

HOUSE BILL 708

K4

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CF SB 665

By: **Delegates Serafini, Beitzel, Clagett, Donoghue, K. Kelly, Myers, and Parrott**

Introduced and read first time: January 31, 2014

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 27, 2014

CHAPTER _____

1 AN ACT concerning

2 **Correctional Officers' Retirement System – Membership**

3 FOR the purpose of altering the positions eligible for membership in the Correctional
4 Officers' Retirement System; clarifying that certain individuals who do not elect
5 to transfer are not members of the Correctional Officers' Retirement System;
6 authorizing certain individuals to cease membership in the Employees' Pension
7 System and enroll in the Correctional Officers' Retirement System; authorizing
8 certain individuals to transfer service credit from the Employees' Pension
9 System to the Correctional Officers' Retirement System; requiring an individual
10 who elects to transfer membership and service credit to the Correctional
11 Officers' Retirement System to make that election on a form provided by the
12 Board of Trustees for the State Retirement and Pension System; requiring
13 service credit transferred to the Correctional Officers' Retirement System under
14 this Act to be transferred in accordance with certain provisions of law; requiring
15 the Executive Director of the State Retirement Agency to grant a certain waiver
16 if it is necessary to implement a certain transfer of service credit; providing for
17 the termination of certain provisions of this Act; and generally relating to
18 membership in the Correctional Officers' Retirement System.

19 BY repealing and reenacting, with amendments,
20 Article – State Personnel and Pensions
21 Section 25–201 and 25–401
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – State Personnel and Pensions**

4 25–201.

5 (a) Except as provided in subsection (b) of this section, this subtitle applies
6 only to:

7 (1) correctional officers serving in any of the first six job
8 classifications;

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

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

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

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

17 **(6) A CORRECTIONAL OFFICER SERVING AS A SECURITY CHIEF, A**
18 **FACILITY ADMINISTRATOR, AN ASSISTANT WARDEN, OR A WARDEN WHO:**

19 **(I) BEGINS EMPLOYMENT IN THAT POSITION ON OR AFTER**
20 **JULY 1, 2014; OR**

21 **(II) IS SERVING IN THAT POSITION ON JUNE 30, 2014, AND**
22 **ELECTS TO TRANSFER TO THE CORRECTIONAL OFFICERS' RETIREMENT**
23 **SYSTEM ON OR BEFORE DECEMBER 31, 2014.**

24 (b) This subtitle does not apply to:

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

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

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

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

6 **(3) A CORRECTIONAL OFFICER SERVING AS A SECURITY CHIEF, A**
7 **FACILITY ADMINISTRATOR, AN ASSISTANT WARDEN, OR A WARDEN WHO IS IN**
8 **THAT POSITION ON JUNE 30, 2014, AND DOES NOT ELECT TO TRANSFER**
9 **MEMBERSHIP TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM ON OR**
10 **BEFORE DECEMBER 31, 2014.**

11 25-401.

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

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

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

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

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

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

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

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

27 **(VI) A CORRECTIONAL OFFICER SERVING AS A SECURITY**
28 **CHIEF, A FACILITY ADMINISTRATOR, AN ASSISTANT WARDEN, OR A WARDEN; OR**

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That:

5 (a) This section applies to an individual who:

6 (1) is a member of the Employees' Pension System on June 30, 2014,
7 and employed as a correctional officer serving as a security chief, a facility
8 administrator, an assistant warden, or a warden; and

9 (2) on July 1, 2014, continues employment as a correctional officer
10 serving as a security chief, a facility administrator, an assistant warden, or a warden.

11 (b) (1) On or after July 1, 2014, but on or before December 31, 2014, an
12 individual described in subsection (a) of this section may cease membership in the
13 Employees' Pension System and be enrolled as a member of the Correctional Officers'
14 Retirement System.

15 (2) An individual who enrolls as a member of the Correctional Officers'
16 Retirement System under paragraph (1) of this subsection may transfer service credit
17 from the Employees' Pension System to the Correctional Officers' Retirement System.

18 (3) (i) An individual who chooses to enroll in the Correctional
19 Officers' Retirement System under paragraph (1) of this subsection shall do so by filing
20 an application provided by the Board of Trustees for the State Retirement and Pension
21 System.

22 (ii) An individual who chooses to transfer service credit to the
23 Correctional Officers' Retirement System under paragraph (2) of this subsection shall
24 do so by filing an application provided by the Board of Trustees for the State
25 Retirement and Pension System.

26 (4) (i) Service credit transferred under paragraph (2) of this
27 subsection shall be transferred in the same manner as a transfer of service credit
28 made in accordance with Title 37 of the State Personnel and Pensions Article.

29 (ii) The Executive Director of the State Retirement Agency shall
30 grant a waiver under § 37-203.2 of the State Personnel and Pensions Article if a
31 waiver is necessary to transfer service credit under paragraph (2) of this subsection.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2014. Section 2 of this Act shall remain effective for a period of 6 months and,
34 at the end of December 31, 2014, with no further action required by the General
35 Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.