
12 enforcement officers are entitled to certain creditable service for a certain  
13 amount of unused compensatory leave, computed in a certain manner;  
14 authorizing the Secretary of Budget and Management to adopt certain  
15 regulations; defining a certain term; providing for the application of certain  
16 provisions of this Act; and generally relating to compensatory leave for State  
17 law enforcement officers.

18 BY repealing and reenacting, with amendments,  
19 Article – State Personnel and Pensions  
20 Section 9–901 and 20–206  
21 Annotated Code of Maryland  
22 (2009 Replacement Volume and 2012 Supplement)

23 BY adding to  
24 Article – State Personnel and Pensions  
25 Section 9–902  
26 Annotated Code of Maryland  
27 (2009 Replacement Volume and 2012 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – State Personnel and Pensions**

4 9–901.

5 (a) Except as provided in [§] §§ 8–307 AND 9–902 of this article, each  
6 employee in the State Personnel Management System, except a temporary employee,  
7 is entitled, on termination of State employment, to compensation for no more than 2  
8 days of unused compensatory leave earned during the calendar year in which the  
9 employee’s State employment terminates.

10 (b) Subsection (a) of this section does not apply to employees covered by a  
11 collective bargaining agreement or as otherwise required by federal law.

12 **9–902.**

13 (A) IN THIS SECTION, “STATE LAW ENFORCEMENT OFFICER” MEANS AN  
14 INDIVIDUAL WHO:

15 (1) IN AN OFFICIAL CAPACITY IS AUTHORIZED BY LAW TO MAKE  
16 ARRESTS; AND

17 (2) IS A MEMBER OF ONE OF THE FOLLOWING LAW ENFORCEMENT  
18 AGENCIES:

19 (I) THE DEPARTMENT OF STATE POLICE;

20 (II) THE MARYLAND TRANSPORTATION AUTHORITY  
21 POLICE;

22 (III) THE POLICE FORCES OF THE DEPARTMENT OF  
23 TRANSPORTATION;

24 (IV) THE POLICE FORCES OF THE DEPARTMENT OF  
25 NATURAL RESOURCES;

26 (V) THE POLICE FORCE OF THE DEPARTMENT OF HEALTH  
27 AND MENTAL HYGIENE;

28 (VI) THE POLICE FORCE OF THE DEPARTMENT OF GENERAL  
29 SERVICES; AND

1                   **(VII) THE POLICE FORCES OF THE UNIVERSITY SYSTEM OF**  
2 **MARYLAND.**

3           **(B) THIS SECTION APPLIES ONLY TO STATE LAW ENFORCEMENT**  
4 **OFFICERS HOLDING A COMMISSIONED RANK AND WHO EARN HOUR-FOR-HOUR**  
5 **COMPENSATORY TIME FOR OVERTIME WORK.**

6           **(C) A STATE LAW ENFORCEMENT OFFICER IS ENTITLED TO**  
7 **COMPENSATION FOR 250 HOURS OF UNUSED COMPENSATORY LEAVE EARNED**  
8 **DURING EACH CALENDAR YEAR, IN ADDITION TO ANY COMPENSATION PAID FOR**  
9 **COMPENSATORY LEAVE ACCRUED ABOVE 480 HOURS.**

10           **(D) A STATE LAW ENFORCEMENT OFFICER WHO RECEIVES A SALARY**  
11 **INCREASE DUE TO A PROMOTION IS ENTITLED TO COMPENSATION FOR ANY**  
12 **UNUSED COMPENSATORY LEAVE EARNED BEFORE THE PROMOTION, BUT MAY**  
13 **ONLY RECEIVE COMPENSATION FOR UNUSED COMPENSATORY LEAVE EARNED**  
14 **BEFORE THE PROMOTION AT THE STATE LAW ENFORCEMENT OFFICER'S**  
15 **SALARY RATE BEFORE THE INCREASE.**

16           **(E) A STATE LAW ENFORCEMENT OFFICER IN THE OFFICER'S LAST**  
17 **YEAR OF SERVICE IS ENTITLED TO COMPENSATION FOR 480 HOURS OF UNUSED**  
18 **COMPENSATORY LEAVE, TO BE PAID ON THE STATE LAW ENFORCEMENT**  
19 **OFFICER'S LAST DAY OF SERVICE.**

20           **(F) THE SECRETARY MAY ADOPT REGULATIONS NECESSARY TO CARRY**  
21 **OUT THIS SECTION.**

22 20-206.

23           (a) In this section, "unused sick leave" means sick leave credit that has not  
24 been used before retirement.

25           (b) This section does not apply to:

26                   (1) the Judges' Retirement System; or

27                   (2) the Legislative Pension Plan.

