

# HOUSE BILL 36

K4

8lr0390

(PRE-FILED)

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By: ~~Delegate Jackson~~ **Delegates Jackson, Beitzel, and Vogt**

Requested: July 19, 2017

Introduced and read first time: January 10, 2018

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2018

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

1 AN ACT concerning

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

3 FOR the purpose of ~~altering the membership of the Correctional Officers' Retirement~~  
4 ~~System to include certain individuals serving in certain positions in the Department~~  
5 ~~of Juvenile Services; providing that certain members of the Correctional Officers'~~  
6 ~~Retirement System who meet certain criteria may receive a normal service~~  
7 ~~retirement allowance that is based on certain creditable service; including certain~~  
8 individuals employed by the Department of Juvenile Services and the Department  
9 of Public Safety and Correctional Services in the membership of the Correctional  
10 Officers' Retirement System; providing for the application of certain provisions of  
11 this Act; requiring the State Retirement Agency, on or before a certain date, to notify  
12 certain individuals affected by this Act of their rights to transfer certain service  
13 credit to the Correctional Officers' Retirement System; requiring a certain transfer  
14 and combination of certain service credit for certain individuals; requiring the Board  
15 of Trustees for the State Retirement and Pension System to calculate a certain  
16 disability benefit for certain individuals and to grant a certain benefit under certain  
17 circumstances; and generally relating to membership in the Correctional Officers'  
18 Retirement System.

19 BY repealing and reenacting, with amendments,  
20 Article – State Personnel and Pensions  
21 Section 25–201 and 25–401  
22 Annotated Code of Maryland  
23 (2015 Replacement Volume and 2017 Supplement)

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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 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 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 only  
6 to:

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

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

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

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

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

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

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

19 (ii) is serving in that position on June 30, 2014, and elects to transfer  
20 to the Correctional Officers’ Retirement System from:

21 1. the Employees’ Pension System on or before December 31,  
22 2014; or

23 2. the Employees’ Retirement System on or before December  
24 31, 2015;

25 (7) an individual serving as a correctional case management specialist,  
26 supervisor, or manager on or after July 1, 2016; **[and]**

27 (8) an individual serving as a parole and probation agent, supervisor, or  
28 regional administrator on or after July 1, 2017; **[and]**

29 (9) an individual serving as a Department of Public Safety and  
30 Correctional Services employee in one of the following positions on or after July 1, 2017:

- 1 (i) an alcohol and drug:
  - 2 1. associate counselor, counselor lead, counselor provisional,
  - 3 or counselor supervisor;
  - 4 2. professional counselor, counselor provisional, or counselor
  - 5 supervisor; or
  - 6 3. supervised counselor or counselor provisional;
- 7 (ii) a mental health professional counselor, graduate professional
- 8 counselor, professional counselor advanced, or professional supervisor;
- 9 (iii) a psychologist, psychology associate, or psychology associate
- 10 doctorate;
- 11 (iv) a social worker, social worker advanced, social worker
- 12 supervisor, or social work regional supervisor; or
- 13 (v) a recreation officer or supervisor; ~~AND~~

**(10) AN INDIVIDUAL SERVING AS A DEPARTMENT OF JUVENILE SERVICES EMPLOYEE IN ONE OF THE FOLLOWING POSITIONS ON OR AFTER JULY 1, 2018:**

- 17 ~~(I) AN ALCOHOL AND DRUG:~~
- 18 ~~1. ASSOCIATE COUNSELOR, COUNSELOR PROVISIONAL,~~
- 19 ~~OR COUNSELOR LEAD;~~
- 20 ~~2. PROFESSIONAL COUNSELOR ADVANCED, COUNSELOR~~
- 21 ~~PROVISIONAL, OR COUNSELOR SUPERVISOR; OR~~
- 22 ~~3. SUPERVISED COUNSELOR;~~
- 23 ~~(II) A CASE MANAGEMENT SPECIALIST, SPECIALIST~~
- 24 ~~SUPERVISOR, OR PROGRAM SUPERVISOR;~~
- 25 ~~(III) A COORDINATOR OF RECREATION;~~
- 26 ~~(IV) A DETENTION OFFICER OR SUPERVISOR;~~
- 27 ~~(V) A PROGRAM ADMINISTRATOR;~~

1 ~~(VI) A PSYCHOLOGIST, PSYCHOLOGY ASSOCIATE, OR~~  
2 ~~PSYCHOLOGY SERVICE CHIEF;~~

3 ~~(VII) A RESIDENT ADVISOR, ADVISOR LEAD, ADVISOR~~  
4 ~~SUPERVISOR, OR ADVISOR TRAINEE;~~

5 ~~(VIII) A RESIDENT YOUTH CENTER COOK OR COOK LEAD;~~

6 ~~(IX) A RESIDENTIAL GROUP LIFE MANAGER;~~

7 ~~(X) A SOCIAL WORKER, SOCIAL WORKER ADVANCED, OR SOCIAL~~  
8 ~~WORK REGIONAL SUPERVISOR;~~

9 ~~(XI) A YOUTH RECREATION SPECIALIST; OR~~

10 ~~(XII) A YOUTH TRANSPORTATION OFFICER, OFFICER LEAD,~~  
11 ~~OFFICER SUPERVISOR, OR OFFICER TRAINEE.~~

12 (I) A COMMUNITY DETENTION OFFICER OR COMMUNITY  
13 DETENTION SUPERVISOR;

