

SENATE BILL 939

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By: **Senator Shank**

Introduced and read first time: February 5, 2014

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

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

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

13 BY repealing and reenacting, with amendments,
14 Article – State Personnel and Pensions
15 Section 23–304.1, 24–304.1, 25–304.1, and 26–306.1
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2013 Supplement)

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

20 **Article – State Personnel and Pensions**

21 23–304.1.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

17 24-304.1.

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

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

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

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

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

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

3 25–304.1.

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

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

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

13 **(I) THE EXECUTIVE DIRECTOR DETERMINES THAT**
14 **PROCEDURAL EXTENUATING CIRCUMSTANCES IMPACTED THE MEMBER’S**
15 **ABILITY TO PURCHASE SERVICE CREDIT WITHIN 60 DAYS AFTER THE MEMBER’S**
16 **LEAVE OF ABSENCE EXPIRED; AND**

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

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

22 26–306.1.

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

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

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

32 **(I) THE EXECUTIVE DIRECTOR DETERMINES THAT**
33 **PROCEDURAL EXTENUATING CIRCUMSTANCES IMPACTED THE MEMBER’S**

1 ABILITY TO PURCHASE SERVICE CREDIT WITHIN 60 DAYS AFTER THE MEMBER'S
2 LEAVE OF ABSENCE EXPIRED; AND

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

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

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

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

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

14 (3) separated from employment with the State on or before April 1,
15 2012.

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