

HOUSE BILL 986

K4

8lr1481
CF SB 308

By: **Delegates Gaines, Healey, and Ross**
Introduced and read first time: February 7, 2008
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Town of Berwyn Heights Employees – Participation in the Employees’**
3 **Pension System**

4 FOR the purpose of requiring certain employees of the Town of Berwyn Heights to
5 participate in the Employees’ Pension System of the State of Maryland as of a
6 certain date; providing for certain employees of the Town of Berwyn Heights to
7 receive service credit for certain prior service; providing that certain employees
8 of the Town of Berwyn Heights who become members of the Employees’ Pension
9 System after a certain date may not receive certain service credit; and generally
10 relating to employees of the Town of Berwyn Heights participating in the
11 Employees’ Pension System.

12 BY repealing and reenacting, with amendments,
13 Article – State Personnel and Pensions
14 Section 23–201(a), 23–204(b), and 31–111
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2007 Supplement)

17 BY adding to
18 Article – State Personnel and Pensions
19 Section 31–111.4
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2007 Supplement)

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

24 **Article – State Personnel and Pensions**

25 23–201.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (a) Except as provided in subsection (b) of this section, §§ 23–203 through
2 23–205 of this subtitle apply only to:

3 (1) a regular employee whose compensation is provided by State
4 appropriation or paid from State funds;

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

6 (i) a clerk of the circuit court;

7 (ii) a register of wills;

8 (iii) a State’s Attorney; and

9 (iv) a sheriff;

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

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

13 (5) an additional employee or agent of the State Racing Commission
14 authorized by § 11–207 of the Business Regulation Article;

15 (6) a permanent employee of the board of supervisors of elections of a
16 county;

17 (7) a full–time master in chancery or in juvenile causes who is
18 appointed on or after July 1, 1989, in any county by the circuit court for that county;

19 (8) an employee of the Maryland Environmental Service who is a
20 member of the Employees’ Pension System on June 30, 1993, or transfers from the
21 Employees’ Retirement System on or after July 1, 1993;

22 (9) a former Baltimore City jail employee who became an employee of
23 the Baltimore City Detention Center and a member of the Employees’ Pension System
24 on July 1, 1991;

25 (10) a nonfaculty employee of the Baltimore City Community College
26 who:

27 (i) is a member of the Employees’ Pension System on October 1,
28 2002;

29 (ii) transfers from the Employees’ Retirement System on or
30 after October 1, 2002;

1 (iii) transfers from the Teachers' Pension System in accordance
2 with § 23-202.1 of this subtitle; or

3 (iv) becomes an employee of the Baltimore City Community
4 College on or after October 1, 2002;

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

8 (12) a staff employee of the University System of Maryland, Morgan
9 State University, or St. Mary's College who is:

10 (i) a member of the Employees' Pension System on January 1,
11 1998, or transfers from the Employees' Retirement System on or after January 1,
12 1998; or

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

16 (13) on or after the date that the Board of Education of Kent County
17 begins participation in the Employees' Pension System, a supportive service employee
18 of the Board of Education of Kent County;

19 (14) an employee of the Town of Oakland on or after the date that the
20 Town of Oakland begins participation in the Employees' Pension System; [and]

21 (15) an employee of the City of Frostburg on or after the date that the
22 City of Frostburg begins participation in the Employees' Pension System; **AND**

23 **(16) AN EMPLOYEE OF THE TOWN OF BERWYN HEIGHTS ON OR**
24 **AFTER THE DATE THAT THE TOWN OF BERWYN HEIGHTS BEGINS**
25 **PARTICIPATION IN THE EMPLOYEES' PENSION SYSTEM.**

26 23-204.

27 (b) (1) (i) Except as provided in paragraph (2) of this subsection, this
28 subsection applies only to the employees of a participating governmental unit who:

29 1. are employed by the participating governmental unit
30 on June 30, 2004; and

31 2. were employed by the participating governmental
32 unit on the effective date of participation in the State systems.

1 (ii) Except as provided in paragraph (2) of this subsection,
2 membership in the Employees' Pension System is optional for an individual under
3 subparagraph (i) of this paragraph until the individual ceases employment with the
4 participating governmental unit that was employing the individual on June 30, 2004.

5 (2) Membership in the Employees' Pension System is not optional for
6 individuals who are:

7 (i) supportive service employees of the Board of Education of
8 Kent County;

9 (ii) employees of the Town of Oakland; [or]

10 (iii) employees of the City of Frostburg; **OR**

11 (iv) **EMPLOYEES OF THE TOWN OF BERWYN HEIGHTS.**

12 **31-111.**

13 (a) Except as provided in subsection (b) of this section and [§§ 31-111.1 and
14 31-111.3] §§ **31-111.1, 31-111.3, AND 31-111.4** of this subtitle, if an employee of a
15 participating governmental unit joins the Employees' Pension System within 1 year
16 after the effective date, the employee is entitled to service credit for employment with
17 the participating governmental unit before the effective date.

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

23 **31-111.4.**

24 (A) **AN INDIVIDUAL WHO IS AN EMPLOYEE OF THE TOWN OF BERWYN**
25 **HEIGHTS ON THE EFFECTIVE DATE SHALL RECEIVE ELIGIBILITY SERVICE AND**
26 **CREDITABLE SERVICE IN THE EMPLOYEES' PENSION SYSTEM EQUAL TO**
27 **ONE-THIRD OF THE INDIVIDUAL'S PERIOD OF EMPLOYMENT WITH THE TOWN OF**
28 **BERWYN HEIGHTS BEFORE THE EFFECTIVE DATE, AS CERTIFIED BY THE TOWN**
29 **OF BERWYN HEIGHTS AS OF THE EFFECTIVE DATE.**

30 (B) **IF AN EMPLOYEE OR FORMER EMPLOYEE OF THE TOWN OF BERWYN**
31 **HEIGHTS BECOMES A MEMBER OF THE EMPLOYEES' PENSION SYSTEM AT ANY**
32 **TIME AFTER THE EFFECTIVE DATE, THE EMPLOYEE MAY NOT RECEIVE SERVICE**
33 **CREDIT FOR EMPLOYMENT WITH THE TOWN OF BERWYN HEIGHTS BEFORE THE**
34 **EFFECTIVE DATE.**

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