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**By: Senator McFadden**

Introduced and read first time: February 2, 1996  
Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Pensions - Baltimore City Deputy Sheriffs**

3 FOR the purpose of establishing a pension system for Baltimore City Deputy Sheriffs;  
4 providing for membership in the system; providing for service retirement, disability  
5 retirement, optional benefits, and death and surviving spouse or children's benefits;  
6 providing for certain adjustments to benefits on payment of certain workers'  
7 compensation benefits; allowing the vesting of pension benefits; providing for  
8 cost-of-living adjustments; providing for member contributions; assigning  
9 responsibility for the administration of the system; providing for the effective date;  
10 making technical changes; and generally relating to pensions for Baltimore City  
11 Deputy Sheriffs.

12 BY renumbering

13 Article - State Personnel and Pensions  
14 Section 20-101(h) through (tt), respectively  
15 to be Section 20-101(i) through (uu), respectively  
16 Annotated Code of Maryland  
17 (1994 Volume and 1995 Supplement)

18 BY adding to

19 Article - State Personnel and Pensions  
20 Section 20-101(h); 32-101 through 32-403 to be under the new title "Title 32.  
21 Baltimore City Deputy Sheriffs' System"  
22 Annotated Code of Maryland  
23 (1994 Volume and 1995 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article - State Personnel and Pensions  
26 Section 20-205, 21-102, 21-123(e)(2), 21-401(a), 29-104(c), 29-108, 29-110(c),  
27 29-117(c), 29-203, 29-303, 29-404(a), 29-410(a), 29-416(a), and 29-503  
28 Annotated Code of Maryland  
29 (1994 Volume and 1995 Supplement)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

31 MARYLAND, That Section(s) 20-101(h) through (tt), respectively, of Article - State

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1 Personnel and Pensions of the Annotated Code of Maryland be renumbered to be  
2 Section(s) 20-101(i) through (uu), respectively.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
4 read as follows:

5 **Article - State Personnel and Pensions**

6 20-101.

7 (H) "BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM" MEANS THE BALTIMORE  
8 CITY DEPUTY SHERIFFS' PENSION SYSTEM OF THE STATE OF MARYLAND.

9 20-205.

10 (a) This section applies only to:

11 (1) THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM;

12 (2) the Employees' Pension System;

13 [(2)] (3) the Local Fire and Police System;

14 [(3)] (4) the Natural Resources Pension System; and

15 [(4)] (5) the Teachers' Pension System.

16 (b) For the purpose of computing benefits under this Division II, the average final  
17 compensation of a member equals the average annual earnable compensation of the  
18 member, adjusted as provided in this section, during the 3 consecutive years that provide  
19 the highest average earnable compensation.

20 (c) (1) This subsection applies to a member who was on authorized leave of  
21 absence at partial pay or without pay during the last 3 years of employment as a member.

22 (2) If the period used to determine average final compensation is the period  
23 that immediately precedes the date of retirement or other separation from employment,  
24 the Board of Trustees:

25 (i) may not include in the computation of average final compensation  
26 the period of months of the leave of absence, not exceeding 12, that otherwise would be  
27 included in the computation; and

28 (ii) shall substitute an equal number of months immediately preceding  
29 that period.

30 (d) (1) This subsection applies to a member whose eligibility service has been  
31 adjusted under this Division II to compute creditable service, on the basis of the member  
32 having completed less than the normal hours of service for the member's position.

33 (2) A member's earnable compensation shall be adjusted to a full-time basis  
34 for any period included in the computation of average final compensation.

35 (e) Except for a salary increase because of a member's promotion, the member's  
36 average final compensation does not include a salary increase in the last 3 years of

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1 employment if it is an extraordinary salary increase according to regulations that the  
2 Board of Trustees adopts.

3 21-102.

4 The State Retirement and Pension System consists of:

5 (1) THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM, ESTABLISHED ON  
6 JULY 1, 1996;

7 (2) the Correctional Officers' Retirement System, established on July 1,  
8 1974;

9 [(2)] (3) the Employees' Pension System, established on January 1, 1980;

10 [(3)] (4) the Employees' Retirement System, established on October 1,  
11 1941;

12 [(4)] (5) the Judges' Retirement System, which consists of:

13 (i) the contributory plan, established on July 1, 1969; and

14 (ii) the noncontributory plan, established on April 7, 1904;

15 [(5)] (6) the Legislative Pension Plan;

16 [(6)] (7) the Local Fire and Police System, established on July 1, 1989;

17 [(7)] (8) the Natural Resources Pension System, established on July 2, 1990;

18 [(8)] (9) the State Police Retirement System, established on July 1, 1949;

19 [(9)] (10) the Teachers' Pension System, established on January 1, 1980;

20 [(10)] (11) the Teachers' Retirement System, established on August 1, 1927;  
21 and

22 [(11)] (12) any other system or subsystem that the Board of Trustees  
23 administers.

