

Chapter 362

(Senate Bill 939)

AN ACT concerning

State Retirement and Pension System – Service Credit for Leave of Absence – Extension of Purchase Period

FOR the purpose of authorizing the Executive Director of the State Retirement Agency, under certain circumstances, to extend the period of time during which certain members of the State Retirement and Pension System who are separated from employment may purchase service credit for a certain leave of absence; requiring a certain purchase of service credit to be made within a certain time period; requiring the Board of Trustees for the State Retirement and Pension System to adopt certain regulations; providing for the retroactive application of this Act for certain individuals; and generally relating to the period of time during which service credit may be purchased for a leave of absence by certain members of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 23–304.1, 24–304.1, 25–304.1, and 26–306.1
Annotated Code of Maryland
(2009 Replacement Volume and 2013 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

23–304.1.

(a) Except as provided in subsection (b) of this section, a member may not purchase service credit under this title if the member is separated from employment.

(b) **(1)** A member who is separated from employment may purchase service credit under this title for a leave of absence approved by the Board of Trustees under regulations that apply to all members, if the member purchases the service credit within 60 days after the expiration of the leave of absence.

~~**(2)** THE PERIOD OF TIME DURING WHICH A MEMBER MAY PURCHASE SERVICE CREDIT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE EXTENDED BY THE EXECUTIVE DIRECTOR IF:~~

~~(I) THE EXECUTIVE DIRECTOR DETERMINES THAT PROCEDURAL EXTENUATING CIRCUMSTANCES IMPACTED THE MEMBER'S ABILITY TO PURCHASE SERVICE CREDIT WITHIN 60 DAYS AFTER THE MEMBER'S LEAVE OF ABSENCE EXPIRED; AND~~

~~(II) THE PURCHASED SERVICE CREDIT WOULD ALLOW THE MEMBER TO MEET THE ELIGIBILITY SERVICE REQUIREMENTS TO APPLY FOR AN ORDINARY DISABILITY RETIREMENT UNDER § 29-105(A) OF THIS ARTICLE.~~

(2) FOR GOOD CAUSE SHOWN, THE EXECUTIVE DIRECTOR, IN THE EXECUTIVE DIRECTOR'S SOLE DISCRETION, MAY EXTEND THE TIME PERIOD TO PURCHASE SERVICE CREDIT UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE PURCHASED SERVICE CREDIT WOULD ALLOW THE MEMBER TO MEET THE ELIGIBILITY SERVICE REQUIREMENTS TO APPLY FOR AN ORDINARY DISABILITY RETIREMENT UNDER § 29-105(A) OF THIS ARTICLE; AND

(II) THE MEMBER COMPLETES THE PURCHASE OF THE SERVICE CREDIT BEFORE THE EARLIER OF:

1. 4 YEARS AFTER THE EXPIRATION OF THE LEAVE OF ABSENCE; OR

2. THE DATE MEMBERSHIP ENDS.

(3) THE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

24-304.1.

(a) Except as provided in subsection (b) of this section, a member may not purchase service credit under this title if the member is separated from employment.

(b) (1) A member who is separated from employment may purchase service credit under this title for a leave of absence approved by the Board of Trustees under regulations that apply to all members, if the member purchases the service credit within 60 days after the expiration of the leave of absence.

~~(2) THE PERIOD OF TIME DURING WHICH A MEMBER MAY PURCHASE SERVICE CREDIT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE EXTENDED BY THE EXECUTIVE DIRECTOR IF:~~

~~(I) THE EXECUTIVE DIRECTOR DETERMINES THAT PROCEDURAL EXTENUATING CIRCUMSTANCES IMPACTED THE MEMBER'S ABILITY TO PURCHASE SERVICE CREDIT WITHIN 60 DAYS AFTER THE MEMBER'S LEAVE OF ABSENCE EXPIRED; AND~~

~~(II) THE PURCHASED SERVICE CREDIT WOULD ALLOW THE MEMBER TO MEET THE ELIGIBILITY SERVICE REQUIREMENTS TO APPLY FOR AN ORDINARY DISABILITY RETIREMENT UNDER § 29-105(A) OF THIS ARTICLE.~~

(2) FOR GOOD CAUSE SHOWN, THE EXECUTIVE DIRECTOR, IN THE EXECUTIVE DIRECTOR'S SOLE DISCRETION, MAY EXTEND THE TIME PERIOD TO PURCHASE SERVICE CREDIT UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE PURCHASED SERVICE CREDIT WOULD ALLOW THE MEMBER TO MEET THE ELIGIBILITY SERVICE REQUIREMENTS TO APPLY FOR AN ORDINARY DISABILITY RETIREMENT UNDER § 29-105(A) OF THIS ARTICLE; AND

(II) THE MEMBER COMPLETES THE PURCHASE OF THE SERVICE CREDIT BEFORE THE EARLIER OF:

1. 4 YEARS AFTER THE EXPIRATION OF THE LEAVE OF ABSENCE; OR

2. THE DATE MEMBERSHIP ENDS.

(3) THE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

25-304.1.

