

## Chapter 163

**(Senate Bill 364)**

AN ACT concerning

**Alternate Contributory Pension Selection – Return to Employment**

FOR the purpose of allowing an individual to resume participation in the Alternate Contributory Pension Selection in the Employees' Pension System or Teachers' Pension System if the individual has been separated from employment for a certain period, has accrued a certain amount of eligibility service by a certain date, and by a certain date has returned to employment in a position included in the Employees' Pension System or Teachers' Pension System; providing for the application of this Act; requiring certain service credit earned in the Reformed Contributory Pension Benefit to be credited to the Alternate Contributory Pension Selection; and generally relating to participation in the Alternate Contributory Pension Selection in the Employees' Pension System and Teachers' Pension System.

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section 23–215.1  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2014 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**

23–215.1.

(a) This section applies to a member who:

(1) on or before June 30, 2011, is subject to the Alternate Contributory Pension Selection;

(2) (i) is separated from employment for 4 years or less; [or]

(ii) 1. is separated from employment for more than 4 years for military service that meets the requirements of the federal Uniformed Services Employment and Reemployment Rights Act; and

2. resumes employment within 1 year of leaving military service in a position that is included in the Employees' Pension System or Teachers' Pension System; **OR**

(III) 1. IS SEPARATED FROM EMPLOYMENT FOR MORE THAN 4 YEARS; AND

2. ON OR BEFORE JUNE 30, 2011, ACCRUES THE MINIMUM ELIGIBILITY SERVICE NEEDED TO BE ELIGIBLE FOR A VESTED ALLOWANCE IN THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE;

(3) does not withdraw the member's accumulated contributions; and

(4) does not become a retiree.

(b) A member described in subsection (a) of this section who on or before June 30, 2016, resumes employment in a position that is included in the Employees' Pension System or Teachers' Pension System, shall resume participation in the Alternate Contributory Pension Selection if the employer participates in the Alternate Contributory Pension Selection.

(c) On or before October 1, 2012, and each October 1 through October 1, 2016, the Board of Trustees shall submit a report in accordance with § 2-1246 of the State Government Article to the Joint Committee on Pensions that provides the number of members described under subsection (a) of this section who were:

(1) rehired in the preceding fiscal year into a position included in the Employees' Pension System or Teachers' Pension System; and

(2) participating in the Alternate Contributory Pension Selection.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect an individual who meets the requirements of this Act and who resumed employment in a position included in the Employees' Pension System or Teachers' Pension System on or after July 1, 2011; and

(b) any service credit earned under the Reformed Contributory Pension Benefit by an individual who meets the requirements of this Act shall be credited to the member or former member in the Alternate Contributory Pension Selection.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.