24 21-123.

25 (e) (2) The Board of Trustees shall keep records required by paragraph (1) of  
26 this subsection for each of the following:

27 (i) THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM;

28 (II) the group that consists of the Correctional Officers' Retirement  
29 System, the Employees' Pension System, the Employees' Retirement System, and the  
30 Legislative Pension Plan;

31 [(ii)] (III) the Judges' Retirement System;

32 [(iii)] (IV) the Local Fire and Police System;

33 [(iv)] (V) the Natural Resources Pension System;

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1 [(v)] (VI) the State Police Retirement System; and

2 [(vi)] (VII) the group that consists of the Teachers' Pension System and  
3 the Teachers' Retirement System.

4 21-401.

5 (a) (1) Subject to paragraph (2) of this subsection, instead of the basic  
6 allowance provided under the State system of a member, the member may elect a reduced  
7 allowance to be paid as one of the options under §21-403 of this subtitle.

8 (2) Paragraph (1) of this subsection applies to a member of:

9 (i) THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM, the Natural  
10 Resources Pension System, or State Police Retirement System only if, at retirement, the  
11 member does not have a spouse; and

12 (ii) the Judges' Retirement System only if, at retirement, the member  
13 does not have a spouse or child under the age of 18 years.

14 29-104.

15 (c) (1) This subsection applies only to an application for disability retirement  
16 from a former member of:

17 (i) THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM;

18 (II) the Correctional Officers' Retirement System;

19 [(ii)] (III) the Employees' Pension System;

20 [(iii)] (IV) the Employees' Retirement System;

21 [(iv)] (V) the Local Fire and Police System;

22 [(v)] (VI) the Natural Resources Pension System; and

23 [(vi)] (VII) the Teachers' Pension System.

24 (2) The Board of Trustees may accept an application for ordinary or  
25 accidental disability retirement from a former member within 36 months after the month  
26 membership ended if the former member proves to the satisfaction of the medical board  
27 that failure to submit an application while a member was attributable solely to physical or  
28 mental incapacity during the filing period.

29 (3) If the Board of Trustees accepts a disability retirement application  
30 under this subsection and grants a disability retirement allowance, the retirement  
31 allowance begins as of the first day of the month after the Board of Trustees receives the  
32 application.

33 29-108.

34 (a) This section applies only to members of:

35 (1) THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM;

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- 1 (2) the Employees' Pension System;
- 2 [(2)] (3) the Local Fire and Police System;
- 3 [(3)] (4) the Natural Resources Pension System; and
- 4 [(4)] (5) the Teachers' Pension System.

5 (b) Except as provided in subsections (c) and (d) of this section, an ordinary  
6 disability retirement allowance equals:

7 (1) if the member is at least normal retirement age, a normal service  
8 retirement allowance; or

9 (2) if the member is under normal retirement age, a normal service  
10 retirement allowance that is computed by using:

11 (i) the number of years of creditable service the member would have  
12 received if the member continued employment until normal retirement age; and

13 (ii) an average final compensation the member would have received if  
14 the member continued employment without a change in earnable compensation.

15 (c) A member of the Employees' Pension System or the Teachers' Pension System  
16 who has transferred from the Employees' Retirement System or the Teachers'  
17 Retirement System shall receive the benefits provided under the State system from which  
18 the member transferred, offset by any refunded contributions including any interest  
19 received in connection with the transfer, if:

20 (1) the member applies for the retirement allowance within 2 years after the  
21 transfer; and

22 (2) the Board of Trustees grants a disability retirement allowance to the  
23 member.

24 (d) (1) This subsection applies only to:

25 (i) a member of the Local Fire and Police Pension System who has  
26 transferred from the Employees' Retirement System; [or]

27 (ii) a member of the Natural Resources Pension System who has  
28 transferred from the Employees' Retirement System after electing to receive benefits in  
29 accordance with Selection A (Additional member contributions) as defined in §  
30 22-101(b) of this article or Selection B (Limited cost-of-living adjustment) as defined in  
31 § 22-101(c) of this article; OR

32 (III) A MEMBER OF THE BALTIMORE CITY DEPUTY SHERIFFS'  
33 SYSTEM WHO HAS TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM  
34 AFTER ELECTING TO RECEIVE BENEFITS IN ACCORDANCE WITH SELECTION A  
35 (ADDITIONAL MEMBER CONTRIBUTIONS) AS DEFINED IN § 22-101(B) OF THIS  
36 ARTICLE OR SELECTION B (LIMITED COST-OF-LIVING ADJUSTMENT) AS DEFINED IN  
37 § 22-101(C) OF THIS ARTICLE.

