

# HOUSE BILL 1047

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

Introduced and read first time: February 6, 2014

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Employees' Pension System – Prince George's County – Optional Membership**

3 **PG 418–14**

4 FOR the purpose of providing that membership in the Employees' Pension System is  
5 optional for certain individuals employed by Prince George's County in certain  
6 positions on or after certain dates; requiring individuals who elect to join the  
7 Employees' Pension System to make the election within a certain period of time;  
8 requiring individuals who elect to join the Employees' Pension System to  
9 complete a certain form and file it with the Board of Trustees for the State  
10 Retirement and Pension System; providing that membership in the Employees'  
11 Pension System is mandatory for certain individuals; providing that certain  
12 individuals who do not make an election to join the Employees' Pension System  
13 within a certain period of time may not join the Employees' Pension System;  
14 providing that certain individuals' election or failure to elect to join the  
15 Employees' Pension System is a one-time, irrevocable decision; requiring the  
16 Board of Trustees to adopt certain regulations; and generally relating to  
17 optional membership in the Employees' Pension System for individuals  
18 employed by Prince George's County in certain positions.

19 BY repealing and reenacting, without amendments,  
20 Article – State Personnel and Pensions  
21 Section 23–203 and 23–204(a) and (b)(2)  
22 Annotated Code of Maryland  
23 (2009 Replacement Volume and 2013 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article – State Personnel and Pensions  
26 Section 23–204(b)(1)  
27 Annotated Code of Maryland  
28 (2009 Replacement Volume and 2013 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – State Personnel and Pensions  
3 Section 23–204(f)  
4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2013 Supplement)

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

8 **Article – State Personnel and Pensions**

9 23–203.

10 Except as provided in § 23–204 of this subtitle, an individual described in §  
11 23–201(a) of this subtitle who becomes an employee of a participating employer on or  
12 after January 1, 1980, or who transfers membership from the Employees’ Retirement  
13 System, is a member of the Employees’ Pension System as a condition of employment.

14 23–204.

15 (a) (1) This subsection applies to an individual who on June 30, 2004,  
16 receives an annual salary and who is:

17 (i) an elected or appointed official;

18 (ii) an employee of the Governor’s office;

19 (iii) an employee of the Senate or House of Delegates;

20 (iv) a member of the Prince George’s County Board of License  
21 Commissioners; or

22 (v) an employee of Dorchester County who is not a member of  
23 the county’s general pension and retirement program.

24 (2) Membership in the Employees’ Pension System is optional for an  
25 individual under paragraph (1) of this subsection while the individual remains  
26 employed in the position the individual held on June 30, 2004.

27 (3) (i) In lieu of membership in any other retirement or pension  
28 system operated under the laws of the State or any political subdivision of the State,  
29 an individual under paragraph (1)(i) of this subsection may elect to join the  
30 Employees’ Pension System within 1 year of employment or July 1, 2008, whichever is  
31 later.

1                   (ii) An individual under paragraph (1)(i) of this subsection who  
2 elects to join the Employees' Pension System under subparagraph (i) of this  
3 paragraph, may transfer from a State or local retirement or pension system to the  
4 Employees' Pension System in accordance with Title 37 of this article, any service  
5 credit earned while serving in that position.

6           (b)   (1)   This subsection does not apply to:

7                   (I)   an employee of the Town of Berwyn Heights; OR

8                   (II) AN INDIVIDUAL EMPLOYED BY PRINCE GEORGE'S  
9 COUNTY WHO IS SUBJECT TO THE PROVISIONS OF SUBSECTION (F) OF THIS  
10 SECTION.

