

HOUSE BILL 467

K4

71r2405

By: **Delegate James**

Introduced and read first time: February 6, 2007

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2007

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

4 (i) 1. a retiree of:

5 ~~1.~~ A. the State Police Retirement System;

6 ~~2.~~ B. the Law Enforcement Officers' Pension System;

7 ~~3.~~ C. the local fire and police system; ~~for~~

8 ~~4.~~ D. the Employees' Retirement System or the Employees'
9 Pension System, if at the time of retirement the retiree was a law enforcement officer
10 for a participating employer under § 26-201(a) of this article; ~~OR~~

11 ~~5. THE CORRECTIONAL OFFICERS' RETIREMENT~~
12 ~~SYSTEM;~~ and

13 ~~(ii)~~ 2. reemployed by a participating employer in any position
14 other than a probationary status law enforcement officer, a law enforcement officer, or
15 chief, as defined in § 3-101 of the Public Safety Article; OR

16 (II) A RETIREE OF THE CORRECTIONAL OFFICERS'
17 RETIREMENT SYSTEM REEMPLOYED BY A PARTICIPATING EMPLOYER IN ANY
18 POSITION OTHER THAN A CORRECTIONAL OFFICER, A SECURITY ATTENDANT AT
19 CLIFTON T. PERKINS HOSPITAL CENTER, OR A CORRECTIONAL DIETARY,
20 MAINTENANCE, OR SUPPLY OFFICER.

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

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

25 2. is employed by a participating employer at an annual
26 compensation that is at least equal to the retiree's average final compensation at
27 retirement.

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

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

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

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

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

16 29–116.

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

18 (1) (I) a retiree of:

19 ~~(i)~~ 1. the State Police Retirement System;

20 ~~(ii)~~ 2. the Law Enforcement Officers' Pension System;

21 ~~(iii)~~ 3. the local fire and police system; ~~for~~

22 ~~(iv)~~ 4. the Employees' Retirement System or the Employees'
 23 Pension System, if at the time of retirement the retiree was a law enforcement officer
 24 for a participating employer under § 26–201(a) of this article; ~~OR~~

25 ~~(v) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;~~

26 and

27 ~~(2)~~ (II) reemployed by a participating employer in any position
 28 other than a probationary status law enforcement officer, a law enforcement officer, or
 29 chief, as defined in § 3–101 of the Public Safety Article; OR

1 **(2) A RETIREE OF THE CORRECTIONAL OFFICERS' RETIREMENT**
2 **SYSTEM REEMPLOYED BY A PARTICIPATING EMPLOYER IN ANY POSITION**
3 **OTHER THAN A CORRECTIONAL OFFICER, A SECURITY ATTENDANT AT CLIFTON**
4 **T. PERKINS HOSPITAL CENTER, OR A CORRECTIONAL DIETARY, MAINTENANCE,**
5 **OR SUPPLY OFFICER.**

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

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

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

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

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

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

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

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

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

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

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

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