

HOUSE BILL 554

K4
HB 840/07 – APP

8lr2093

By: **Delegates Haynes, Barkley, G. Clagett, Glenn, Heller, Jones, and Robinson**

Introduced and read first time: January 31, 2008

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the membership of the Correctional Officers' Retirement
4 System; providing that certain members of the Correctional Officers' Retirement
5 System may receive a normal service retirement or a deferred vested retirement
6 allowance under certain circumstances; requiring the transfer of certain
7 member contributions to the annuity savings fund of the Correctional Officers'
8 Retirement System; providing for a refund of certain member contributions
9 under certain circumstances; providing that certain transfers of credit between
10 the Employees' Retirement and Pension Systems and the Correctional Officers'
11 Retirement System are not governed by certain provisions of law; and generally
12 relating to membership in the Correctional Officers' Retirement System.

13 BY repealing and reenacting, with amendments,
14 Article – State Personnel and Pensions
15 Section 25–201, 25–401, and 29–302(c)
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2007 Supplement)

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

20 **Article – State Personnel and Pensions**

21 25–201.

22 (a) Except as provided in subsection (b) of this section, this subtitle applies
23 only to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) correctional officers serving in any of the first six job
2 classifications;

3 (2) security attendants at Clifton T. Perkins Hospital Center;

4 (3) a detention center officer employed by a participating
5 governmental unit that on or after July 1, 2006, has elected to participate in the
6 Correctional Officers' Retirement System; [and]

7 (4) an individual serving as a correctional dietary, maintenance,
8 **LAUNDRY**, or supply officer; **AND**

9 **(5) AN INDIVIDUAL SERVING AS A MARYLAND CORRECTIONAL**
10 **ENTERPRISES OFFICER, OFFICER TRAINEE, PLANT SUPERVISOR, PLANT**
11 **MANAGER, OR REGIONAL MANAGER.**

12 (b) This subtitle does not apply to:

13 (1) an employee of the Baltimore City Jail as of June 30, 1991, who:

14 (i) became an employee of the Baltimore City Detention Center
15 on July 1, 1991; and

16 (ii) did not elect to become a member of the Correctional
17 Officers' Retirement System on that date; or

18 (2) a detention center officer employed by a participating
19 governmental unit as a local detention center officer on the effective date of
20 participation on or after July 1, 2006, who did not elect to become a member of the
21 Correctional Officers' Retirement System within 6 months of the effective date of
22 participation.

23 25-401.

24 (a) A member may retire with a normal service retirement allowance if:

25 (1) on or before the date of retirement, the member has at least 20
26 years of eligibility service;

27 (2) for at least 5 years immediately before retirement, the member
28 was:

29 (i) a security attendant at Clifton T. Perkins Hospital Center;

30 (ii) a correctional officer in any of the first six job classifications;

1 (iii) a detention center officer employed by a participating
2 governmental unit that has elected to participate in the Correctional Officers'
3 Retirement System;

4 (iv) an individual serving as a correctional dietary, maintenance,
5 **LAUNDRY**, or supply officer;

6 (v) **AN INDIVIDUAL SERVING AS A MARYLAND**
7 **CORRECTIONAL ENTERPRISES OFFICER, OFFICER TRAINEE, PLANT**
8 **SUPERVISOR, PLANT MANAGER, OR REGIONAL MANAGER;** or

9 [(v)] (vi) in a combination of these positions; and

10 (3) the member completes and submits a written application to the
11 Board of Trustees stating the date when the member desires to retire.

12 (b) On retirement under this section, a member is entitled to receive a
13 normal service retirement allowance that equals one fifty-fifth of the member's
14 average final compensation multiplied by the number of years of creditable service.

15 29-302.

16 (c) A vested allowance is a deferred allowance starting at:

17 (1) normal retirement age for members of:

18 (i) the Employees' Retirement System;

19 (ii) the State Police Retirement System; and

20 (iii) the Teachers' Retirement System;

21 (2) age 55 for a member of the Correctional Officers' Retirement
22 System who is:

23 (i) a correctional officer in the first six job classifications;

24 (ii) a detention center officer employed by a participating
25 governmental unit who has elected to participate in the Correctional Officers'
26 Retirement System; [or]

27 (iii) an individual serving as a correctional dietary, maintenance,
28 **LAUNDRY**, or supply officer; or

29 (iv) **AN INDIVIDUAL SERVING AS A MARYLAND**
30 **CORRECTIONAL ENTERPRISES OFFICER, OFFICER TRAINEE, PLANT**
31 **SUPERVISOR, PLANT MANAGER, OR REGIONAL MANAGER; OR**

1 (3) age 60 for a member of the Correctional Officers' Retirement
2 System who is a maximum security attendant at the Clifton T. Perkins Hospital
3 Center.

4 SECTION 2. AND BE IT FURTHER ENACTED, That:

5 (a) This section applies to an individual who is:

6 (1) a correctional laundry officer; or

7 (2) serving as a Maryland Correctional Enterprises officer, officer
8 trainee, plant supervisor, plant manager, or regional manager.

9 (b) The transfer of creditable service for an individual described in
10 subsection (a) of this section who is a member of either the Employees' Retirement
11 System or Employees' Pension System on June 30, 2008, who transfers to the
12 Correctional Officers' Retirement System under this Act, is not governed by Title 37 of
13 the State Personnel and Pensions Article.

14 (c) The Board of Trustees shall transfer the total member contributions to
15 the individual's credit in either the Employees' Retirement System or Employees'
16 Pension System, plus regular interest, to the annuity savings fund of the Correctional
17 Officers' Retirement System.

18 (d) (1) (i) This section applies to an individual who, on June 30, 2008,
19 is:

20 1. a correctional laundry officer; or

21 2. serving as a Maryland Correctional Enterprises
22 officer, officer trainee, plant supervisor, plant manager, or regional manager;

23 (ii) transfers to the Correctional Officers' Retirement System
24 under this Act; and

25 (iii) at the time of transferring to the Correctional Officers'
26 Retirement System is a member of the Employees' Retirement System making
27 member contributions at the rate of 7% of the individual's earnable compensation.

28 (2) An individual described under paragraph (1) of this subsection
29 shall receive the difference between the member contributions at the rate provided for
30 in the Correctional Officers' Retirement System, including interest on those
31 contributions, and the total accumulated member contributions to the individual's
32 credit, plus interest on those contributions, in the annuity savings fund of the
33 Employees' Retirement System.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2008.