

SENATE BILL 105

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2002 Regular Session  
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(PRE-FILED)

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By: **Chairman, Budget and Taxation Committee (Departmental - Baltimore City Community College) and Senators Blount and McFadden**

Requested: October 26, 2001

Introduced and read first time: January 9, 2002

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Retirement and Pension Systems - Baltimore City Community College -**  
3 **Nonfaculty Employees**

4 FOR the purpose of authorizing certain employees of the Baltimore City Community  
5 College who are members of the Teachers' Pension System to transfer to the  
6 Employees' Pension System under certain conditions; and generally relating to  
7 eligibility for membership in the Employees' Pension System and Teachers'  
8 Pension System for certain employees of the Baltimore City Community College.

9 BY repealing and reenacting, with amendments,  
10 Article - State Personnel and Pensions  
11 Section 23-201 and 23-206  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume and 2001 Supplement)

14 BY adding to  
15 Article - State Personnel and Pensions  
16 Section 23-202.1  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 2001 Supplement)

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

1 **Article - State Personnel and Pensions**

2 23-201.

3 (a) Except as provided in subsection (b) of this section, §§ 23-202 through  
4 23-205 of this subtitle apply only to:5 (1) a regular employee whose compensation is provided by State  
6 appropriation or paid from State funds;

7 (2) an appointed or elected official of the State, including:

8 (i) a clerk of the circuit court;

9 (ii) a register of wills;

10 (iii) a State's Attorney; and

11 (iv) a sheriff;

12 (3) an employee or official of a participating governmental unit who is  
13 eligible to participate under Title 31, Subtitle 1 of this article;

14 (4) an employee of the Office of the Sheriff of Baltimore City;

15 (5) an additional employee or agent of the State Racing Commission  
16 authorized by § 11-207 of the Business Regulation Article;17 (6) a permanent employee of the board of supervisors of elections of a  
18 county;19 (7) a full-time master in chancery or in juvenile causes who is appointed  
20 on or after July 1, 1989, in any county by the circuit court for that county;21 (8) an employee of the Maryland Environmental Service who is a  
22 member of the Employees' Pension System on June 30, 1993, or transfers from the  
23 Employees' Retirement System on or after July 1, 1993;24 (9) an employee of Dorchester County who is not a member of the  
25 County's general pension and retirement program;26 (10) a former Baltimore City jail employee who became an employee of the  
27 Baltimore City Detention Center and a member of the Employees' Pension System on  
28 July 1, 1991;29 (11) [an] A NONFACULTY employee of the Baltimore City Community  
30 College who [is not a clerical or professional employee]:31 (I) IS A MEMBER OF THE EMPLOYEES' PENSION SYSTEM ON  
32 OCTOBER 1, 2002;

1 (II) TRANSFERS FROM THE EMPLOYEES' RETIREMENT SYSTEM ON  
2 OR AFTER OCTOBER 1, 2002;

3 (III) TRANSFERS FROM THE TEACHERS' PENSION SYSTEM IN  
4 ACCORDANCE WITH § 23-202.1 OF THIS SUBTITLE; OR

5 (IV) BECOMES AN EMPLOYEE OF THE BALTIMORE CITY  
6 COMMUNITY COLLEGE ON OR AFTER OCTOBER 1, 2002;

7 (12) a court reporter for the Circuit Court for Charles County who is a  
8 member of the Employees' Pension System on July 1, 1994, or transfers from the  
9 Employees' Retirement System on or after July 1, 1994;

10 (13) a staff employee of the University System of Maryland, Morgan State  
11 University, or St. Mary's College who is:

12 (i) a member of the Employees' Pension System on January 1,  
13 1998, or transfers from the Employees' Retirement System on or after January 1,  
14 1998; or

15 (ii) a staff employee of the University System of Maryland, Morgan  
16 State University, or St. Mary's College who becomes an employee on or after January  
17 1, 1998;

18 (14) on or after the date that the Board of Education of Kent County  
19 begins participation in the Employees' Pension System, a supportive service employee  
20 of the Board of Education of Kent County; and

21 (15) an employee of the Town of Oakland on or after the date that the  
22 Town of Oakland begins participation in the Employees' Pension System.