38 (2) An ordinary disability retirement allowance equals the greater of:

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- 1 (i) a normal service retirement allowance; or
- 2 (ii) 25% of the member's average final compensation.

3 29-110.

4 (c) (1) This subsection applies to a member of a State system other than THE  
5 BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM OR the Natural Resources Pension  
6 System who is at least normal retirement age.

7 (2) An accidental disability retirement allowance equals the greater of:

- 8 (i) a normal service retirement allowance; or
- 9 (ii) an accidental disability retirement allowance computed in  
10 accordance with subsection (b) of this section.

11 29-117.

12 (c) (1) This subsection applies only to a retiree of:

- 13 (i) THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM;
- 14 (II) the Correctional Officers' Retirement System;
- 15 [(ii)] (III) the Employees' Pension System;
- 16 [(iii)] (IV) the Employees' Retirement System;
- 17 [(iv)] (V) the Local Fire and Police System;
- 18 [(v)] (VI) the Natural Resources Pension System; and
- 19 [(vi)] (VII) the Teachers' Pension System.

20 (2) The pension of a retiree who is restored to membership after age 50 may  
21 not exceed the sum of:

- 22 (i) the pension received immediately before the retiree's last  
23 restoration to membership; and
- 24 (ii) the pension that accrued after the retiree's last restoration to  
25 membership.

26 29-203.

27 (a) This section applies only to an individual who dies while employed as a  
28 member of THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM OR the Natural  
29 Resources Pension System:

- 30 (1) without willful negligence by the member; and
- 31 (2) (i) with more than 2 years of eligibility service; or
- 32 (ii) with death arising out of or in the course of the actual performance  
33 of duty.

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1 (b) When the Board of Trustees receives proof of death of a member and finds  
2 that the death has occurred in the manner described in subsection (a) of this section, the  
3 Board of Trustees shall pay:

4 (1) if the member is survived by a spouse or child under the age of 18 years,  
5 an allowance of 50% of the ordinary disability retirement allowance provided for in §  
6 29-108 of this subtitle:

7 (i) to the surviving spouse; or

8 (ii) if there is no surviving spouse or if the surviving spouse dies before  
9 the youngest child of the member is 18 years old, to any children of the deceased member  
10 who are under the age of 18 years; or

11 (2) if the member is not survived by a spouse or child under the age of 18  
12 years, the death benefit under § 29-202 of this subtitle.

13 (c) If the Board of Trustees pays an allowance under this section to more than  
14 one child, the Board of Trustees shall divide the allowance among the children under the  
15 age of 18 years in a manner that provides for payments to continue until each child dies  
16 or becomes 18 years old.

17 29-303.

18 (a) This section applies only to members of:

19 (1) THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM;

20 (2) the Employees' Pension System;

21 [(2)] (3) the Local Fire and Police System;

22 [(3)] (4) the Natural Resources Pension System; or

23 [(4)] (5) the Teachers' Pension System.

24 (b) A member is eligible to receive a vested allowance if:

25 (1) the member separated from employment other than by death or  
26 retirement; and

27 (2) the member has at least 5 years of eligibility service.

28 (c) Except as provided in subsection (e) of this section, a vested allowance:

29 (1) is a deferred allowance that begins at normal retirement age;

30 (2) is computed as a normal service retirement allowance on the basis of the  
31 member's average final compensation and eligibility service at separation from  
32 employment; and

33 (3) may be paid in one of the optional forms of allowances under § 21-403  
34 of this article.

35 (d) If a member of the Employees' Pension System or the Teachers' Pension  
36 System separated from employment on or before June 30, 1990, unused sick leave

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1 reported by the member's employer at the time of separation from employment is  
2 creditable service for computing the vested allowance.

3 (e) A former member of the Employees' Pension System or the Teachers' Pension  
4 System who has separated from employment before the age of 55 with at least 15 years of  
5 eligibility service is eligible to receive a vested allowance that:

6 (1) begins on the first day of the month following the member's 55th  
7 birthday; and

8 (2) equals the reduced allowance computed under § 23-402 of this article.

9 (f) (1) If a former member who elected a vested allowance requests the return  
10 of accumulated contributions before payment of the vested allowance begins, the Board  
11 of Trustees shall return the accumulated contributions to the former member.

12 (2) When the former member is eligible to begin receiving a vested  
13 allowance, the former member shall receive a pension only.

14 29-404.

15 (a) Except as provided in subsection (b) of this section, this Part II of this subtitle  
16 applies only to an allowance received by a former member, retiree, or surviving  
17 beneficiary of a deceased member, former member, or retiree of:

18 (1) THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM;

19 (2) the Employees' Pension System;

20 [(2)] (3) the Local Fire and Police System;

21 [(3)] (4) the Natural Resources Pension System; or

22 [(4)] (5) the Teachers' Pension System.

