

(4) AN INDIVIDUAL WHO IS EMPLOYED UNDER A FEDERAL PUBLIC SERVICE EMPLOYMENT PROGRAM;

(5) AN ASSESSOR WHO IS A MEMBER OF A RETIREMENT OR PENSION SYSTEM OPERATED BY A POLITICAL SUBDIVISION OF THE STATE; OR

(6) AN EMPLOYEE OF A BOARD OF SUPERVISORS OF ELECTIONS WHO CHOSE TO STAY IN A LOCAL MERIT SYSTEM UNDER ARTICLE 33, § 2-6 OF THE CODE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, §§ 2-101(e)(1), (2), and (3)(i), (iii), and (iv), 2-201(b) and the first sentence of (d), and as they related to membership in the Employees' Retirement System, § 10-101(c), the second sentence of § 10-102(a), and § 10-108.

This section is set forth as a scope provision instead of a definition since the definitions of "employee" in former Art. 73B, §§ 2-101(e) and 10-101(c) served as scope provisions. Also, the former definitions of "employee" included officials, who are not always considered "employees".

In subsection (a) of this section, the reference to "[a]ny assessor" is deleted as included in the reference to a "regular employee" in subsection (a)(1) of this section. The exception relating to an assessor who is a member of a local system appears in subsection (b)(5) of this section.

In subsection (a)(1) of this section, the reference to "officer" of the State is deleted as included in the broader reference to "an appointed or elected official" of the State in subsection (a)(2) of this section.

Also in subsection (a)(1) of this section, the reference to a "regular employee" is substituted for the former reference to a "regular classified or unclassified officer or employee" as a result of change in related definitions and scope provisions in Division I.

In subsection (b)(1) of this section, the reference to "any State system other than the Employees' Retirement System" is substituted for "any other system of the several systems" to reflect that the provisions for both the Employees' Retirement System and the Teachers' Retirement System are consolidated in this title.

In subsection (b)(2) of this section, the reference to the "Employees' Pension System" is added since all members of the Employees' Retirement System are entitled to transfer to the Employees' Pension System.

In subsection (b)(3) of this section, the reference to an "emergency" employee is added and the term "temporary extra" is substituted for the former reference to an employee who serves on a "temporary basis" for clarity because contractual, emergency, and temporary extra employees are not classified or unclassified service employees. See, e.g., § 1-501 of this article in which those categories of employees are specifically excluded from the classified or unclassified service. Also excluded from the classified or unclassified service are "temporary pending employees". They are not