23 (b) Sections 23-202 through 23-205 of this subtitle do not apply to:

24 (1) an individual who is or is entitled to be a member of any State system  
25 other than the Employees' Pension System;

26 (2) a contractual, emergency, or temporary extra employee;

27 (3) an individual who is employed under a federal public service  
28 employment program;

29 (4) an assessor who is a member of a retirement or pension system  
30 operated by a political subdivision of the State;

31 (5) an employee of a board of supervisors of elections who chose to stay in  
32 a local merit system under Article 33, § 2-207 of the Code;

33 (6) a nonclerical or nonprofessional employee of the Baltimore City  
34 Community College who:

1 (i) was an employee of the New Community College of Baltimore  
2 during the 1989-1990 academic year;

3 (ii) was employed by the New Community College of Baltimore on  
4 or before December 31, 1990, as a "Class A" member of the Baltimore City Retirement  
5 Plan; and

6 (iii) elected to remain a member of the Baltimore City Retirement  
7 Plan;

8 (7) an employee who is not a member of a State system and who accepts  
9 a position for which the budgeted hours per fiscal year are less than 500 hours in the  
10 first fiscal year of employment; or

11 (8) an employee of the Domestic Relations Division of the Anne Arundel  
12 County Circuit Court who:

13 (i) was transferred on or after July 1, 2002, into the State  
14 Personnel Management System as an employee of the Child Support Enforcement  
15 Administration of the Maryland Department of Human Resources;

16 (ii) elected, under § 2-510 of the Courts Article, to remain as a  
17 participant in the Anne Arundel County Retirement and Pension System; and

18 (iii) remains as an employee of the Child Support Enforcement  
19 Administration of the Maryland Department of Human Resources or an attorney  
20 employed to represent the Child Support Enforcement Administration; OR

21 (9) A NONFACULTY EMPLOYEE OF THE BALTIMORE CITY COMMUNITY  
22 COLLEGE WHO IS ELIGIBLE TO PARTICIPATE AND ELECTS TO PARTICIPATE IN AN  
23 OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE.

24 23-202.1.

25 A NONFACULTY EMPLOYEE OF THE BALTIMORE CITY COMMUNITY COLLEGE  
26 WHO IS A MEMBER OF THE TEACHERS' PENSION SYSTEM ON OCTOBER 1, 2002 MAY  
27 TRANSFER MEMBERSHIP TO THE EMPLOYEES' PENSION SYSTEM ON OR BEFORE  
28 DECEMBER 31, 2002.

29 23-206.

30 (a) Except as provided in subsection (b) of this section, §§ 23-207 through  
31 23-210 of this subtitle apply only to:

32 (1) an employee of a day school in the State under the authority and  
33 supervision of a county board of education or the Baltimore City Board of School  
34 Commissioners, employed as:

35 (i) a clerk;

36 (ii) a helping teacher;

1 (iii) a principal;

2 (iv) a superintendent;

3 (v) a supervisor; or

4 (vi) a teacher;

5 (2) a faculty employee of an educational institution supported by and  
6 under the control of the State;

7 (3) a librarian or clerical employee of a library that is established or  
8 operates under the Education Article;

9 (4) a professional or clerical employee of a community college that is  
10 established or operates under the Education Article; [or]

11 (5) a staff employee of the University System of Maryland, Morgan State  
12 University, or St. Mary's College who is a member of the Teachers' Pension System as  
13 of January 1, 1998, or who transfers from the Teachers' Retirement System on or  
14 after January 1, 1998; OR

15 (6) A NONFACULTY EMPLOYEE OF THE BALTIMORE CITY COMMUNITY  
16 COLLEGE WHO:

17 (I) IS A MEMBER OF THE TEACHERS' PENSION SYSTEM AS OF  
18 OCTOBER 1, 2002 AND DOES NOT TRANSFER TO THE EMPLOYEES' PENSION SYSTEM IN  
19 ACCORDANCE WITH § 23-202.1 OF THIS SUBTITLE; OR

20 (II) TRANSFERS FROM THE TEACHERS' RETIREMENT SYSTEM ON  
21 OR AFTER OCTOBER 1, 2002.

22 (b) Sections 23-207 through 23-209 of this subtitle do not apply to:

23 (1) an individual who has elected to participate in an optional retirement  
24 program under Title 30 of this article;

25 (2) an individual who is employed under a federal public service  
26 employment program;

27 (3) a professional or clerical employee of the Department of Public  
28 Libraries of Montgomery County who is participating in the employees' retirement  
29 system of Montgomery County;

30 (4) a staff employee of the University System of Maryland, Morgan State  
31 University, or St. Mary's College who becomes employed on or after January 1, 1998  
32 in a position as a staff employee of the educational institution that was eligible for  
33 membership in the Teachers' Retirement System or Teachers' Pension System under  
34 Chapter 6, § 8, paragraphs 1(a) and 2(a) of the Acts of 1994; [or]

1           (5)       an employee who is not a member of a State system and who accepts  
2 a position for which the budgeted hours per fiscal year are less than 500 hours in the  
3 first fiscal year of employment; OR

4           (6)       A NONFACULTY EMPLOYEE OF THE BALTIMORE CITY COMMUNITY  
5 COLLEGE WHO BECOMES EMPLOYED ON OR AFTER OCTOBER 1, 2002, OR WHO  
6 TRANSFERS TO THE EMPLOYEES' PENSION SYSTEM IN ACCORDANCE WITH § 23-202.1  
7 OF THIS SUBTITLE.

8       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
9 effect ~~October~~ July 1, 2002.