

HOUSE BILL 1438

K4
SB 391/10 – B&T

6lr3702
CF SB 532

By: **Delegates Sophocleus, Haynes, Jackson, Jones, and Reznik**

Introduced and read first time: February 12, 2016

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2016

CHAPTER _____

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 to include certain correctional case management specialists, supervisors, or
6 managers; authorizing certain individuals to transfer membership to the
7 ~~Correctional Officers' Retirement System; clarifying that certain individuals who do~~
8 ~~not elect to transfer are not members of the Correctional Officers' Retirement~~
9 ~~System; requiring certain individuals to deposit certain amounts in the annuity~~
10 ~~savings fund of the Correctional Officers' Retirement System; requiring the Board of~~
11 ~~Trustees for the State Retirement and Pension System to transfer certain funds to~~
12 ~~the annuity savings fund of the Correctional Officers' Retirement System; providing~~
13 ~~that certain accumulated contributions shall reduce the amount of a required deposit~~
14 ~~to the annuity savings fund of the Correctional Officers' Retirement System;~~
15 ~~prohibiting an individual who transfers membership to the Correctional Officers'~~
16 ~~Retirement System under this Act from receiving certain benefits if the individual~~
17 ~~retires within a certain number of years after transferring to the Correctional~~
18 ~~Officers' Retirement System; providing that certain members of the Correctional~~
19 ~~Officers' Retirement System who meet certain criteria may receive a normal service~~
20 ~~retirement allowance that is based on certain creditable service; requiring the State~~
21 ~~Retirement Agency, on or before a certain date, to notify certain individuals affected~~
22 ~~by this Act of their rights to transfer certain service credit to the Correctional~~
23 ~~Officers' Retirement System; and generally relating to membership in the~~
24 Correctional Officers' Retirement System.

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 BY repealing and reenacting, with amendments,
 2 Article – State Personnel and Pensions
 3 Section 25–201, ~~25–202~~, and 25–401
 4 Annotated Code of Maryland
 5 (2015 Replacement Volume)

6 ~~BY repealing and reenacting, without amendments,~~
 7 ~~Article – State Personnel and Pensions~~
 8 ~~Section 25–203.1 and 29–302(e) and (d)~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2015 Replacement Volume)~~

11 ~~BY adding to~~
 12 ~~Article – State Personnel and Pensions~~
 13 ~~Section 25–203.2 and 29–302(g)~~
 14 ~~Annotated Code of Maryland~~
 15 ~~(2015 Replacement Volume)~~

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

18 **Article – State Personnel and Pensions**

19 25–201.

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

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

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

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

27 (4) an individual serving as a correctional dietary, maintenance, laundry,
 28 or supply officer;

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

31 (6) a correctional officer serving as a security chief, a facility administrator,
 32 an assistant warden, or a warden who:

33 (i) begins employment in that position on or after July 1, 2014; or

1 (ii) is serving in that position on June 30, 2014, and elects to transfer
2 to the Correctional Officers' Retirement System from:

3 1. the Employees' Pension System on or before December 31,
4 2014; or

5 2. the Employees' Retirement System on or before December
6 31, 2015; AND

7 **(7) AN INDIVIDUAL SERVING AS A CORRECTIONAL CASE**
8 **MANAGEMENT SPECIALIST, SUPERVISOR, OR MANAGER ON OR AFTER JULY 1, 2016.**

9 (b) This subtitle does not apply to:

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

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

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

15 (2) a detention center officer employed by a participating governmental
16 unit as a local detention center officer on the effective date of participation on or after July
17 1, 2006, who did not elect to become a member of the Correctional Officers' Retirement
18 System within 6 months of the effective date of participation; ~~for~~

19 (3) a correctional officer serving as a security chief, a facility administrator,
20 an assistant warden, or a warden who is in that position on June 30, 2014, and does not
21 elect to transfer membership to the Correctional Officers' Retirement System from:

22 (i) the Employees' Pension System on or before December 31, 2014;
23 or

24 (ii) the Employees' Retirement System on or before December 31,
25 2015; ~~OR~~

26 ~~(4) AN INDIVIDUAL SERVING AS A CORRECTIONAL CASE~~
27 ~~MANAGEMENT SPECIALIST WHO IS IN THAT POSITION ON JUNE 30, 2016, AND DOES~~
28 ~~NOT ELECT TO TRANSFER MEMBERSHIP TO THE CORRECTIONAL OFFICERS'~~
29 ~~RETIREMENT SYSTEM FROM THE EMPLOYEES' PENSION SYSTEM OR THE~~
30 ~~EMPLOYEES' RETIREMENT SYSTEM ON OR BEFORE DECEMBER 31, 2016.~~

