

Chapter 672

(House Bill 1047)

AN ACT concerning

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

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

BY adding to

Article – Human Services

Section 9–609

Annotated Code of Maryland

(2019 Replacement Volume and 2022 Supplement)

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

Article – Human Services

9–609.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. *SUBJECT TO THE LEAVE ACCUMULATION AND CARRY OVER REQUIREMENTS THAT OTHERWISE APPLY TO STATE EMPLOYEES WHEN THE INDIVIDUAL BEGINS EMPLOYMENT IN THE JUVENILE SERVICES EDUCATION PROGRAM.*

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

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

Approved by the Governor, May 16, 2023.