23 29-410.

24 (a) This Part III applies only to an allowance received by:

25 (1) a former member, retiree, or surviving spouse of a member:

26 (i) of the Correctional Officers' Retirement System;

27 (ii) of the Employees' Retirement System or the Teachers' Retirement  
28 System who elected Selection A (Additional member contributions);

29 (iii) of the State Police Retirement System;

30 (iv) who transferred to the Local Fire and Police System from the  
31 Employees' Retirement System; [or]

32 (v) who transferred to the Natural Resources Pension System from the  
33 Employees' Retirement System and had elected Selection A (Additional member  
34 contributions); OR



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1 (VI) WHO TRANSFERRED TO THE BALTIMORE CITY DEPUTY  
2 SHERIFFS' SYSTEM FROM THE EMPLOYEES' RETIREMENT SYSTEM AND HAD  
3 ELECTED SELECTION A (ADDITIONAL MEMBER CONTRIBUTIONS); or

4 (2) a surviving beneficiary of a deceased former member or retiree  
5 described in item (1) of this subsection.

6 29-416.

7 (a) This Part IV applies only to an allowance received by:

8 (1) a former member, retiree, or surviving spouse of a member:

9 (i) of the Employees' Retirement System or the Teachers' Retirement  
10 System who elected Selection B (Limited cost-of-living adjustment); [or]

11 (ii) a former member or retiree who transferred to the Natural  
12 Resources Pension System from the Employees' Retirement System after having elected  
13 Selection B (Limited cost-of-living adjustment); or

14 (III) A FORMER MEMBER OR RETIREE WHO TRANSFERRED TO THE  
15 BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM FROM THE EMPLOYEES' RETIREMENT  
16 SYSTEM AFTER HAVING ELECTED SELECTION B (LIMITED COST-OF-LIVING  
17 ADJUSTMENT); OR

18 (2) a surviving beneficiary of a deceased former member or retiree  
19 described in item (1) of this subsection.

20 29-503.

21 (a) Subject to subsection (c) of this section and to the approval of the Board of  
22 Trustees, a member may deposit additional contributions in the annuity savings fund of  
23 the appropriate State system by making a single payment or by making a contribution at  
24 a rate higher than required under this Division II.

25 (b) (1) Additional contributions made under this section may not exceed an  
26 amount that would allow the member to purchase an additional annuity that, when added  
27 to the member's prospective basic allowance, will provide for the member a total  
28 allowance in excess of the amounts provided in this subsection.

29 (2) (i) This paragraph applies only to members of:

30 1. THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM, WHO  
31 TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM;

32 2. the Correctional Officers' Retirement System;

33 [2.] 3. the Employees' Retirement System;

34 [3.] 4. the Local Fire and Police System, who transferred from  
35 the Employees' Retirement System;

36 [4.] 5. the Natural Resources Pension System, who  
37 transferred from the Employees' Retirement System; and

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1 [5.] 6. the Teachers' Retirement System.

2 (ii) The total allowance described in paragraph (1) of this subsection  
3 may not exceed two-thirds of the member's estimated average final compensation at the  
4 earlier of:

5 1. the age of 60 years; or

6 2. 30 years of creditable service.

7 (3) (i) This paragraph applies only to members of:

8 1. THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM, WHO  
9 HAVE NOT TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM;

10 2. the Employees' Pension System;

11 [2.] 3. the Local Fire and Police System, who have not  
12 transferred from the Employees' Retirement System;

13 [3.] 4. the Natural Resources Pension System, who have not  
14 transferred from the Employees' Retirement System; and

15 [4.] 5. the Teachers' Pension System.

16 (ii) The total allowance described in paragraph (1) of this subsection  
17 may not exceed two-thirds of the member's estimated average final compensation at the  
18 age of 62 years.

19 (4) (i) This paragraph applies only to members of the State Police  
20 Retirement System.

21 (ii) The total allowance described in paragraph (1) of this subsection  
22 may not exceed one-half of the member's estimated average final compensation at the  
23 age of 50 years.

24 (c) The additional contributions made under this section shall become a part of  
25 the member's accumulated contributions until the member's retirement.

26 (d) A member may:

27 (1) at retirement or after other separation from employment, withdraw in  
28 cash the member's additional contributions plus regular interest; or

29 (2) at retirement, receive an additional annuity that is the actuarial  
30 equivalent of the member's additional contributions plus regular interest.

31 TITLE 32. BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM.  
32 SUBTITLE 1. GENERAL PROVISIONS.

33 32-101.

34 THIS TITLE APPLIES TO THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM.

11

1 32-102.

2 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE OPERATION OF THE  
3 BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM SHALL BE THE SAME AS THE  
4 OPERATION OF THE EMPLOYEES' PENSION SYSTEM.

