

# HOUSE BILL 217

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CF SB 191

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

Introduced and read first time: February 2, 2015

Assigned to: Appropriations

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Committee Report: Favorable

House action: Adopted

Read second time: February 17, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Retirement and Pension System – Credit for Unused Sick Leave –**  
3 **Clarification**

4 FOR the purpose of clarifying that a member of the State Retirement and Pension System  
5 may not receive creditable service for unused sick leave at retirement unless the  
6 leave was available to the member to be used as sick leave during employment;  
7 clarifying the definition of “unused sick leave” to specify that the leave must have  
8 been available to be used as sick leave during employment; and generally relating to  
9 the clarification of unused sick leave that may be used to provide additional  
10 creditable service at retirement for members of the State Retirement and Pension  
11 System.

12 BY repealing and reenacting, with amendments,  
13 Article – State Personnel and Pensions  
14 Section 20–206  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume and 2014 Supplement)

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

19 **Article – State Personnel and Pensions**

20 20–206.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) In this section, “unused sick leave” means sick leave credit that:

2 (1) has not been used before retirement; AND

3 (2) WAS AVAILABLE TO THE MEMBER TO BE USED AS SICK LEAVE  
4 DURING EMPLOYMENT.

5 (b) This section does not apply to:

6 (1) the Judges’ Retirement System; or

7 (2) the Legislative Pension Plan.

8 (c) Except as provided in subsection (f) of this section, a member is entitled to  
9 receive creditable service for unused sick leave if the member retires on or before 30 days  
10 after the member is separated from employment with a participating employer or a  
11 participating governmental unit that has withdrawn from one of the several systems under  
12 Title 31 of this article.

13 (d) (1) At retirement, a member is entitled to receive creditable service for  
14 unused sick leave, on verification of the unused sick leave to the Board of Trustees.

15 (2) (i) This subsection does not apply to the Local Fire and Police  
16 System or the Law Enforcement Officers’ Pension System.

17 (ii) A member who separates from employment for reasons other  
18 than retirement on or before June 30, 1990, is entitled to receive creditable service for  
19 unused sick leave that is reported by the member’s employer at the member’s separation  
20 from employment if the member was entitled to a vested allowance at the time of  
21 separation.

22 (e) (1) Subject to paragraphs (2) and (3) of this subsection, for 22 days of  
23 unused sick leave a member is entitled to receive 1 month of creditable service.

24 (2) (i) If a member has at least 11 days but less than 22 days of unused  
25 sick leave, the member is entitled to receive 1 month of creditable service.

26 (ii) If a member has at least 22 days of unused sick leave, and if  
27 fractional days totaling 11 or more result from the application of the formula described in  
28 paragraph (1) of this subsection, a member is entitled to receive 1 additional month of  
29 creditable service.

30 (3) For the purposes of this section:

31 (i) a member may not accumulate more than 15 days of sick leave  
32 per year;

1 (ii) unless sick leave credit is accepted and credited by the current  
2 participating employer, a member may not receive credit for unused sick leave granted by  
3 a former employer; and

4 (iii) in determining the amount of unused sick leave a member is  
5 eligible to use as creditable service at retirement, the Board of Trustees shall use the lesser  
6 of:

7 1. the member's number of years of creditable service, not  
8 including credit for unused sick leave, multiplied by 15; or

9 2. the member's cumulative number of **UNUSED** sick leave  
10 days reported by the participating employer.

11 (f) (1) This subsection applies to a member of the Employees' Pension System  
12 who:

13 (i) was a member of the Correctional Officers' Retirement System  
14 and was transferred from the Correctional Officers' Retirement System to the Employees'  
15 Pension System as a result of a change in position with the same employer that rendered  
16 the individual ineligible for membership in the Correctional Officers' Retirement System;  
17 and

18 (ii) did not transfer service credit from the Correctional Officers'  
19 Retirement System to the Employees' Pension System.

20 (2) Subject to paragraph (3) of this subsection, a member is entitled to  
21 receive creditable service for the total amount of unused sick leave accrued by the member  
22 at the time of retirement.

23 (3) The creditable service for unused sick leave shall be calculated for each  
24 of the two State systems by multiplying the total amount of unused sick leave, calculated  
25 in accordance with subsection (e) of this section, by a fraction:

26 (i) the numerator of which is the creditable service earned in the  
27 State system, not including the creditable service for unused sick leave; and

28 (ii) the denominator of which is the total creditable service earned in  
29 both State systems, not including the creditable service for unused sick leave.

30 (g) Credit for unused sick leave may not be used under this section:

31 (1) to determine years of eligibility service required for a benefit under this  
32 Division II; or

33 (2) to compute average final compensation.

1           (h)    A State employee who came into the State system while retaining sick leave  
 2 and annual leave benefits under a county system and who came under the provisions of  
 3 Chapter 423 of the Acts of 1971 shall be entitled to the same full credit toward retirement  
 4 as provided by this section.

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 6 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.