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

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

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

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

21           (F)   (1)   **THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO IS  
22 EMPLOYED BY PRINCE GEORGE'S COUNTY AS:**

23                   (I)   **THE CHIEF ADMINISTRATIVE OFFICER;**

24                   (II)  **A DEPUTY CHIEF ADMINISTRATIVE OFFICER;**

25                   (III) **A DIRECTOR OF A COUNTY OFFICE OR DEPARTMENT;**

26                   (IV)  **A COUNTY COUNCIL ADMINISTRATOR;**

27                   (V)   **A DEPUTY DIRECTOR OF A COUNTY OFFICE OR  
28 DEPARTMENT; OR**

29                   (VI)  **AN EXECUTIVE DIRECTOR.**

1                   **(2) (I) MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM IS**  
2 **OPTIONAL FOR:**

3                               **1. AN INDIVIDUAL WHO:**

4                                       **A. BEGINS SERVING IN A POSITION LISTED IN**  
5 **PARAGRAPH (1) OF THIS SUBSECTION ON OR AFTER JULY 1, 2004, BUT BEFORE**  
6 **JULY 1, 2014;**

7                                       **B. REMAINS IN A POSITION LISTED IN PARAGRAPH**  
8 **(1) OF THIS SUBSECTION ON JULY 1, 2014; AND**

9                                       **C. IS NOT ENROLLED IN THE EMPLOYEES' PENSION**  
10 **SYSTEM; OR**

11                                       **2. EXCEPT AS PROVIDED IN PARAGRAPH (4)(III) OF**  
12 **THIS SUBSECTION, AN INDIVIDUAL WHO BEGINS SERVING IN A POSITION LISTED**  
13 **IN PARAGRAPH (1) OF THIS SUBSECTION ON OR AFTER JULY 1, 2014.**

14                                       **(II) AN INDIVIDUAL DESCRIBED UNDER SUBPARAGRAPH (I)**  
15 **OF THIS PARAGRAPH WHO ELECTS TO JOIN THE EMPLOYEES' PENSION SYSTEM**  
16 **SHALL MAKE THE ELECTION IN WRITING ON A FORM PROVIDED BY THE BOARD**  
17 **OF TRUSTEES AND MUST FILE THE FORM WITH THE BOARD OF TRUSTEES**  
18 **WITHIN 1 YEAR OF EMPLOYMENT OR BY SEPTEMBER 30, 2014, WHICHEVER IS**  
19 **LATER.**

20                   **(3) MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM IS**  
21 **MANDATORY FOR:**

22                               **(I) AN INDIVIDUAL WHO:**

23                                       **1. IS EMPLOYED IN ONE OF THE POSITIONS LISTED**  
24 **UNDER PARAGRAPH (1) OF THIS SUBSECTION ON OR BEFORE JUNE 30, 2014;**  
25 **AND**

26                                       **2. IS ENROLLED AS A MEMBER OF THE EMPLOYEES'**  
27 **PENSION SYSTEM; OR**

28                                       **(II) AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (2) OF**  
29 **THIS SUBSECTION WHO ELECTED TO JOIN THE EMPLOYEES' PENSION SYSTEM**  
30 **UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.**

1           **(4) (I) AN INDIVIDUAL'S ELECTION UNDER THIS SUBSECTION**  
2 **TO JOIN THE EMPLOYEES' PENSION SYSTEM OR AN INDIVIDUAL'S FAILURE TO**  
3 **ELECT TO JOIN THE EMPLOYEES' PENSION SYSTEM WITHIN THE REQUIRED**  
4 **TIME PERIOD IS A ONE-TIME, IRREVOCABLE DECISION.**

5           **(II) AN INDIVIDUAL EMPLOYED IN ONE OF THE POSITIONS**  
6 **LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION WHO DOES NOT ELECT TO**  
7 **JOIN THE EMPLOYEES' PENSION SYSTEM UNDER PARAGRAPH (2)(II) OF THIS**  
8 **SUBSECTION MAY NOT JOIN THE EMPLOYEES' PENSION SYSTEM.**

9           **(III) AN INDIVIDUAL DESCRIBED UNDER SUBPARAGRAPH (II)**  
10 **OF THIS PARAGRAPH WHO CHANGES EMPLOYMENT TO A DIFFERENT POSITION**  
11 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, WHETHER OR NOT A BREAK IN**  
12 **EMPLOYMENT OCCURS, MAY NOT ELECT TO JOIN THE EMPLOYEES' PENSION**  
13 **SYSTEM.**

14           **(5) THE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS TO**  
15 **IMPLEMENT THIS SECTION.**

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