28           (c) A member is entitled to receive creditable service for unused sick leave if  
29 the member retires on or before 30 days after the member is separated from  
30 employment with a participating employer or a participating governmental unit that  
31 has withdrawn from one of the several systems under Title 31 of this article.

32           (d) (1) At retirement, a member is entitled to receive creditable service for  
33 unused sick leave, on verification of the unused sick leave to the Board of Trustees.

1                   (2)   (i)    This subsection does not apply to the Local Fire and Police  
2 System or the Law Enforcement Officers' Pension System.

3                   (ii)   A member who separates from employment for reasons other  
4 than retirement on or before June 30, 1990, is entitled to receive creditable service for  
5 unused sick leave that is reported by the member's employer at the member's  
6 separation from employment if the member was entitled to a vested allowance at the  
7 time of separation.

8                   (e)   (1)   Subject to paragraph (3) of this subsection, for 22 days of unused  
9 sick leave a member is entitled to receive 1 month of creditable service.

10                   (2)   If fractional days totaling 11 or more result from the application of  
11 the formula described in paragraph (1) of this subsection, a member is entitled to  
12 receive 1 additional month of creditable service.

13                   (3)   For the purposes of this section:

14                   (i)    a member may not accumulate more than 15 days of sick  
15 leave per year;

16                   (ii)   unless sick leave credit is accepted and credited by the  
17 current participating employer, a member may not receive credit for unused sick leave  
18 granted by a former employer; and

19                   (iii)  if a participating employer provides a member with more  
20 than 15 days of sick leave per year, before crediting the member with additional sick  
21 leave for a year, the Board of Trustees shall reduce the member's accumulated sick  
22 leave by the lesser of:

23                               1.    the days of sick leave used by the member in that  
24 year; or

25                               2.    the number of days of sick leave provided by the  
26 participating employer for the year, less 15.

27                   (f)   Credit for unused sick leave may not be used under this section:

28                   (1)   to determine years of eligibility service required for a benefit under  
29 this Division II; or

30                   (2)   to compute average final compensation.

31                   (g)   A State employee who came into the State system while retaining sick  
32 leave and annual leave benefits under a county system and who came under the

1 provisions of Chapter 423 of the Acts of 1971 shall be entitled to the same full credit  
2 toward retirement as provided by this section.

3 **(H) (1) IN THIS SUBSECTION, "STATE LAW ENFORCEMENT OFFICER"**  
4 **MEANS AN INDIVIDUAL WHO:**

5 **(I) IN AN OFFICIAL CAPACITY IS AUTHORIZED BY LAW TO**  
6 **MAKE ARRESTS; AND**

7 **(II) IS A MEMBER OF ONE OF THE FOLLOWING LAW**  
8 **ENFORCEMENT AGENCIES:**

- 9 **1. THE DEPARTMENT OF STATE POLICE;**
- 10 **2. THE MARYLAND TRANSPORTATION AUTHORITY**  
11 **POLICE;**
- 12 **3. THE POLICE FORCES OF THE DEPARTMENT OF**  
13 **TRANSPORTATION;**
- 14 **4. THE POLICE FORCES OF THE DEPARTMENT OF**  
15 **NATURAL RESOURCES;**
- 16 **5. THE POLICE FORCE OF THE DEPARTMENT OF**  
17 **HEALTH AND MENTAL HYGIENE;**
- 18 **6. THE POLICE FORCE OF THE DEPARTMENT OF**  
19 **GENERAL SERVICES; AND**
- 20 **7. THE POLICE FORCES OF THE UNIVERSITY SYSTEM**  
21 **OF MARYLAND.**

22 **(2) THIS SUBSECTION APPLIES ONLY TO STATE LAW**  
23 **ENFORCEMENT OFFICERS HOLDING A COMMISSIONED RANK AND WHO EARN**  
24 **HOUR-FOR-HOUR COMPENSATORY LEAVE FOR OVERTIME WORK.**

25 **(3) AT RETIREMENT, A STATE LAW ENFORCEMENT OFFICER IS**  
26 **ENTITLED TO RECEIVE CREDITABLE SERVICE FOR UNUSED COMPENSATORY**  
27 **LEAVE NOT EXCEEDING 480 HOURS FOR WHICH THE OFFICER HAS NOT BEEN**  
28 **COMPENSATED UNDER § 9-902 OF THIS ARTICLE, COMPUTED IN THE MANNER**  
29 **THAT CREDIT FOR UNUSED SICK LEAVE IS COMPUTED UNDER SUBSECTION**  
30 **(E)(1) AND (2) OF THIS SECTION.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2013.