

HOUSE BILL 1442

K4
HB 402/07 – APP

8lr3242

By: **Delegate Donoghue**

Introduced and read first time: February 13, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Officers' Retirement System – Membership – Correctional Case**
3 **Managers**

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

14 BY repealing and reenacting, with amendments,
15 Article – State Personnel and Pensions
16 Section 25–201, 25–401, and 29–302(c)
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2007 Supplement)

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

21 **Article – State Personnel and Pensions**

22 25–201.

23 (a) Except as provided in subsection (b) of this section, this subtitle applies
24 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, or
8 supply officer; **AND**

9 **(5) AN INDIVIDUAL SERVING AS A CORRECTIONAL CASE**
10 **MANAGER.**

11 (b) This subtitle does not apply to:

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

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

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

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

22 25-401.

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

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

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

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

29 (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 or supply officer; [or]

6 (V) AN INDIVIDUAL SERVING AS A CORRECTIONAL CASE
7 MANAGER; OR

8 [(v)] (VI) in a combination of these positions; and

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

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

14 29–302.

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

16 (1) normal retirement age for members of:

17 (i) the Employees' Retirement System;

18 (ii) the State Police Retirement System; and

19 (iii) the Teachers' Retirement System;

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

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

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

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

28 (IV) AN INDIVIDUAL SERVING AS A CORRECTIONAL CASE
29 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) The transfer of creditable service for an individual who is a correctional
6 case manager and a member of either the Employees' Retirement System or
7 Employees' Pension System on June 30, 2008, who transfers to the Correctional
8 Officers' Retirement System under this Act, is not governed by Title 37 of the State
9 Personnel and Pensions Article.

10 (b) The Board of Trustees shall transfer the total member contributions to
11 the individual's credit in either the Employees' Retirement System or Employees'
12 Pension System, plus regular interest, to the annuity savings fund of the Correctional
13 Officers' Retirement System.

14 (c) (1) This subsection applies to an individual who:

15 (i) is a correctional case manager on June 30, 2008;

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

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

21 (2) An individual described under paragraph (1) of this subsection
22 shall receive the difference between the member contributions at the rate provided for
23 in the Correctional Officers' Retirement System, including interest on those
24 contributions, and the total accumulated member contributions to the individual's
25 credit, plus interest on those contributions, in the annuity savings fund of the
26 Employees' Retirement System.

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