

# HOUSE BILL 1209

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CF SB 916

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By: **Delegates DeBoy, Bohanan, Clippinger, Cluster, Fraser-Hidalgo, Glenn, Gutierrez, Guzzone, Haynes, Holmes, Hucker, K. Kelly, Malone, McDermott, McHale, Proctor, B. Robinson, Stein, Swain, V. Turner, Valderrama, A. Washington, M. Washington, Wilson, and Zucker**

Introduced and read first time: February 7, 2014

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Retirement and Pension System – Parole and Probation Employees –**  
3 **Membership in Correctional Officers’ Retirement System**

4 FOR the purpose of altering the positions eligible for membership in the Correctional  
5 Officers’ Retirement System to include certain agents of the Division of Parole  
6 and Probation of the Department of Public Safety and Correctional Services;  
7 clarifying that certain individuals who do not elect to transfer membership are  
8 not members of the Correctional Officers’ Retirement System; authorizing  
9 certain individuals to cease membership in the Employees’ Pension System and  
10 enroll in the Correctional Officers’ Retirement System on or before a certain  
11 date; authorizing certain individuals to transfer service credit from the  
12 Employees’ Pension System to the Correctional Officers’ Retirement System;  
13 requiring an individual who elects to transfer membership and service credit to  
14 the Correctional Officers’ Retirement System to make that election on a form  
15 provided by the Board of Trustees for the State Retirement and Pension  
16 System; requiring service credit transferred to the Correctional Officers’  
17 Retirement System under this Act to be transferred, with a certain exception, in  
18 accordance with certain provisions of law; requiring the Executive Director of  
19 the State Retirement Agency to grant a certain waiver if it is necessary to  
20 implement a certain transfer of service credit; providing for the termination of  
21 certain provisions of this Act; and generally relating to membership in the  
22 Correctional Officers’ Retirement System.

23 BY repealing and reenacting, with amendments,  
24 Article – State Personnel and Pensions  
25 Section 25–201 and 25–401  
26 Annotated Code of Maryland  
27 (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 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 25–201.

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

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

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

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

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

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

17 **(6) AN INDIVIDUAL SERVING AS AN AGENT OF THE DIVISION OF**  
18 **PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND**  
19 **CORRECTIONAL SERVICES WHO:**

20 **(I) BEGINS EMPLOYMENT IN THAT POSITION ON OR AFTER**  
21 **JULY 1, 2014; OR**

22 **(II) IS SERVING IN THAT POSITION ON JUNE 30, 2014, AND**  
23 **ELECTS TO TRANSFER TO THE CORRECTIONAL OFFICERS' RETIREMENT**  
24 **SYSTEM ON OR BEFORE DECEMBER 31, 2014.**

25 (b) This subtitle does not apply to:

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

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

29 (ii) did not elect to become a member of the Correctional  
30 Officers' Retirement System on that date; [or]

1           (2) a detention center officer employed by a participating  
2 governmental unit as a local detention center officer on the effective date of  
3 participation on or after July 1, 2006, who did not elect to become a member of the  
4 Correctional Officers' Retirement System within 6 months of the effective date of  
5 participation; OR

6           **(3) AN AGENT OF THE DIVISION OF PAROLE AND PROBATION OF**  
7 **THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO IS**  
8 **IN THAT POSITION ON JUNE 30, 2014, AND DOES NOT ELECT TO TRANSFER**  
9 **MEMBERSHIP TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM ON OR**  
10 **BEFORE DECEMBER 31, 2014.**

11 25-401.

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

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

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

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

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

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

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

24           (v) an individual serving as a Maryland Correctional  
25 Enterprises officer, officer trainee, plant supervisor, plant manager, or regional  
26 manager;

27           **(VI) AN AGENT OF THE DIVISION OF PAROLE AND**  
28 **PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**  
29 **SERVICES; or**

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

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

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

4 (c) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL SERVING  
5 AS AN AGENT OF THE DIVISION OF PAROLE AND PROBATION OF THE  
6 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO, ON OR  
7 BEFORE DECEMBER 31, 2014, ELECTS TO TRANSFER TO THE CORRECTIONAL  
8 OFFICERS' RETIREMENT SYSTEM.

9 (2) AN INDIVIDUAL'S RETIREMENT ALLOWANCE MAY NOT BE  
10 REDUCED UNDER TITLE 37 OF THIS ARTICLE FOR ANY DEFICIENCY IN  
11 ACCUMULATED CONTRIBUTIONS UNDER THE CORRECTIONAL OFFICERS'  
12 RETIREMENT SYSTEM IF THE INDIVIDUAL:

13 (I) REQUESTS THE TRANSFER OF THE ACCUMULATED  
14 CONTRIBUTIONS TO THE CREDIT OF THE INDIVIDUAL IN THE EMPLOYEES'  
15 PENSION SYSTEM TO THE ANNUITY SAVINGS FUND OF THE CORRECTIONAL  
16 OFFICERS' RETIREMENT SYSTEM; AND

17 (II) DOES NOT WITHDRAW THOSE ACCUMULATED  
18 CONTRIBUTIONS.

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

20 (a) This section applies to an individual who:

21 (1) is a member of the Employees' Pension System on June 30, 2014,  
22 and employed as an agent of the Division of Parole and Probation of the Department of  
23 Public Safety and Correctional Services; and

24 (2) on July 1, 2014, continues employment as an agent of the Division  
25 of Parole and Probation of the Department of Public Safety and Correctional Services.

26 (b) (1) On or after July 1, 2014, but on or before December 31, 2014, an  
27 individual described in subsection (a) of this section may cease membership in the  
28 Employees' Pension System and be enrolled as a member of the Correctional Officers'  
29 Retirement System.

30 (2) An individual who enrolls as a member of the Correctional Officers'  
31 Retirement System under paragraph (1) of this subsection may transfer service credit  
32 from the Employees' Pension System to the Correctional Officers' Retirement System.

1                   (3)   (i)    An individual who chooses to enroll in the Correctional  
2 Officers' Retirement System under paragraph (1) of this subsection shall do so by filing  
3 an application provided by the Board of Trustees for the State Retirement and Pension  
4 System.

5                   (ii)   An individual who chooses to transfer service credit to the  
6 Correctional Officers' Retirement System under paragraph (2) of this subsection shall  
7 do so by filing an application provided by the Board of Trustees for the State  
8 Retirement and Pension System.

9                   (4)   (i)    Service credit transferred under paragraph (2) of this  
10 subsection shall be transferred in the same manner as a transfer of service credit  
11 made in accordance with Title 37 of the State Personnel and Pensions Article, except  
12 as provided in § 25-401(c) of the State Personnel and Pensions Article, as enacted by  
13 Section 1 of this Act.

14                   (ii)   The Executive Director of the State Retirement Agency shall  
15 grant a waiver under § 37-203.2 of the State Personnel and Pensions Article if a  
16 waiver is necessary to transfer service credit under paragraph (2) of this subsection.

17                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 July 1, 2014. Section 2 of this Act shall remain effective for a period of 6 months and,  
19 at the end of December 31, 2014, with no further action required by the General  
20 Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.