

SENATE BILL 391

K4
HB 1206/09 – APP

0lr1865
CF 0lr2426

By: **Senators McFadden and Munson**
Introduced and read first time: January 29, 2010
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Officers' Retirement System – Membership – Correctional Case**
3 **Management Specialist**

4 FOR the purpose of altering the membership of the Correctional Officers' Retirement
5 System; clarifying that certain members of the Correctional Officers' Retirement
6 System are eligible to receive a normal service retirement allowance or a
7 deferred vested retirement allowance; requiring the transfer of certain member
8 contributions to the annuity savings fund of the Correctional Officers'
9 Retirement System; providing for a refund of certain member contributions
10 under certain circumstances; providing that certain transfers of credit between
11 the Employees' Retirement and Pension Systems and the Correctional Officers'
12 Retirement System are not governed by certain provisions of law; and generally
13 relating to membership in the Correctional Officers' Retirement System.

14 BY repealing and reenacting, with amendments,
15 Article – State Personnel and Pensions
16 Section 25–201, 25–401, and 29–302(c)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2009 Supplement)

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

21 **Article – State Personnel and Pensions**

22 25–201.

23 (a) Except as provided in subsection (b) of this section, this subtitle applies
24 only to:



1 (1) correctional officers serving in any of the first six job
2 classifications;

3 (2) security attendants at Clifton T. Perkins Hospital Center;

4 (3) a detention center officer employed by a participating
5 governmental unit that on or after July 1, 2006, has elected to participate in the
6 Correctional Officers' Retirement System;

7 (4) an individual serving as a correctional dietary, maintenance,
8 laundry, or supply officer; [and]

9 (5) an individual serving as a Maryland Correctional Enterprises
10 officer, officer trainee, plant supervisor, plant manager, or regional manager; AND

11 **(6) AN INDIVIDUAL SERVING AS A CORRECTIONAL CASE**
12 **MANAGEMENT SPECIALIST.**

13 (b) This subtitle does not apply to:

14 (1) an employee of the Baltimore City Jail as of June 30, 1991, who:

15 (i) became an employee of the Baltimore City Detention Center
16 on July 1, 1991; and

17 (ii) did not elect to become a member of the Correctional
18 Officers' Retirement System on that date; or

19 (2) a detention center officer employed by a participating
20 governmental unit as a local detention center officer on the effective date of
21 participation on or after July 1, 2006, who did not elect to become a member of the
22 Correctional Officers' Retirement System within 6 months of the effective date of
23 participation.

24 25-401.

25 (a) A member may retire with a normal service retirement allowance if:

26 (1) on or before the date of retirement, the member has at least 20
27 years of eligibility service;

28 (2) for at least 5 years immediately before retirement, the member
29 was:

30 (i) a security attendant at Clifton T. Perkins Hospital Center;

31 (ii) a correctional officer in any of the first six job classifications;

1 (iii) a detention center officer employed by a participating
2 governmental unit that has elected to participate in the Correctional Officers'
3 Retirement System;

4 (iv) an individual serving as a correctional dietary, maintenance,
5 laundry, or supply officer;

6 (v) an individual serving as a Maryland Correctional
7 Enterprises officer, officer trainee, plant supervisor, plant manager, or regional
8 manager; [or]

9 (VI) AN INDIVIDUAL SERVING AS A CORRECTIONAL CASE
10 MANAGEMENT SPECIALIST; OR

11 [(vi)] (VII) in a combination of these positions; and

12 (3) the member completes and submits a written application to the
13 Board of Trustees stating the date when the member desires to retire.

14 (b) On retirement under this section, a member is entitled to receive a
15 normal service retirement allowance that equals one fifty-fifth of the member's
16 average final compensation multiplied by the number of years of creditable service.

17 29–302.

18 (c) A vested allowance is a deferred allowance starting at:

19 (1) normal retirement age for members of:

20 (i) the Employees' Retirement System;

21 (ii) the State Police Retirement System; and

22 (iii) the Teachers' Retirement System;

23 (2) age 55 for a member of the Correctional Officers' Retirement
24 System who is:

25 (i) a correctional officer in the first six job classifications;

26 (ii) a detention center officer employed by a participating
27 governmental unit who has elected to participate in the Correctional Officers'
28 Retirement System;

29 (iii) an individual serving as a correctional dietary, maintenance,
30 laundry, or supply officer; [or]

1 (iv) an individual serving as a Maryland Correctional
2 Enterprises officer, officer trainee, plant supervisor, plant manager, or regional
3 manager; or

4 (v) AN INDIVIDUAL SERVING AS A CORRECTIONAL CASE
5 MANAGEMENT SPECIALIST; OR

6 (3) age 60 for a member of the Correctional Officers' Retirement
7 System who is a maximum security attendant at the Clifton T. Perkins Hospital
8 Center.

9 SECTION 2. AND BE IT FURTHER ENACTED, That:

10 (a) The transfer of creditable service for an individual who is a correctional
11 case management specialist and a member of either the Employees' Retirement
12 System or Employees' Pension System on June 30, 2010, who transfers to the
13 Correctional Officers' Retirement System under this Act, is not governed by Title 37 of
14 the State Personnel and Pensions Article.

15 (b) The Board of Trustees shall transfer the total member contributions to
16 the individual's credit in either the Employees' Retirement System or Employees'
17 Pension System, plus regular interest, to the annuity savings fund of the Correctional
18 Officers' Retirement System.

19 (c) (1) This subsection applies to an individual who:

20 (i) is a correctional case management specialist on June 30,
21 2010;

22 (ii) transfers to the Correctional Officers' Retirement System
23 under this Act; and

24 (iii) at the time of transferring to the Correctional Officers'
25 Retirement System is a member of the Employees' Retirement System making
26 member contributions at the rate of 7% of the individual's earnable compensation.

27 (2) An individual described under paragraph (1) of this subsection
28 shall receive the difference between the member contributions at the rate provided for
29 in the Correctional Officers' Retirement System, including interest on those
30 contributions, and the total accumulated member contributions to the individual's
31 credit, plus interest on those contributions, in the annuity savings fund of the
32 Employees' Retirement System.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 2010.