

HOUSE BILL 1206

K4
HB 1442/08 – APP

9lr2980

By: **Delegates Donoghue and Robinson**
Introduced and read first time: February 13, 2009
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Officers' Retirement System – Membership – Correctional Case**
3 **Management Specialist**

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 2008 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) correctional officers serving in any of the first six job classifications;

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

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

(4) an individual serving as a correctional dietary, maintenance, or supply officer; [and]

(5) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager; **AND**

(6) AN INDIVIDUAL SERVING AS A CORRECTIONAL CASE MANAGEMENT SPECIALIST.

(b) This subtitle does not apply to:

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

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

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

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

25-401.

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

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

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

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

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

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

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

(v) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager; [or]

(VI) AN INDIVIDUAL SERVING AS A CORRECTIONAL CASE MANAGEMENT SPECIALIST; OR

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

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

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

29–302.

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

(1) normal retirement age for members of:

(i) the Employees' Retirement System;

(ii) the State Police Retirement System; and

(iii) the Teachers' Retirement System;

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

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

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

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

(iv) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager; or

(V) AN INDIVIDUAL SERVING AS A CORRECTIONAL CASE MANAGEMENT SPECIALIST; OR

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The transfer of creditable service for an individual who is a correctional case management specialist and a member of either the Employees' Retirement System or Employees' Pension System on June 30, 2009, who transfers to the Correctional Officers' Retirement System under this Act, is not governed by Title 37 of the State Personnel and Pensions Article.

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

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

(i) is a correctional case management specialist on June 30, 2009;

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

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