5 SUBTITLE 2. MEMBERSHIP.

6 32-201.

7 THIS SUBTITLE APPLIES ONLY TO DEPUTY SHERIFFS WHO ARE EMPLOYEES OF  
8 THE BALTIMORE CITY SHERIFF'S DEPARTMENT.

9 32-202.

10 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN  
11 INDIVIDUAL DESCRIBED IN § 32-201 OF THIS SUBTITLE IS A MEMBER OF THE  
12 BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM AS A CONDITION OF EMPLOYMENT.

13 (B) MEMBERSHIP IN THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM IS  
14 OPTIONAL FOR AN INDIVIDUAL DESCRIBED IN § 32-201 OF THIS SUBTITLE WHO IS  
15 EMPLOYED BY THE BALTIMORE CITY SHERIFF'S DEPARTMENT ON JULY 1, 1997.

16 32-203.

17 MEMBERSHIP CONTINUES FOR A MEMBER WHO IS:

18 (1) ON LEAVE OF ABSENCE APPROVED BY THE BOARD OF TRUSTEES;  
19 OR

20 (2) IN MILITARY SERVICE WITHIN THE PERIODS SPECIFIED IN TITLE 38  
21 OF THIS ARTICLE.

22 32-204.

23 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A MEMBER'S  
24 CONTRIBUTION RATE IS 5% OF THE PART OF THE MEMBER'S EARNABLE  
25 COMPENSATION THAT EXCEEDS THE TAXABLE WAGE BASE FOR EACH YEAR.

26 (B) THE CONTRIBUTION RATE FOR A MEMBER WHO HAS TRANSFERRED  
27 FROM THE EMPLOYEES' RETIREMENT SYSTEM IS THE RATE SET UNDER:

28 (1) § 22-214(A) OF THIS ARTICLE, FOR A MEMBER WHO HAD ELECTED  
29 SELECTION A (ADDITIONAL MEMBER CONTRIBUTIONS) UNDER § 22-219 OF THIS  
30 ARTICLE; OR

31 (2) § 22-214(B) OF THIS ARTICLE, FOR A MEMBER WHO HAD ELECTED  
32 SELECTION B (LIMITED COST-OF-LIVING ADJUSTMENT) UNDER § 22-220 OF THIS  
33 ARTICLE.

34 32-205.

35 REGULAR INTEREST IS PAYABLE ON MEMBER CONTRIBUTIONS UNTIL  
36 RETIREMENT OR WITHDRAWAL OF ACCUMULATED CONTRIBUTIONS AT THE RATE  
37 OF:

12

1 (1) 4% A YEAR, COMPOUNDED ANNUALLY, FOR A MEMBER WHO HAS  
2 TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM; OR

3 (2) 5% A YEAR, COMPOUNDED ANNUALLY, FOR EACH OTHER MEMBER.

4 32-206.

5 MEMBERSHIP ENDS ON SEPARATION FROM EMPLOYMENT.

6 SUBTITLE 3. SERVICE CREDIT.

7 32-301.

8 A MEMBER IS ENTITLED TO:

9 (1) ELIGIBILITY SERVICE AS PROVIDED IN §§ 32-302 THROUGH 32-307 OF  
10 THIS SUBTITLE; AND

11 (2) CREDITABLE SERVICE AS PROVIDED IN § 32-308 OF THIS SUBTITLE.

12 32-302.

13 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A MEMBER IS ENTITLED  
14 TO ELIGIBILITY SERVICE FOR PERIODS OF EMPLOYMENT WHILE A MEMBER OF THE  
15 BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM.

16 (B) (1) IF A MEMBER COMPLETES AT LEAST 700 HOURS OF EMPLOYMENT  
17 WHILE A MEMBER IN ANY FISCAL YEAR, THE MEMBER IS ENTITLED TO 1 YEAR OF  
18 ELIGIBILITY SERVICE.

19 (2) EXCEPT IN THE FIRST AND LAST FISCAL YEARS, A MEMBER MAY  
20 NOT RECEIVE ANY ELIGIBILITY SERVICE FOR A FISCAL YEAR IN WHICH THE  
21 MEMBER COMPLETES LESS THAN 700 HOURS OF EMPLOYMENT WHILE A MEMBER.

22 (3) IN THE FIRST AND LAST FISCAL YEARS, IF A MEMBER COMPLETES  
23 LESS THAN 700 HOURS OF EMPLOYMENT WHILE A MEMBER, THE BOARD OF  
24 TRUSTEES SHALL PRORATE THE ELIGIBILITY SERVICE BASED ON THE NUMBER OF  
25 HOURS WORKED.

26 32-303.