31 ~~25-202.~~

~~(a) Except as provided in subsection (b) of this section, an individual described in § 25-201(a) of this subtitle is a member of the Correctional Officers' Retirement System as a condition of employment.~~

~~(b) (1) Subject to paragraph (2) of this subsection, membership in the Correctional Officers' Retirement System is optional for an individual described in § 25-201 of this subtitle who:~~

~~(i) was employed by a participating governmental unit as a local detention center officer on the effective date of participation on or after July 1, 2006, for that participating governmental unit and who elects membership within 6 months of the effective date of participation; AND~~

~~(H) IS SERVING AS A CORRECTIONAL CASE MANAGEMENT SPECIALIST ON JUNE 30, 2016, AND ELECTS TO TRANSFER MEMBERSHIP TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM FROM THE EMPLOYEES' PENSION SYSTEM OR THE EMPLOYEES' RETIREMENT SYSTEM ON OR BEFORE DECEMBER 31, 2016.~~

~~(2) To elect to be a member of the Correctional Officers' Retirement System, an individual shall file a written application with the State Retirement Agency.~~

~~(3) If an individual does not elect membership during the applicable period specified under paragraph (1) of this subsection, the individual may not become a member of the Correctional Officers' Retirement System.~~

~~25-203.1.~~

~~For members who transfer from the Employees' Pension System or the Employees' Retirement System, the Board of Trustees shall transfer to the accumulation fund of the Correctional Officers' Retirement System the employer contributions that were made to the Employees' Pension System or the Employees' Retirement System on behalf of those members who transferred, plus the interest earned on those contributions through the date of transfer.~~

~~25-203.2.~~

~~(A) THIS SECTION APPLIES TO AN INDIVIDUAL SERVING AS A CORRECTIONAL CASE MANAGEMENT SPECIALIST WHO IS IN THAT POSITION ON JUNE 30, 2016, AND ELECTS TO TRANSFER MEMBERSHIP TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM FROM THE EMPLOYEES' PENSION SYSTEM OR THE EMPLOYEES' RETIREMENT SYSTEM ON OR BEFORE DECEMBER 31, 2016.~~

~~(B) A MEMBER SHALL DEPOSIT IN THE ANNUITY SAVINGS FUND OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;~~

~~(1) AN AMOUNT EQUAL TO THE MEMBER CONTRIBUTIONS THAT WOULD HAVE BEEN MADE IF THE RATE OF MEMBER CONTRIBUTIONS WAS THE SAME AS THE RATE SPECIFIED UNDER § 25-203 OF THIS SUBTITLE WHEN THE SERVICE BEING TRANSFERRED WAS EARNED; AND~~

~~(2) REGULAR INTEREST ON THE CONTRIBUTIONS REQUIRED UNDER ITEM (1) OF THIS SUBSECTION AT THE RATE OF 4% PER YEAR COMPOUNDED ANNUALLY.~~

~~(c) (1) THE BOARD OF TRUSTEES SHALL TRANSFER A MEMBER'S ACCUMULATED CONTRIBUTIONS FROM THE ANNUITY SAVINGS FUND OF THE EMPLOYEES' PENSION SYSTEM OR THE EMPLOYEES' RETIREMENT SYSTEM TO THE ANNUITY SAVINGS FUND OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM.~~

~~(2) THE AMOUNT A MEMBER IS REQUIRED TO DEPOSIT UNDER SUBSECTION (B) OF THIS SECTION SHALL BE REDUCED BY THE AMOUNT OF ACCUMULATED CONTRIBUTIONS TRANSFERRED UNDER THIS SUBSECTION.~~

25-401.

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

(1) on or before the date of retirement, the member:

(i) has at least 20 years of eligibility service;

(II) 1. IS A CORRECTIONAL CASE MANAGEMENT SPECIALIST, SUPERVISOR, OR MANAGER ON OR BEFORE JUNE 30, 2016;

2. IS VESTED IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM; AND

3. HAS A COMBINED TOTAL OF AT LEAST 20 YEARS OF ELIGIBILITY SERVICE FROM:

A. THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM AND THE EMPLOYEES' RETIREMENT SYSTEM; OR

B. THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM;

~~(ii)~~ (III) is at least 55 years old and has:

1. at least 5 years of eligibility service credit, if the member is a member on or before June 30, 2011; or

1 2. at least 10 years of eligibility service credit, if the member
2 becomes a member on or after July 1, 2011; or

3 ~~(iii)~~ **(IV)** is a maximum security attendant at the Clifton T. Perkins
4 Hospital Center who is at least 60 years old and has:

5 1. at least 5 years of eligibility service credit, if the member
6 is a member on or before June 30, 2011; or