(a) Except as provided in subsection (b) of this section, a member may not purchase service credit under this title if the member is separated from employment.

(b) (1) A member who is separated from employment may purchase service credit under this title for a leave of absence approved by the Board of Trustees under regulations that apply to all members, if the member purchases the service credit within 60 days after the expiration of the leave of absence.

~~(2) THE PERIOD OF TIME DURING WHICH A MEMBER MAY PURCHASE SERVICE CREDIT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE EXTENDED BY THE EXECUTIVE DIRECTOR IF:~~

~~(I) THE EXECUTIVE DIRECTOR DETERMINES THAT PROCEDURAL EXTENUATING CIRCUMSTANCES IMPACTED THE MEMBER'S ABILITY TO PURCHASE SERVICE CREDIT WITHIN 60 DAYS AFTER THE MEMBER'S LEAVE OF ABSENCE EXPIRED; AND~~

~~(II) THE PURCHASED SERVICE CREDIT WOULD ALLOW THE MEMBER TO MEET THE ELIGIBILITY SERVICE REQUIREMENTS TO APPLY FOR AN ORDINARY DISABILITY RETIREMENT UNDER § 29-105(A) OF THIS ARTICLE.~~

(2) FOR GOOD CAUSE SHOWN, THE EXECUTIVE DIRECTOR, IN THE EXECUTIVE DIRECTOR'S SOLE DISCRETION, MAY EXTEND THE TIME PERIOD TO PURCHASE SERVICE CREDIT UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE PURCHASED SERVICE CREDIT WOULD ALLOW THE MEMBER TO MEET THE ELIGIBILITY SERVICE REQUIREMENTS TO APPLY FOR AN ORDINARY DISABILITY RETIREMENT UNDER § 29-105(A) OF THIS ARTICLE; AND

(II) THE MEMBER COMPLETES THE PURCHASE OF THE SERVICE CREDIT BEFORE THE EARLIER OF:

1. 4 YEARS AFTER THE EXPIRATION OF THE LEAVE OF ABSENCE; OR

2. THE DATE MEMBERSHIP ENDS.

(3) THE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

26-306.1.

(a) Except as provided in subsection (b) of this section, a member may not purchase service credit under this title if the member is separated from employment.

(b) (1) A member who is separated from employment may purchase service credit under this title for a leave of absence approved by the Board of Trustees under regulations that apply to all members, if the member purchases the service credit within 60 days after the expiration of the leave of absence.

~~(2) THE PERIOD OF TIME DURING WHICH A MEMBER MAY PURCHASE SERVICE CREDIT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE EXTENDED BY THE EXECUTIVE DIRECTOR IF:~~

~~(I) THE EXECUTIVE DIRECTOR DETERMINES THAT PROCEDURAL EXTENUATING CIRCUMSTANCES IMPACTED THE MEMBER'S ABILITY TO PURCHASE SERVICE CREDIT WITHIN 60 DAYS AFTER THE MEMBER'S LEAVE OF ABSENCE EXPIRED; AND~~

~~(II) THE PURCHASED SERVICE CREDIT WOULD ALLOW THE MEMBER TO MEET THE ELIGIBILITY SERVICE REQUIREMENTS TO APPLY FOR AN ORDINARY DISABILITY RETIREMENT UNDER § 29-105(A) OF THIS ARTICLE.~~

(2) FOR GOOD CAUSE SHOWN, THE EXECUTIVE DIRECTOR, IN THE EXECUTIVE DIRECTOR'S SOLE DISCRETION, MAY EXTEND THE TIME PERIOD TO PURCHASE SERVICE CREDIT UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE PURCHASED SERVICE CREDIT WOULD ALLOW THE MEMBER TO MEET THE ELIGIBILITY SERVICE REQUIREMENTS TO APPLY FOR AN ORDINARY DISABILITY RETIREMENT UNDER § 29-105(A) OF THIS ARTICLE; AND

(II) THE MEMBER COMPLETES THE PURCHASE OF THE SERVICE CREDIT BEFORE THE EARLIER OF:

1. 4 YEARS AFTER THE EXPIRATION OF THE LEAVE OF ABSENCE; OR

2. THE DATE MEMBERSHIP ENDS.

(3) THE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively to an individual who:

(1) enrolled as a member of the Correctional Officers' Retirement System on or after October 1, 2006;

(2) began a Board of Trustees approved leave of absence on or after September 1, 2011; and

(3) separated from employment with the State on or before April 1, 2012.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, May 5, 2014.