27 (A) IN THIS SECTION, "BREAK IN SERVICE" MEANS A PERIOD OF SEPARATION  
28 FROM EMPLOYMENT IN A FISCAL YEAR AFTER THE ONE IN WHICH A MEMBER FIRST  
29 BECOMES EMPLOYED, IF DURING THAT FISCAL YEAR THE MEMBER DOES NOT  
30 COMPLETE MORE THAN 350 HOURS OF EMPLOYMENT WHILE A MEMBER.

31 (B) A FORMER MEMBER IS ENTITLED TO THE ELIGIBILITY SERVICE TO  
32 WHICH THE FORMER MEMBER WAS ENTITLED BEFORE THE SEPARATION FROM  
33 EMPLOYMENT IF:

34 (1) THE FORMER MEMBER HAS NOT INCURRED A BREAK IN SERVICE;

35 (2) THE FORMER MEMBER WAS ENTITLED TO A VESTED ALLOWANCE  
36 AT THE TIME OF SEPARATION FROM EMPLOYMENT; OR

13

1 (3) (I) THE FORMER MEMBER HAS COMPLETED 1 YEAR OF  
2 ELIGIBILITY SERVICE AFTER A BREAK IN SERVICE; AND

3 (II) THE NUMBER OF CONSECUTIVE YEARS IN WHICH THE  
4 MEMBER INCURRED A BREAK IN SERVICE IS LESS THAN THE YEARS OF ELIGIBILITY  
5 SERVICE AS A MEMBER BEFORE THE BREAK IN SERVICE.

6 (C) TO DETERMINE IF A FORMER MEMBER IS ELIGIBLE FOR PRIOR  
7 ELIGIBILITY SERVICE UNDER SUBSECTION (B)(3)(II) OF THIS SECTION, THE BOARD  
8 OF TRUSTEES SHALL DETERMINE THE NUMBER OF YEARS OF PRIOR ELIGIBILITY  
9 SERVICE:

10 (1) AS OF THE DAY THE FORMER MEMBER SEPARATED FROM  
11 EMPLOYMENT; BUT

12 (2) EXCLUDING ANY ELIGIBILITY SERVICE LOST BECAUSE OF A PRIOR  
13 BREAK IN SERVICE.

14 32-304.

15 A MEMBER IS ENTITLED TO ELIGIBILITY SERVICE THAT EQUALS:

16 (1) THE MEMBER'S SERVICE CREDIT TRANSFERRED FROM A  
17 RETIREMENT OR PENSION SYSTEM UNDER TITLE 37 OF THIS ARTICLE;

18 (2) FOR A MEMBER WHO HAS TRANSFERRED FROM THE EMPLOYEES'  
19 RETIREMENT SYSTEM, THE MEMBER'S CREDITABLE SERVICE RECOGNIZED UNDER  
20 THE EMPLOYEES' RETIREMENT SYSTEM THROUGH THE DATE BEFORE THE MEMBER  
21 BECAME A MEMBER OF THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM; AND

22 (3) FOR A MEMBER WHO HAS TRANSFERRED FROM THE EMPLOYEES'  
23 PENSION SYSTEM, THE MEMBER'S ELIGIBILITY SERVICE RECOGNIZED UNDER THE  
24 EMPLOYEES' PENSION SYSTEM THROUGH THE DATE BEFORE THE MEMBER BECAME  
25 A MEMBER OF THE BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM.

26 32-305.

27 A MEMBER IS ENTITLED TO ELIGIBILITY SERVICE EQUAL TO THE MILITARY  
28 SERVICE CREDIT GRANTED UNDER TITLE 38 OF THIS ARTICLE.

29 32-306.

30 A MEMBER IS ENTITLED TO ELIGIBILITY SERVICE DURING A LEAVE OF  
31 ABSENCE IF THE LEAVE OF ABSENCE:

32 (1) IS APPROVED BY THE BOARD OF TRUSTEES UNDER REGULATIONS  
33 THAT APPLY TO ALL MEMBERS SIMILARLY SITUATED; AND

34 (2) IS NOT OTHERWISE RECOGNIZED AS ELIGIBILITY SERVICE UNDER  
35 THIS SUBTITLE.

14

1 32-307.

2 (A) (1) IN THE YEAR OF RETIREMENT, A MEMBER MAY PURCHASE SERVICE  
3 CREDIT FOR ELIGIBILITY SERVICE OF UP TO 10 YEARS FOR PERIODS OF  
4 EMPLOYMENT FOR WHICH THE MEMBER:

5 (I) WOULD HAVE BEEN ENTITLED TO PURCHASE THE SERVICE  
6 CREDIT UNDER THE EMPLOYEES' PENSION SYSTEM; AND

7 (II) IS NOT OTHERWISE ENTITLED TO SERVICE CREDIT UNDER THE  
8 BALTIMORE CITY DEPUTY SHERIFFS' SYSTEM.

