

(2) IF A POSITION FOR WHICH AN EMERGENCY APPOINTMENT IS MADE CANNOT OTHERWISE BE FILLED WHEN THE PERIOD OF THE EMERGENCY APPOINTMENT ENDS, THE SECRETARY MAY EXTEND THE APPOINTMENT FOR THE DURATION OF:

- (I) ANY WAR IN WHICH THE UNITED STATES IS ENGAGED;
- (II) ANY NATIONALLY-DECLARED EMERGENCY; OR

(III) AFTER A WAR OR NATIONALLY-DECLARED EMERGENCY HAS ENDED, ANY PERIOD FOR WHICH THE SECRETARY, WITH APPROVAL OF THE GOVERNOR, FINDS THAT AN EMERGENCY STILL EXISTS.

(C) BENEFITS.

AN EMERGENCY EMPLOYEE IS ENTITLED TO BENEFITS UNDER THE MARYLAND WORKERS' COMPENSATION ACT, BUT IS NOT ELIGIBLE FOR MEMBERSHIP IN ANY RETIREMENT OR PENSION SYSTEM UNDER ARTICLE 73B OF THE CODE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, §§ 1(9) and 24(b).

In subsection (a)(1)(i) of this section, the reference to "certification" of a list of eligible candidates by the Secretary is substituted for the former, misleading reference to the "appointment" by the Secretary for accuracy. Accordingly, in the introductory language of subsection (a)(1) of this section, the words "who has not been certified by the Secretary" are added.

In the introductory language of subsection (b)(2) of this section, the reference to extending the "appointment" is substituted for the former reference to extending "employment" for clarity and consistency.

In subsection (c) of this section, the reference to "any retirement or pension system under Article 73B of the Code" is substituted for the former reference to the "State Employees' Retirement System" to reflect that there are several retirement systems and pension systems available to State employees.

As to subsection (a) of this section, the State Personnel Article Review Committee notes, for consideration by the General Assembly, that it is unclear whether the reference to an "officer" authorized to make an emergency appointment, derived from former Art. 64A, § 24(b), is intended to be interpreted narrowly or broadly. The General Assembly may wish to clarify which individuals the appointing authority may designate.

Also, as to subsection (c) of this section, the State Personnel Article Review Committee notes that, while former Art. 64A, § 24(b) provided that emergency employees are entitled to benefits under the Workers' Compensation laws and are not entitled to State pension and retirement benefits, former § 24(a) (now § 12-102 of this subtitle) contained no similar provisions for temporary extra employees, nor are any similar provisions specified for contractual employees. Entitlement to coverage under the