14 (II) A YOUTH TRANSPORTATION OFFICER, YOUTH  
15 TRANSPORTATION OFFICER LEAD, YOUTH TRANSPORTATION OFFICER SUPERVISOR,  
16 OR YOUTH TRANSPORTATION OFFICER TRAINEE;

17 (III) A RESIDENT ADVISOR, RESIDENT ADVISOR LEAD, RESIDENT  
18 ADVISOR SUPERVISOR, OR RESIDENT ADVISOR TRAINEE; OR

19 (IV) A YOUTH RECREATION SPECIALIST; AND

20 (11) AN INDIVIDUAL SERVING AS A DEPARTMENT OF PUBLIC SAFETY  
21 AND CORRECTIONAL SERVICES EMPLOYEE IN ONE OF THE FOLLOWING POSITIONS  
22 ON OR AFTER JULY 1, 2018:

23 (I) A PAROLE AND PROBATION ASSISTANT REGIONAL  
24 ADMINISTRATOR;

25 (II) A PSYCHOLOGY SERVICES CHIEF;

26 (III) A CORRECTIONAL MAINTENANCE OFFICER SUPERVISOR;

27 (IV) A CORRECTIONAL MAINTENANCE OFFICER MANAGER;

28 (V) A CORRECTIONAL MAINTENANCE SERVICES OFFICER;

**(VI) A CORRECTIONAL MAINTENANCE SERVICES SUPERVISOR;****OR****(VII) A CORRECTIONAL MAINTENANCE SERVICES MANAGER.**

(b) This subtitle does not apply to:

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

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

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

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

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

(i) the Employees' Pension System on or before December 31, 2014;

or

(ii) the Employees' Retirement System on or before December 31, 2015.

25-401.

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

(1) on or before the date of retirement, the member:

(i) has at least 20 years of eligibility service;

(ii) 1. is a correctional case management specialist, supervisor, or manager on or before June 30, 2016;

2. is vested in the Correctional Officers' Retirement System;

and

3. has a combined total of at least 20 years of eligibility service from:

1                   A.    the Correctional Officers' Retirement System and the  
2 Employees' Retirement System; or

3                   B.    the Correctional Officers' Retirement System and the  
4 Employees' Pension System;

5                   (iii) 1.    is serving in a position specified in:

6                    A.    § 25-201(a)(8) or (9) of this title on or before June 30, 2017;

7 OR

8                    B.    § 25-201(A)(10) OR (11) OF THIS TITLE ON OR BEFORE  
9 JUNE 30, 2018;

10                   2.    is vested in the Correctional Officers' Retirement System;  
11 and

12                   3.    has a combined total of at least 20 years of eligibility  
13 service from:

14                   A.    the Correctional Officers' Retirement System and the  
15 Employees' Retirement System; or

16                   B.    the Correctional Officers' Retirement System and the  
17 Employees' Pension System; ~~for~~

18                   ~~(iv) 1.    IS SERVING IN A POSITION SPECIFIED IN §~~  
19 ~~25-201(A)(10) OF THIS TITLE ON OR BEFORE JUNE 30, 2018;~~

20                   ~~2.    IS VESTED IN THE CORRECTIONAL OFFICERS'~~  
21 ~~RETIREMENT SYSTEM; AND~~

22                   ~~3.    HAS A COMBINED TOTAL OF AT LEAST 20 YEARS OF~~  
23 ~~ELIGIBILITY SERVICE FROM:~~

24                   ~~A.    THE CORRECTIONAL OFFICERS' RETIREMENT~~  
25 ~~SYSTEM AND THE EMPLOYEES' RETIREMENT SYSTEM; OR~~

26                   ~~B.    THE CORRECTIONAL OFFICERS' RETIREMENT~~  
27 ~~SYSTEM AND THE EMPLOYEES' PENSION SYSTEM; OR~~

28                   ~~{(iv)}~~ (v)    is at least 55 years old and has:

29                   1.    at least 5 years of eligibility service credit, if the member  
30 is a member on or before June 30, 2011; or



1 (i) affected by this Act on July 1, 2018;

2 (ii) affected by Chapters 218 or 219 of the Acts of the General  
 3 Assembly of 2016 and has not transferred service credit from the Employees' Pension  
 4 System to the Correctional Officers' Retirement System; or

5 (iii) affected by Chapters 688, 689, or 690 of the Acts of the General  
 6 Assembly of 2017 and has not transferred service credit from the Employees' Pension  
 7 System to the Correctional Officers' Retirement System; and

8 (2) has no creditable service in the Employees' Pension System before July  
 9 1, 2008.

10 (b) An individual described under subsection (a) of this section shall have the  
 11 individual's service credit from the Employees' Pension System transferred and combined  
 12 with the individual's service in the Correctional Officers' Retirement System.

13 (c) If an individual described under subsection (a) of this section is granted an  
 14 ordinary disability benefit under Title 29, Subtitle 1 of the State Personnel and Pensions  
 15 Article, the Board of Trustees for the State Retirement and Pension System shall calculate  
 16 the ordinary disability benefit under §§ 29-106 and 29-108 of the State Personnel and  
 17 Pensions Article and grant the individual the greater benefit.

18 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 19 July 1, 2018.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.