9 (2) TO PURCHASE SERVICE CREDIT UNDER THIS SECTION, A MEMBER  
10 MUST:

11 (I) COMPLETE A CLAIM FOR THE SERVICE CREDIT AND FILE IT  
12 WITH THE BOARD OF TRUSTEES ON THE FORM THAT THE BOARD OF TRUSTEES  
13 PROVIDES; AND

14 (II) PAY TO THE BOARD OF TRUSTEES AN AMOUNT EQUAL TO THE  
15 ANNUITY RESERVE AND PENSION RESERVE REQUIRED TO FUND THE ADDITIONAL  
16 ALLOWANCE.

17 (3) A MEMBER MAY PAY THE AMOUNT REQUIRED BY PARAGRAPH (2)  
18 OF THIS SUBSECTION ON AN INSTALLMENT BASIS BY CONTRIBUTING AT LEAST 2%  
19 OF EARNABLE COMPENSATION WITH THE APPROPRIATE FINAL ADJUSTMENTS  
20 BEING MADE IN THE YEAR THE MEMBER RETIRES.

21 (B) (1) A MEMBER MAY PURCHASE CREDIT FOR ELIGIBILITY SERVICE FOR  
22 PREVIOUS SERVICE IN A POSITION DESCRIBED IN § 23-204(A) OF THIS ARTICLE.

23 (2) TO PURCHASE THE SERVICE CREDIT, THE MEMBER MUST PAY, IN A  
24 SINGLE PAYMENT, THE CONTRIBUTIONS, WITH INTEREST, THAT THE BOARD OF  
25 TRUSTEES CONSIDERS APPROPRIATE.

26 32-308.

27 (A) FOR THE PURPOSE OF COMPUTING BENEFITS UNDER THIS TITLE,  
28 CREDITABLE SERVICE CONSISTS OF:

29 (1) ELIGIBILITY SERVICE AS ADJUSTED UNDER SUBSECTION (B) OF THIS  
30 SECTION; AND

31 (2) CREDIT FOR UNUSED SICK LEAVE AS PROVIDED IN § 20-206 OF THIS  
32 ARTICLE.

33 (B) (1) THIS SUBSECTION DOES NOT APPLY TO ELIGIBILITY SERVICE THAT  
34 CONSISTS OF:

35 (I) SERVICE CREDIT TRANSFERRED FROM ANOTHER  
36 RETIREMENT OR PENSION SYSTEM;

37 (II) MILITARY SERVICE CREDIT GRANTED UNDER TITLE 38 OF THIS  
38 ARTICLE; OR

15

1 (III) SERVICE CREDIT PURCHASED UNDER THIS SUBTITLE.

2 (2) THE BOARD OF TRUSTEES SHALL ADJUST A MEMBER'S ELIGIBILITY  
3 SERVICE AS PROVIDED IN THIS SUBSECTION.

4 (3) (I) THE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS TO  
5 DETERMINE FOR ANY FISCAL YEAR THE AMOUNT OF CREDITABLE SERVICE THAT  
6 EQUALS THE ELIGIBILITY SERVICE FOR A MEMBER WHO HAS COMPLETED LESS  
7 THAN THE NORMAL HOURS OF EMPLOYMENT FOR THE MEMBER'S POSITION.

8 (II) THE NORMAL HOURS OF EMPLOYMENT FOR A POSITION  
9 EQUALS THE MINIMUM NUMBER OF HOURS TO BE COMPLETED BY A FULL-TIME  
10 EMPLOYEE SERVING IN THE MEMBER'S POSITION.

11 (III) THE CREDITABLE SERVICE RECOGNIZED FOR A FISCAL YEAR  
12 MAY NOT BE LESS THAN THE ELIGIBILITY SERVICE FOR THE MEMBER MULTIPLIED  
13 BY A FRACTION, NOT TO EXCEED 1, THAT HAS:

14 1. AS ITS NUMERATOR, THE NUMBER OF HOURS OF  
15 EMPLOYMENT AS A MEMBER THAT THE MEMBER HAS COMPLETED DURING THAT  
16 YEAR; AND

17 2. AS ITS DENOMINATOR, THE NORMAL NUMBER OF HOURS  
18 FOR THE MEMBER'S POSITION.

19 SUBTITLE 4. SERVICE RETIREMENT BENEFITS.

20 32-401.

21 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER MAY  
22 RETIRE WITH A NORMAL SERVICE RETIREMENT ALLOWANCE IF:

23 (I) ON OR BEFORE THE DATE OF RETIREMENT, THE MEMBER:

24 1. HAS AT LEAST 25 YEARS OF ELIGIBILITY SERVICE; OR

25 2. IS AT LEAST 50 YEARS OLD; AND

26 (II) THE MEMBER COMPLETES AND SUBMITS A WRITTEN  
27 APPLICATION TO THE BOARD OF TRUSTEES ON THE FORM THAT THE BOARD OF  
28 TRUSTEES PROVIDES STATING THE DATE WHEN THE MEMBER DESIRES TO RETIRE.

