
By: Senator Green

Requested: October 13, 1995

Introduced and read first time: January 10, 1996

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Employees' Retirement System - Reemployment of Certain Retirees**

3 FOR the purpose of providing that certain retirees of the Employees' Retirement System
4 who become reemployed as State employees have their retirement allowance
5 terminated and membership in the Employees' Retirement System restored;
6 providing for the applicability of this Act; and generally relating to reemployment of
7 certain retirees of the Employees' Retirement System.

8 BY repealing and reenacting, with amendments,
9 Article - State Personnel and Pensions
10 Section 22-404
11 Annotated Code of Maryland
12 (1994 Volume and 1995 Supplement)

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

15 **Article - State Personnel and Pensions**

16 22-404.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) "Appointed official" means an individual appointed to a public office of
19 the State who meets the legal criteria for an appointed official as determined by the
20 Attorney General.

21 (3) "Unclassified service of the State" means the unclassified service in the
22 State Personnel Management System or a comparable position in an independent
23 personnel system of a participating employer.

24 (b) The Board of Trustees shall pay a member of the Employees' Retirement
25 System who qualifies under subsection (c) of this section a pension equal to an ordinary
26 disability pension, regardless of age, if the member:

27 (1) has at least 16 years of creditable service; and

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1 (2) elects to have the member's accumulated contributions paid as an
2 annuity of equivalent actuarial value instead of withdrawing the accumulated
3 contributions.

4 (c) A member qualifies for a pension under subsection (b) of this section if the
5 member:

6 (1) (i) is an elected or appointed official of the State at the time of
7 application for retirement; and

8 (ii) was initially an elected or appointed official of the State before
9 July 22, 1981;

10 (2) (i) is an elected or appointed official of the State when separating
11 from employment;

12 (ii) was initially an elected or appointed official of the State during the
13 period from July 22, 1981, through June 30, 1982, both inclusive; and

14 (iii) separated from employment involuntarily as certified by the
15 Secretary of Personnel; or

16 (3) (i) was promoted to a position in the unclassified service of the State
17 on or before June 30, 1982;

18 (ii) has been in the unclassified service of the State continuously from
19 June 30, 1982, until separating from employment; and

20 (iii) separated from employment involuntarily as certified by the
21 Secretary of Personnel.

22 (d) (1) This subsection applies to a retiree who:

23 (i) retires as an elected or appointed official under this section; and

24 (ii) is appointed or elected to an office for which the State pays
25 compensation OR BECOMES EMPLOYED AS A STATE EMPLOYEE.

26 (2) On the appointment or election of a retiree described in paragraph (1)
27 of this subsection:

28 (i) the retiree's retirement allowance shall stop;

29 (ii) the retiree may rejoin the Employees' Retirement System;

30 (iii) the retiree shall make member contributions at the same rate the
31 retiree paid before retirement; and

32 (iv) the Board of Trustees shall restore any creditable service or
33 eligibility service to the retiree's credit at the time of retirement.

34 (3) Subject to paragraph (4) of this subsection, on subsequent retirement of
35 a retiree described in paragraph (1) of this subsection, the Board of Trustees shall credit
36 the retiree with all of the retiree's creditable service and eligibility service as a member.

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1 (4) The pension, on subsequent retirement, may not exceed the sum of:

2 (i) the pension the retiree was receiving during the previous
3 retirement; and

4 (ii) the pension that has accrued on account of employment as a
5 member after the previous retirement.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
7 retroactively and shall be applied to and interpreted to affect the reemployment, on or
8 after October 1, 1994, of retirees of the Employees' Retirement System who have retired
9 under § 22-404 of the State Personnel and Pensions Article.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 1996.