

HOUSE BILL 467

K4

71r2405

By: **Delegate James**

Introduced and read first time: February 6, 2007

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Officers' Retirement System – Disability Retirement**

3 FOR the purpose of exempting from certain earnings limitations and certain
4 reemployment restrictions certain retirees of the Correctional Officers'
5 Retirement System; and generally relating to retirees of the Correctional
6 Officers' Retirement System receiving disability retirement allowances.

7 BY repealing and reenacting, with amendments,
8 Article – State Personnel and Pensions
9 Section 29–115 and 29–116
10 Annotated Code of Maryland
11 (2004 Replacement Volume and 2006 Supplement)

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

14 **Article – State Personnel and Pensions**

15 29–115.

16 (a) (1) This section applies only to a disability retiree who is not eligible to
17 receive a normal service retirement.

18 (2) This section does not apply to a disability retiree who is:

19 (i) a retiree of:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 1. the State Police Retirement System;
- 2 2. the Law Enforcement Officers' Pension System;
- 3 3. the local fire and police system; [or]
- 4 4. the Employees' Retirement System or the Employees'
- 5 Pension System, if at the time of retirement the retiree was a law enforcement officer
- 6 for a participating employer under § 26–201(a) of this article; **OR**

7 **5. THE CORRECTIONAL OFFICERS' RETIREMENT**
8 **SYSTEM;** and

9 (ii) reemployed by a participating employer in any position
10 other than a probationary status law enforcement officer, a law enforcement officer, or
11 chief, as defined in § 3–101 of the Public Safety Article.

12 (b) (1) (i) The Board of Trustees shall, after giving notice, temporarily
13 suspend the retiree's allowance if the retiree:

14 1. began receiving a disability retirement allowance on
15 or after July 1, 1998; and

16 2. is employed by a participating employer at an annual
17 compensation that is at least equal to the retiree's average final compensation at
18 retirement.

19 (ii) A temporary suspension under this subsection shall begin as
20 of the date the retiree is reemployed by a participating employer under subparagraph
21 (i)2 of this paragraph.

22 (2) A retiree whose allowance is temporarily suspended under this
23 subsection is not subject to a reduction as provided in § 29–116 of this subtitle during
24 the period of employment by a participating employer.

25 (3) Upon receiving satisfactory documentation that the retiree is no
26 longer employed by a participating employer, the Board of Trustees shall reinstate the
27 retiree's allowance with accumulated cost-of-living adjustments from the date the
28 allowance was temporarily suspended.

1 (4) The retiree's allowance will be reinstated on the first day of the
2 month following the month in which the retiree ceased employment with the
3 participating employer.

4 (c) If the retiree refuses to provide the information, the Board of Trustees
5 shall suspend the retiree's allowance until the information is provided.

6 29–116.

7 (a) This section does not apply to a retiree who is:

8 (1) a retiree of:

9 (i) the State Police Retirement System;

10 (ii) the Law Enforcement Officers' Pension System;

11 (iii) the local fire and police system; [or]

12 (iv) the Employees' Retirement System or the Employees'
13 Pension System, if at the time of retirement the retiree was a law enforcement officer
14 for a participating employer under § 26–201(a) of this article; **OR**

15 **(v) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;**

16 and

17 (2) reemployed by a participating employer in any position other than
18 a probationary status law enforcement officer, a law enforcement officer, or chief, as
19 defined in § 3–101 of the Public Safety Article.

20 (b) The Board of Trustees shall reduce the pension of a retiree on ordinary
21 disability if:

22 (1) the retiree is under normal retirement age;

23 (2) the medical board certifies in a report to the Board of Trustees that
24 the retiree is employed by a participating employer at an annual compensation that is
25 greater than the difference between:

26 (i) the retiree's retirement allowance at retirement; and

27 (ii) the retiree's average final compensation plus \$5,000;

1 (3) the Board of Trustees agrees with the medical board's report; and

2 (4) the retiree's allowance has not been temporarily suspended as
3 provided in § 29–115 of this subtitle.

4 (c) The Board of Trustees shall reduce the pension of a retiree who has been
5 receiving an ordinary disability retirement allowance for:

6 (1) less than 10 years, by \$1 for every \$2 that the retiree's current
7 compensation exceeds the limit under subsection (b) of this section; or

8 (2) at least 10 years, by \$1 for every \$5 that the retiree's current
9 compensation exceeds the limit under subsection (b) of this section.

10 (d) The pension to be reduced under this section is the pension at retirement
11 without any cost-of-living adjustment.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2007.