29 (2) A MEMBER MAY NOT RETIRE BEFORE THE FIRST DAY OF THE  
30 MONTH AFTER EMPLOYMENT ENDS.

31 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON  
32 RETIREMENT UNDER THIS SECTION, A MEMBER IS ENTITLED TO RECEIVE A  
33 NORMAL SERVICE RETIREMENT ALLOWANCE THAT EQUALS THE NUMBER OF  
34 YEARS OF THE MEMBER'S CREDITABLE SERVICE MULTIPLIED BY:

35 (I) 1% OF THE MEMBER'S AVERAGE FINAL COMPENSATION THAT  
36 IS NOT IN EXCESS OF THE SOCIAL SECURITY INTEGRATION LEVEL; AND

16

1 (II) 1.7% OF THE MEMBER'S AVERAGE FINAL COMPENSATION THAT  
2 EXCEEDS THE SOCIAL SECURITY INTEGRATION LEVEL.

3 (2) AS TO A MEMBER WHO HAS TRANSFERRED FROM THE EMPLOYEES'  
4 RETIREMENT SYSTEM AND WHO HAS ELECTED SELECTION A (ADDITIONAL MEMBER  
5 CONTRIBUTIONS) OR SELECTION B (LIMITED COST-OF-LIVING ADJUSTMENT), ON  
6 RETIREMENT UNDER THIS SECTION, THE MEMBER IS ENTITLED TO RECEIVE A  
7 NORMAL SERVICE RETIREMENT ALLOWANCE THAT EQUALS:

8 (I) 2% OF THE MEMBER'S AVERAGE FINAL COMPENSATION  
9 MULTIPLIED BY EACH YEAR OF THE MEMBER'S FIRST 30 YEARS OF CREDITABLE  
10 SERVICE; AND

11 (II) 1% OF THE MEMBER'S AVERAGE FINAL COMPENSATION  
12 MULTIPLIED BY EACH YEAR OF CREDITABLE SERVICE IN EXCESS OF 30 YEARS.

13 (C) (1) THIS SUBSECTION APPLIES ONLY TO A MEMBER WHO:

14 (I) HAS RETIRED UNDER SUBSECTION (B)(1) OF THIS SECTION;  
15 AND

16 (II) IS UNDER THE AGE OF 62 YEARS.

17 (2) ON RETIREMENT, A MEMBER SHALL RECEIVE A SUPPLEMENTAL  
18 SERVICE RETIREMENT ALLOWANCE THAT EQUALS THE DIFFERENCE BETWEEN:

19 (I) THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE;  
20 AND

21 (II) 1.7% OF THE MEMBER'S AVERAGE FINAL COMPENSATION FOR  
22 EACH YEAR OF CREDITABLE SERVICE.

23 32-402.

24 (A) THIS SECTION APPLIES TO THE SURVIVING SPOUSE OR A CHILD OF A  
25 RETIREE IN RECEIPT OF A SERVICE RETIREMENT ALLOWANCE OR A DISABILITY  
26 RETIREMENT ALLOWANCE.

27 (B) ON THE DEATH OF A RETIREE, THE BOARD OF TRUSTEES SHALL PAY 50%  
28 OF THE RETIREE'S RETIREMENT ALLOWANCE TO:

29 (1) THE SURVIVING SPOUSE; OR

30 (2) IF THERE IS NO SURVIVING SPOUSE OR IF THE SURVIVING SPOUSE  
31 DIES BEFORE THE YOUNGEST CHILD OF THE RETIREE IS 18 YEARS OLD, ALL  
32 CHILDREN OF THE DECEASED RETIREE WHO ARE UNDER 18 YEARS OLD.

33 (C) IF THE BOARD OF TRUSTEES PAYS AN ALLOWANCE TO MORE THAN ONE  
34 CHILD, THE BOARD OF TRUSTEES SHALL DIVIDE THE ALLOWANCE AMONG THE  
35 CHILDREN UNDER THE AGE OF 18 YEARS IN A MANNER THAT PROVIDES FOR  
36 PAYMENTS TO CONTINUE UNTIL EACH CHILD DIES OR BECOMES 18 YEARS OLD.



17

1 32-403.

2 A MEMBER MAY BE ENTITLED TO BENEFITS UNDER TITLE 30 OF THIS ARTICLE  
3 OTHER THAN, OR IN ADDITION TO, THE BENEFITS PROVIDED UNDER THIS SUBTITLE.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 July 1, 1997.