
By: **Delegate Edwards**

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Assigned to: Rules and Executive Nominations

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Committee Report: Favorable

House action: Adopted

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CHAPTER 474

1 AN ACT concerning

2 **Town of Oakland, Garrett County - Participation by Employees in**
3 **Employees' Pension System**

4 FOR the purpose of making it mandatory, and not optional, for certain employees of
5 the Town of Oakland, Garrett County to participate in the Employees' Pension
6 System of the State of Maryland as of a certain date; providing for certain
7 employees of the Town of Oakland to receive service credit for certain prior
8 service, except for an employee that becomes a member of the Employees'
9 Pension System after the effective date of participation in the Employees'
10 Pension System by the Town of Oakland; and generally relating to the
11 participation of certain employees of the Town of Oakland, Garrett County, in
12 the Employees' Pension System.

13 BY repealing and reenacting, with amendments,
14 Article - State Personnel and Pensions
15 Section 23-201(a), 23-204, and 31-111
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 1999 Supplement)

18 BY adding to
19 Article - State Personnel and Pensions
20 Section 31-111.1
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 1999 Supplement)

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 23-201.

5 (a) Except as provided in subsection (b) of this section, §§ 23-202 through
6 23-205 of this subtitle apply only to:

7 (1) a regular employee whose compensation is provided by State
8 appropriation or paid from State funds;

9 (2) an appointed or elected official of the State, including:

10 (i) a clerk of the circuit court;

11 (ii) a register of wills;

12 (iii) a State's Attorney; and

13 (iv) a sheriff;

14 (3) an employee or official of a participating governmental unit who is
15 eligible to participate under Title 31, Subtitle 1 of this article;

16 (4) an employee of the Office of the Sheriff of Baltimore City;

17 (5) an additional employee or agent of the State Racing Commission
18 authorized by § 11-207 of the Business Regulation Article;

19 (6) a permanent employee of the board of supervisors of elections of a
20 county;

21 (7) a full-time master in chancery or in juvenile causes who is appointed
22 on or after July 1, 1989, in any county by the circuit court for that county;

23 (8) an employee of the Maryland Environmental Service who is a
24 member of the Employees' Pension System on June 30, 1993, or transfers from the
25 Employees' Retirement System on or after July 1, 1993;

26 (9) a full-time employee of the Maryland Aviation Administration Fire
27 Rescue Service who becomes an employee on or after October 1, 1993;

28 (10) an employee of Dorchester County who is not a member of the
29 County's general pension and retirement program;

30 (11) a former Baltimore City jail employee who became an employee of the
31 Baltimore City Detention Center and a member of the Employees' Pension System on
32 July 1, 1991;

1 (12) an employee of the Baltimore City Community College who is not a
2 clerical or professional employee;

3 (13) a court reporter for the Circuit Court for Charles County who is a
4 member of the Employees' Pension System on July 1, 1994, or transfers from the
5 Employees' Retirement System on or after July 1, 1994; [and]

6 (14) a staff employee of the University System of Maryland, Morgan State
7 University, or St. Mary's College who is:

8 (i) a member of the Employees' Pension System on January 1,
9 1998, or transfers from the Employees' Retirement System on or after January 1,
10 1998; or

11 (ii) a staff employee of the University System of Maryland, Morgan
12 State University, or St. Mary's College who becomes an employee on or after January
13 1, 1998; AND

14 (15) AN EMPLOYEE OF THE TOWN OF OAKLAND ON OR AFTER THE DATE
15 THAT THE TOWN OF OAKLAND BEGINS PARTICIPATION IN THE EMPLOYEES' PENSION
16 SYSTEM.

17 23-204.

18 (a) Membership in the Employees' Pension System is optional for an
19 individual who receives an annual salary and who is:

20 (1) an elected or appointed official;

21 (2) an employee of the Governor's office;

22 (3) an employee of the Senate or House of Delegates; or

23 (4) a member of the Prince George's County Board of License
24 Commissioners.

25 (b) (1) [Membership] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
26 SUBSECTION, MEMBERSHIP in the Employees' Pension System is optional for the
27 employees of a participating governmental unit who are employed by the
28 participating governmental unit on the effective date of participation in the State
29 systems.

30 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO
31 EMPLOYEES OF THE TOWN OF OAKLAND WHO ARE EMPLOYED BY THE TOWN OF
32 OAKLAND ON THE DAY BEFORE THE DATE THAT THE TOWN OF OAKLAND BEGINS
33 PARTICIPATION IN THE EMPLOYEES' PENSION SYSTEM.

34 (c) Membership in the Employees' Pension System is optional for an employee
35 of Dorchester County who is not a member of the County's general pension and
36 retirement program.

1 31-111.

2 (a) Except as provided in subsection (b) of this section AND § 31-111.1 OF THIS
3 SUBTITLE, if an employee of a participating governmental unit joins the Employees'
4 Pension System within 1 year after the effective date, the employee is entitled to
5 service credit for employment with the participating governmental unit before the
6 effective date.

7 (b) If an employee of the Baltimore Metropolitan Council elects to become a
8 member of the Employees' Retirement System or the Employees' Pension System, the
9 employee may not receive credit for service from July 1, 1992, to the effective date
10 unless the employee pays to the Board of Trustees the amount of the member
11 contributions the employee would have made during that period, plus regular
12 interest.

13 31-111.1.

14 (A) AN EMPLOYEE OF THE TOWN OF OAKLAND SHALL RECEIVE ONE-THIRD
15 OF THE SERVICE CREDIT FOR ELIGIBILITY SERVICE AND CREDITABLE SERVICE
16 PRIOR TO THE EFFECTIVE DATE IN THE AMOUNT OF THE EMPLOYEE'S CREDIT, AS
17 CERTIFIED BY THE TOWN OF OAKLAND AS OF THE EFFECTIVE DATE.

18 (B) IF AN EMPLOYEE OR A FORMER EMPLOYEE OF THE TOWN OF OAKLAND
19 BECOMES A MEMBER OF THE EMPLOYEES' PENSION SYSTEM AT ANY TIME AFTER
20 THE EFFECTIVE DATE, THE EMPLOYEE MAY NOT RECEIVE SERVICE CREDIT FOR
21 EMPLOYMENT WITH THE TOWN OF OAKLAND BEFORE THE EFFECTIVE DATE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 June 1, 2000.