

HOUSE BILL 79

K4

5lr1315
CF 5lr0905

By: **Delegate B. Barnes (Chair, Joint Committee on Pensions)**

Introduced and read first time: January 23, 2015

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Officers' Retirement System – Membership**

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

20 BY repealing and reenacting, with amendments,
21 Article – State Personnel and Pensions
22 Section 25–201
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2014 Supplement)

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

27 **Article – State Personnel and Pensions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 25–201.

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

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

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

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

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

11 (5) an individual serving as a Maryland Correctional Enterprises officer,
12 officer trainee, plant supervisor, plant manager, or regional manager; and

13 (6) a correctional officer serving as a security chief, a facility administrator,
14 an assistant warden, or a warden who:

15 (i) begins employment in that position on or after July 1, 2014; or

16 (ii) is serving in that position on June 30, 2014, and elects to transfer
17 to the Correctional Officers' Retirement System **FROM:**

18 **1. THE EMPLOYEES' PENSION SYSTEM** on or before
19 December 31, 2014; **OR**

20 **2. THE EMPLOYEES' RETIREMENT SYSTEM ON OR**
21 **BEFORE DECEMBER 31, 2015.**

22 (b) This subtitle does not apply to:

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

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

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

28 (2) a detention center officer employed by a participating governmental
29 unit as a local detention center officer on the effective date of participation on or after July

1 1, 2006, who did not elect to become a member of the Correctional Officers' Retirement
2 System within 6 months of the effective date of participation; or

3 (3) a correctional officer serving as a security chief, a facility administrator,
4 an assistant warden, or a warden who is in that position on June 30, 2014, and does not
5 elect to transfer membership to the Correctional Officers' Retirement System **FROM:**

6 (I) **THE EMPLOYEES' PENSION SYSTEM** on or before December
7 31, 2014; **OR**

8 (II) **THE EMPLOYEES' RETIREMENT SYSTEM ON OR BEFORE**
9 **DECEMBER 31, 2015.**

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

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

12 (1) is a member of the Employees' Retirement System on June 30, 2014,
13 and employed as a correctional officer serving as a security chief, a facility administrator,
14 an assistant warden, or a warden; and

15 (2) continues employment through July 1, 2015, as a correctional officer
16 serving as a security chief, a facility administrator, an assistant warden, or a warden.

17 (b) (1) On or after July 1, 2015, but on or before December 31, 2015, an
18 individual described in subsection (a) of this section may cease membership in the
19 Employees' Retirement System and be enrolled as a member of the Correctional Officers'
20 Retirement System.

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

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

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

32 (4) (i) Service credit transferred under paragraph (2) of this subsection
33 shall be transferred in the same manner as a transfer of service credit made in accordance
34 with Title 37 of the State Personnel and Pensions Article.

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

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2015. Section 2 of this Act shall remain effective for a period of 6 months and, at the end
6 of December 31, 2015, with no further action required by the General Assembly, Section 2
7 of this Act shall be abrogated and of no further force and effect.