

Chapter 580

(House Bill 36)

AN ACT concerning

Correctional Officers' Retirement System – Membership

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

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

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

Article – State Personnel and Pensions

25–201.

- (a) Except as provided in subsection (b) of this section, this subtitle applies only to:
- (1) correctional officers serving in any of the first six job classifications;
 - (2) security attendants at Clifton T. Perkins Hospital Center;

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

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

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

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

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

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

1. the Employees' Pension System on or before December 31, 2014; or

2. the Employees' Retirement System on or before December 31, 2015;

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

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

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

(i) an alcohol and drug:

1. associate counselor, counselor lead, counselor provisional, or counselor supervisor;

2. professional counselor, counselor provisional, or counselor supervisor; or

3. supervised counselor or counselor provisional;

(ii) a mental health professional counselor, graduate professional counselor, professional counselor advanced, or professional supervisor;

(iii) a psychologist, psychology associate, or psychology associate doctorate;

(iv) a social worker, social worker advanced, social worker supervisor, or social work regional supervisor; or

(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:

~~(I) AN ALCOHOL AND DRUG;~~

~~1. ASSOCIATE COUNSELOR, COUNSELOR PROVISIONAL, OR COUNSELOR LEAD;~~

~~2. PROFESSIONAL COUNSELOR ADVANCED, COUNSELOR PROVISIONAL, OR COUNSELOR SUPERVISOR; OR~~

~~3. SUPERVISED COUNSELOR;~~

~~(II) A CASE MANAGEMENT SPECIALIST, SPECIALIST SUPERVISOR, OR PROGRAM SUPERVISOR;~~

~~(III) A COORDINATOR OF RECREATION;~~

~~(IV) A DETENTION OFFICER OR SUPERVISOR;~~

~~(V) A PROGRAM ADMINISTRATOR;~~

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

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

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

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

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

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

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

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

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

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

(IV) A YOUTH RECREATION SPECIALIST; AND

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

(I) A PAROLE AND PROBATION ASSISTANT REGIONAL ADMINISTRATOR;

(II) A PSYCHOLOGY SERVICES CHIEF;

(III) A CORRECTIONAL MAINTENANCE OFFICER SUPERVISOR;

(IV) A CORRECTIONAL MAINTENANCE OFFICER MANAGER;

(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:

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

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

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

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

OR

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

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

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

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

B. the Correctional Officers' Retirement System and the Employees' Pension System; ~~or~~

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

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

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

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

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

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

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

2. at least 10 years of eligibility service credit, if the member becomes a member on or after July 1, 2011; and

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

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

(c) (1) This subsection applies only to:

(i) a correctional case management specialist, supervisor, or manager who has a combined total of 20 years of eligibility service as provided in subsection (a)(1)(ii) of this section; ~~for~~

(ii) a member serving in a position specified in § 25-201(a)(8) ~~or~~, **(10), OR (11)** of this title who has a combined total of 20 years of eligibility service as provided in subsection (a)(1)(iii) of this section; ~~OR~~

~~(iii) A MEMBER SERVING IN A POSITION SPECIFIED IN § 25-201(A)(10) OF THIS TITLE WHO HAS A COMBINED TOTAL OF 20 YEARS OF ELIGIBILITY SERVICE AS PROVIDED IN SUBSECTION (A)(1)(IV) OF THIS SECTION.~~

(2) A member is entitled to receive a normal service retirement allowance that equals an allowance based on the creditable service the member has in the Correctional Officers' Retirement System.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before ~~October 1, 2018~~ January 1, 2019, the State Retirement Agency shall notify the individuals who are affected by this Act of their right to transfer service credit from the Employees' Retirement System or the Employees' Pension System to the Correctional Officers' Retirement System.

SECTION 3. AND BE IT FURTHER ENACTED, That § 37-203(f)(3) of the State Personnel and Pensions Article does not apply to an individual who transfers service credit to the Correctional Officers' Retirement System under Title 37 of the State Personnel and Pensions Article in accordance with this Act, Chapters 218 or 219 of the Acts of the General Assembly of 2016, or Chapters 688, 689, or 690 of the Acts of the General Assembly of 2017.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) This section applies to an individual who:

(1) is employed in a position:

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

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

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

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

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

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

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 15, 2018.