

HOUSE BILL 1046

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By: **Prince George's County Delegation**

Introduced and read first time: February 6, 2014

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **City of College Park Employees – Participation in the Employees' Pension**
3 **System**

4 **PG 404–14**

5 FOR the purpose of requiring certain employees of the City of College Park to
6 participate in the Employees' Pension System of the State as of a certain date;
7 providing that membership in the Employees' Pension System is optional for
8 certain employees of the City of College Park; requiring certain employees of the
9 City of College Park to make a certain election on a certain date; requiring
10 certain employees of the City of College Park, in order to elect to be a member of
11 the Employees' Pension System, to file a written application with the Board of
12 Trustees for the State Retirement and Pension System; providing for certain
13 employees of the City of College Park to receive service credit for certain prior
14 service; providing that certain employees of the City of College Park who
15 become members of the Employees' Pension System after a certain date may not
16 receive certain service credit; and generally relating to employees of the City of
17 College Park participating in the Employees' Pension System.

18 BY repealing and reenacting, with amendments,
19 Article – State Personnel and Pensions
20 Section 23–201(a), 23–204(b), and 31–111
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2013 Supplement)

23 BY adding to
24 Article – State Personnel and Pensions
25 Section 23–204(f) and 31–111.8
26 Annotated Code of Maryland
27 (2009 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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, §§ 23–203 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
22 appointed 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 former Baltimore City jail employee who became an employee of
27 the Baltimore City Detention Center and a member of the Employees’ Pension System
28 on July 1, 1991;

29 (10) a nonfaculty employee of the Baltimore City Community College
30 who:

1 (i) is a member of the Employees' Pension System on October 1,
2 2002;

3 (ii) transfers from the Employees' Retirement System on or
4 after October 1, 2002;

5 (iii) transfers from the Teachers' Pension System in accordance
6 with § 23-202.1 of this subtitle; or

7 (iv) becomes an employee of the Baltimore City Community
8 College on or after October 1, 2002;

9 (11) a court reporter for the Circuit Court for Charles County who is a
10 member of the Employees' Pension System on July 1, 1994, or transfers from the
11 Employees' Retirement System on or after July 1, 1994;

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

14 (i) a member of the Employees' Pension System on January 1,
15 1998, or transfers from the Employees' Retirement System on or after January 1,
16 1998; or

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

20 (13) on or after the date that the Board of Education of Kent County
21 begins participation in the Employees' Pension System, a supportive service employee
22 of the Board of Education of Kent County;

23 (14) an employee of the Town of Oakland on or after the date that the
24 Town of Oakland begins participation in the Employees' Pension System;

25 (15) an employee of the City of Frostburg on or after the date that the
26 City of Frostburg begins participation in the Employees' Pension System;

27 (16) an employee of the Town of Berwyn Heights on or after the date
28 that the Town of Berwyn Heights begins participation in the Employees' Pension
29 System;

30 (17) an employee of the Town of Sykesville on or after the date that the
31 Town of Sykesville begins participation in the Employees' Pension System;

1 (18) an employee of the Town of University Park on or after the date
 2 that the Town of University Park begins participation in the Employees' Pension
 3 System; [and]

4 (19) an employee of the Maryland Automobile Insurance Fund on or
 5 after the date that the Maryland Automobile Insurance Fund begins participation in
 6 the Employee's Pension System; AND

7 **(20) AN EMPLOYEE OF THE CITY OF COLLEGE PARK ON OR AFTER**
 8 **THE DATE THAT THE CITY OF COLLEGE PARK BEGINS PARTICIPATION IN THE**
 9 **EMPLOYEES' PENSION SYSTEM.**

10 23–204.

11 (b) (1) This subsection does not apply to an employee of:

12 (I) the Town of Berwyn Heights; OR

13 (II) **THE CITY OF COLLEGE PARK.**

14 (2) (i) Except as provided in paragraph (3) of this subsection, this
 15 subsection applies only to the employees of a participating governmental unit who:

16 1. are employed by the participating governmental unit
 17 on June 30, 2004; and

18 2. were employed by the participating governmental
 19 unit on the effective date of participation in the State systems.

20 (ii) Except as provided in paragraph (3) of this subsection,
 21 membership in the Employees' Pension System is optional for an individual under
 22 subparagraph (i) of this paragraph until the individual ceases employment with the
 23 participating governmental unit that was employing the individual on June 30, 2004.

24 (3) Membership in the Employees' Pension System is not optional for
 25 individuals who are:

26 (i) supportive service employees of the Board of Education of
 27 Kent County;

28 (ii) employees of the Town of Oakland;

29 (iii) employees of the City of Frostburg;

30 (iv) employees of the Town of Sykesville; or

1 (v) employees of the Town of University Park.

2 (F) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO IS
3 AN EMPLOYEE OF THE CITY OF COLLEGE PARK ON JUNE 30, 2014.

4 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,
5 MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM IS OPTIONAL FOR AN
6 INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WHO ELECTS
7 MEMBERSHIP ON JULY 1, 2014.

8 (3) TO ELECT TO BE A MEMBER OF THE EMPLOYEES' PENSION
9 SYSTEM, AN INDIVIDUAL SHALL FILE A WRITTEN APPLICATION WITH THE
10 BOARD OF TRUSTEES ON A FORM THAT THE BOARD OF TRUSTEES PROVIDES.

11 31-111.

12 (a) Except as provided in subsection (b) of this section and §§ 31-111.1,
13 31-111.3, 31-111.4, 31-111.5, 31-111.6, [and] 31-111.7, AND 31-111.8 of this
14 subtitle, if an employee of a participating governmental unit joins the Employees'
15 Pension System on the effective date, the employee is entitled to service credit for
16 employment with the participating governmental unit before the effective date.

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

22 31-111.8.

23 (A) AN INDIVIDUAL WHO ELECTS MEMBERSHIP IN THE EMPLOYEES'
24 PENSION SYSTEM UNDER § 23-204(F) OF THIS ARTICLE AND IS AN EMPLOYEE
25 OF THE CITY OF COLLEGE PARK ON THE EFFECTIVE DATE SHALL RECEIVE
26 ELIGIBILITY SERVICE AND CREDITABLE SERVICE IN THE EMPLOYEES' PENSION
27 SYSTEM EQUAL TO 60% OF THE INDIVIDUAL'S PERIOD OF EMPLOYMENT WITH
28 THE CITY OF COLLEGE PARK BEFORE THE EFFECTIVE DATE AS CERTIFIED BY
29 THE CITY OF COLLEGE PARK AS OF THE EFFECTIVE DATE.

30 (B) IF AN EMPLOYEE OR A FORMER EMPLOYEE OF THE CITY OF
31 COLLEGE PARK BECOMES A MEMBER OF THE EMPLOYEES' PENSION SYSTEM
32 AT ANY TIME AFTER THE EFFECTIVE DATE, THE EMPLOYEE MAY NOT RECEIVE
33 SERVICE CREDIT FOR EMPLOYMENT WITH THE CITY OF COLLEGE PARK
34 BEFORE THE EFFECTIVE DATE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2014.