7 2. at least 10 years of eligibility service credit, if the member
8 becomes a member on or after July 1, 2011; and

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

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

14 ~~(c) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL SERVING AS
15 A CORRECTIONAL CASE MANAGEMENT SPECIALIST WHO IS IN THAT POSITION ON
16 JUNE 30, 2016, AND ELECTS TO TRANSFER MEMBERSHIP TO THE CORRECTIONAL
17 OFFICERS' RETIREMENT SYSTEM FROM THE EMPLOYEES' PENSION SYSTEM OR
18 THE EMPLOYEES' RETIREMENT SYSTEM ON OR BEFORE DECEMBER 31, 2016.~~

19 ~~(2) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, IF AN
20 INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION RETIRES WITHIN
21 5 YEARS AFTER TRANSFERRING INTO THE CORRECTIONAL OFFICERS' RETIREMENT
22 SYSTEM, THE BENEFITS PAYABLE WITH RESPECT TO THE TRANSFERRED SERVICE
23 CREDIT MAY NOT BE GREATER THAN THE BENEFITS THAT WOULD HAVE BEEN
24 PAYABLE BY THE PREVIOUS SYSTEM WITH RESPECT TO THE SERVICE IF THE
25 INDIVIDUAL HAD REMAINED IN THE PREVIOUS SYSTEM.~~

26 ~~20-302.~~

27 ~~(e) A vested allowance is a deferred allowance starting at:~~

28 ~~(1) normal retirement age for members of:~~

29 ~~(i) the Employees' Retirement System;~~

30 ~~(ii) the State Police Retirement System; and~~

31 ~~(iii) the Teachers' Retirement System;~~

1 ~~(2) except as provided in item (3) of this subsection, age 55 for a member of~~
2 ~~the Correctional Officers' Retirement System; or~~

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

5 (d) ~~A vested allowance:~~

6 ~~(1) is computed as a normal service retirement allowance on the basis of~~
7 ~~the former member's creditable service and average final compensation at the time of~~
8 ~~separation from employment; and~~

9 ~~(2) may be paid in one of the optional forms of allowances under § 21-403~~
10 ~~of this article.~~

11 ~~(C) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL SERVING AS~~
12 ~~A CORRECTIONAL CASE MANAGEMENT SPECIALIST WHO IS IN THAT POSITION ON~~
13 ~~JUNE 30, 2016, AND ELECTS TO TRANSFER MEMBERSHIP TO THE CORRECTIONAL~~
14 ~~OFFICERS' RETIREMENT SYSTEM FROM THE EMPLOYEES' PENSION SYSTEM OR~~
15 ~~THE EMPLOYEES' RETIREMENT SYSTEM ON OR BEFORE DECEMBER 31, 2016.~~

16 ~~(2) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, IF AN~~
17 ~~INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION RETIRES WITHIN~~
18 ~~5 YEARS AFTER TRANSFERRING INTO THE CORRECTIONAL OFFICERS' RETIREMENT~~
19 ~~SYSTEM, THE BENEFITS PAYABLE WITH RESPECT TO THE TRANSFERRED SERVICE~~
20 ~~CREDIT MAY NOT BE GREATER THAN THE BENEFITS THAT WOULD HAVE BEEN~~
21 ~~PAYABLE BY THE PREVIOUS SYSTEM WITH RESPECT TO THE SERVICE IF THE~~
22 ~~INDIVIDUAL HAD REMAINED IN THE PREVIOUS SYSTEM.~~

23 ~~(C) (1) THIS SUBSECTION APPLIES ONLY TO A CORRECTIONAL CASE~~
24 ~~MANAGEMENT SPECIALIST, SUPERVISOR, OR MANAGER WHO HAS A COMBINED~~
25 ~~TOTAL OF 20 YEARS OF ELIGIBILITY SERVICE AS PROVIDED IN SUBSECTION~~
26 ~~(A)(1)(II) OF THIS SECTION.~~

27 ~~(2) A MEMBER IS ENTITLED TO RECEIVE A NORMAL SERVICE~~
28 ~~RETIREMENT ALLOWANCE THAT EQUALS AN ALLOWANCE BASED ON THE~~
29 ~~CREDITABLE SERVICE THE MEMBER HAS IN THE CORRECTIONAL OFFICERS'~~
30 ~~RETIREMENT SYSTEM.~~

31 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2016,
32 the State Retirement Agency shall notify the individuals who are affected by this Act of
33 their right to transfer service credit from the Employees' Retirement System or the
34 Employees' Pension System to the Correctional Officers' Retirement System.

1 SECTION ~~2~~ 3 AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.