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By: **Delegate Edwards**

Introduced and read first time: February 18, 2000

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Town of Oakland, Garrett County - Participation by Employees in**  
3                                   **Employees' Pension System**

4 FOR the purpose of making it mandatory, and not optional, for certain employees of  
5 the Town of Oakland, Garrett County to participate in the Employees' Pension  
6 System of the State of Maryland as of a certain date; providing for certain  
7 employees of the Town of Oakland to receive service credit for certain prior  
8 service, except for an employee that becomes a member of the Employees'  
9 Pension System after the effective date of participation in the Employees'  
10 Pension System by the Town of Oakland; and generally relating to the  
11 participation of certain employees of the Town of Oakland, Garrett County, in  
12 the Employees' Pension System.

13 BY repealing and reenacting, with amendments,  
14 Article - State Personnel and Pensions  
15 Section 23-201(a), 23-204, and 31-111  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 1999 Supplement)

18 BY adding to  
19 Article - State Personnel and Pensions  
20 Section 31-111.1  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume and 1999 Supplement)

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

25                                   **Article - State Personnel and Pensions**

26 23-201.

27 (a) Except as provided in subsection (b) of this section, §§ 23-202 through  
28 23-205 of this subtitle apply only to:

- 1 (1) a regular employee whose compensation is provided by State  
2 appropriation or paid from State funds;
- 3 (2) an appointed or elected official of the State, including:
  - 4 (i) a clerk of the circuit court;
  - 5 (ii) a register of wills;
  - 6 (iii) a State's Attorney; and
  - 7 (iv) a sheriff;
- 8 (3) an employee or official of a participating governmental unit who is  
9 eligible to participate under Title 31, Subtitle 1 of this article;
- 10 (4) an employee of the Office of the Sheriff of Baltimore City;
- 11 (5) an additional employee or agent of the State Racing Commission  
12 authorized by § 11-207 of the Business Regulation Article;
- 13 (6) a permanent employee of the board of supervisors of elections of a  
14 county;
- 15 (7) a full-time master in chancery or in juvenile causes who is appointed  
16 on or after July 1, 1989, in any county by the circuit court for that county;
- 17 (8) an employee of the Maryland Environmental Service who is a  
18 member of the Employees' Pension System on June 30, 1993, or transfers from the  
19 Employees' Retirement System on or after July 1, 1993;
- 20 (9) a full-time employee of the Maryland Aviation Administration Fire  
21 Rescue Service who becomes an employee on or after October 1, 1993;
- 22 (10) an employee of Dorchester County who is not a member of the  
23 County's general pension and retirement program;
- 24 (11) a former Baltimore City jail employee who became an employee of the  
25 Baltimore City Detention Center and a member of the Employees' Pension System on  
26 July 1, 1991;
- 27 (12) an employee of the Baltimore City Community College who is not a  
28 clerical or professional employee;
- 29 (13) a court reporter for the Circuit Court for Charles County who is a  
30 member of the Employees' Pension System on July 1, 1994, or transfers from the  
31 Employees' Retirement System on or after July 1, 1994; [and]
- 32 (14) a staff employee of the University System of Maryland, Morgan State  
33 University, or St. Mary's College who is:

1 (i) a member of the Employees' Pension System on January 1,  
2 1998, or transfers from the Employees' Retirement System on or after January 1,  
3 1998; or

4 (ii) a staff employee of the University System of Maryland, Morgan  
5 State University, or St. Mary's College who becomes an employee on or after January  
6 1, 1998; AND

7 (15) AN EMPLOYEE OF THE TOWN OF OAKLAND ON OR AFTER THE DATE  
8 THAT THE TOWN OF OAKLAND BEGINS PARTICIPATION IN THE EMPLOYEES' PENSION  
9 SYSTEM.

10 23-204.

11 (a) Membership in the Employees' Pension System is optional for an  
12 individual who receives an annual salary and who is:

13 (1) an elected or appointed official;

14 (2) an employee of the Governor's office;

15 (3) an employee of the Senate or House of Delegates; or

16 (4) a member of the Prince George's County Board of License  
17 Commissioners.

18 (b) (1) [Membership] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
19 SUBSECTION, MEMBERSHIP in the Employees' Pension System is optional for the  
20 employees of a participating governmental unit who are employed by the  
21 participating governmental unit on the effective date of participation in the State  
22 systems.

23 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO  
24 EMPLOYEES OF THE TOWN OF OAKLAND WHO ARE EMPLOYED BY THE TOWN OF  
25 OAKLAND ON THE DAY BEFORE THE DATE THAT THE TOWN OF OAKLAND BEGINS  
26 PARTICIPATION IN THE EMPLOYEES' PENSION SYSTEM.

27 (c) Membership in the Employees' Pension System is optional for an employee  
28 of Dorchester County who is not a member of the County's general pension and  
29 retirement program.

30 31-111.

31 (a) Except as provided in subsection (b) of this section AND § 31-111.1 OF THIS  
32 SUBTITLE, if an employee of a participating governmental unit joins the Employees'  
33 Pension System within 1 year after the effective date, the employee is entitled to  
34 service credit for employment with the participating governmental unit before the  
35 effective date.

1 (b) If an employee of the Baltimore Metropolitan Council elects to become a  
2 member of the Employees' Retirement System or the Employees' Pension System, the  
3 employee may not receive credit for service from July 1, 1992, to the effective date  
4 unless the employee pays to the Board of Trustees the amount of the member  
5 contributions the employee would have made during that period, plus regular  
6 interest.

7 31-111.1.

8 (A) AN EMPLOYEE OF THE TOWN OF OAKLAND SHALL RECEIVE ONE-THIRD  
9 OF THE SERVICE CREDIT FOR ELIGIBILITY SERVICE AND CREDITABLE SERVICE  
10 PRIOR TO THE EFFECTIVE DATE IN THE AMOUNT OF THE EMPLOYEE'S CREDIT, AS  
11 CERTIFIED BY THE TOWN OF OAKLAND AS OF THE EFFECTIVE DATE.

12 (B) IF AN EMPLOYEE OR A FORMER EMPLOYEE OF THE TOWN OF OAKLAND  
13 BECOMES A MEMBER OF THE EMPLOYEES' PENSION SYSTEM AT ANY TIME AFTER  
14 THE EFFECTIVE DATE, THE EMPLOYEE MAY NOT RECEIVE SERVICE CREDIT FOR  
15 EMPLOYMENT WITH THE TOWN OF OAKLAND BEFORE THE EFFECTIVE DATE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 June 1, 2000.