

CHAPTER 171

(House Bill 986)

AN ACT concerning

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

FOR the purpose of requiring certain employees of the Town of Berwyn Heights to participate in the Employees’ Pension System of the State of Maryland as of a certain date; providing that membership in the Employees’ Pension System is optional for certain employees of the Town of Berwyn Heights; requiring certain employees of the Town of Berwyn Heights to make ~~certain elections by a certain election on a certain date; requiring certain employees of the Town of Berwyn Heights to complete and file certain documents, in order to elect to be a member of the Employees’ Pension System, to file a written application with the Board of Trustees of the State Retirement and Pension System by a certain date;~~ providing for certain employees of the Town of Berwyn Heights to receive service credit for certain prior service; providing that certain employees of the Town of Berwyn Heights who become members of the Employees’ Pension System after a certain date may not receive certain service credit; and generally relating to employees of the Town of Berwyn Heights participating in the Employees’ Pension System.

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

BY adding to
Article – State Personnel and Pensions
Section 23–204(e) and 31–111.4
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Article – State Personnel and Pensions

23–201.

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

- (1) a regular employee whose compensation is provided by State appropriation or paid from State funds;
- (2) an appointed or elected official of the State, including:
 - (i) a clerk of the circuit court;
 - (ii) a register of wills;
 - (iii) a State's Attorney; and
 - (iv) a sheriff;
- (3) an employee or official of a participating governmental unit who is eligible to participate under Title 31, Subtitle 1 of this article;
- (4) an employee of the Office of the Sheriff of Baltimore City;
- (5) an additional employee or agent of the State Racing Commission authorized by § 11–207 of the Business Regulation Article;
- (6) a permanent employee of the board of supervisors of elections of a county;
- (7) a full-time master in chancery or in juvenile causes who is appointed on or after July 1, 1989, in any county by the circuit court for that county;
- (8) an employee of the Maryland Environmental Service who is a member of the Employees' Pension System on June 30, 1993, or transfers from the Employees' Retirement System on or after July 1, 1993;
- (9) a former Baltimore City jail employee who became an employee of the Baltimore City Detention Center and a member of the Employees' Pension System on July 1, 1991;
- (10) a nonfaculty employee of the Baltimore City Community College who:
 - (i) is a member of the Employees' Pension System on October 1, 2002;
 - (ii) transfers from the Employees' Retirement System on or after October 1, 2002;

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

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

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

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

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

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

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

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

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

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

23-204.

(b) (1) **THIS SUBSECTION DOES NOT APPLY TO AN EMPLOYEE OF THE TOWN OF BERWYN HEIGHTS.**

(2) (i) Except as provided in paragraph ~~(2)~~ **(3)** of this subsection, this subsection applies only to the employees of a participating governmental unit who:

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

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

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

~~(2)~~ **(3)** Membership in the Employees' Pension System is not optional for individuals who are:

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

(ii) employees of the Town of Oakland; ~~for~~

(iii) employees of the City of Frostburg; ~~OR~~

~~(iv) EMPLOYEES OF THE TOWN OF BERWYN HEIGHTS.~~

(E) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO IS AN EMPLOYEE OF THE TOWN OF BERWYN HEIGHTS ON JUNE 30, 2008.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM IS OPTIONAL FOR AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WHO ELECTS MEMBERSHIP ON JULY 1, 2008.

(3) TO ELECT TO BE A MEMBER OF THE EMPLOYEES' PENSION SYSTEM, AN INDIVIDUAL SHALL FILE A WRITTEN APPLICATION WITH THE BOARD OF TRUSTEES ON A FORM THAT THE BOARD OF TRUSTEES PROVIDES.

~~**(4) IF AN INDIVIDUAL DOES NOT ELECT MEMBERSHIP AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE INDIVIDUAL MAY NOT BECOME A MEMBER OF THE EMPLOYEES' PENSION SYSTEM.**~~

31-111.

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

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

31-111.4.

(A) AN INDIVIDUAL WHO ELECTS MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM UNDER § 23-204(E) OF THIS ARTICLE AND IS AN EMPLOYEE OF THE TOWN OF BERWYN HEIGHTS ON THE EFFECTIVE DATE SHALL RECEIVE ELIGIBILITY SERVICE AND CREDITABLE SERVICE IN THE EMPLOYEES' PENSION SYSTEM EQUAL TO ONE-THIRD OF THE INDIVIDUAL'S PERIOD OF EMPLOYMENT WITH THE TOWN OF BERWYN HEIGHTS BEFORE THE EFFECTIVE DATE, AS CERTIFIED BY THE TOWN OF BERWYN HEIGHTS AS OF THE EFFECTIVE DATE.

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

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

Approved by the Governor, April 24, 2008.