

Chapter 205

(House Bill 265)

AN ACT concerning

Alternate Contributory Pension Selection – Return to Employment

FOR the purpose of allowing an individual to resume participation in the Alternate Contributory Pension Selection in the Employees' Pension System or Teachers' Pension System if the individual has been separated from employment and has accrued a certain amount of eligibility service; clarifying a period of time after which an individual may resume participation in the Alternate Contributory Pension Selection if the individual has been separated from employment for military service; providing for the application of this Act; requiring certain service credit earned in the Reformed Contributory Pension Benefit to be credited to the Alternate Contributory Pension Selection; and generally relating to participation in the Alternate Contributory Pension Selection in the Employees' Pension System and Teachers' Pension System.

BY repealing and reenacting, with amendments,
 Article – State Personnel and Pensions
 Section 23–215.1(a)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
 Article – State Personnel and Pensions
 Section 23–215.1(b)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 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

23–215.1.

(a) This section applies to a member who:

(1) on or before June 30, 2011, is subject to the Alternate Contributory Pension Selection;

(2) (i) is separated from employment for 4 years or less;

(ii) 1. is separated from employment [for more than 4 years] for

military service that meets the requirements of the federal Uniformed Services Employment and Reemployment Rights Act; and

2. resumes employment within 1 year of leaving military service in a position that is included in the Employees' Pension System or Teachers' Pension System; or

(iii) [1. is separated from employment for more than 4 years; and

2. on or before June 30, 2011, accrues] **IS SEPARATED FROM EMPLOYMENT WITH** the minimum eligibility service needed to be eligible for a vested allowance in the Alternate Contributory Pension Selection under Title 29, Subtitle 3 of this article;

(3) does not withdraw the member's accumulated contributions; and

(4) does not become a retiree.

(b) A member described in subsection (a) of this section who resumes employment in a position that is included in the Employees' Pension System or Teachers' Pension System, shall resume participation in the Alternate Contributory Pension Selection if the employer participates in the Alternate Contributory Pension Selection.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This Act shall be construed to apply retroactively and shall be applied to and interpreted to affect an individual who meets the requirements of this Act and who resumed employment in a position included in the Employees' Pension System or Teachers' Pension System on or after July 1, 2011.

(b) Any service credit earned under the Reformed Contributory Pension Benefit by an individual who meets the requirements of this Act shall be credited to the member or former member in the Alternate Contributory Pension Selection if the member or former member has not withdrawn the member's accumulated contributions.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.