

HOUSE BILL 1095

K4

7lr2663

By: **Delegate Rosenberg**

Introduced and read first time: February 9, 2017

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Teachers' Retirement and Pension Systems – Credit for Unused Sick Leave –**
3 **Time Period for Eligibility**

4 FOR the purpose of specifying that, if a member of the Teachers' Retirement System or the
5 Teachers' Pension System appeals a certain employment decision, the time period
6 during which the member must retire to be eligible to receive creditable service for
7 unused sick leave at retirement may not begin until a certain condition is met; and
8 generally relating to the time period for eligibility to receive creditable service for
9 unused sick leave at retirement.

10 BY repealing and reenacting, with amendments,
11 Article – State Personnel and Pensions
12 Section 20–206
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2016 Supplement)

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

17 **Article – State Personnel and Pensions**

18 20–206.

19 (a) In this section, “unused sick leave” means sick leave credit that:

20 (1) has not been used before retirement; and

21 (2) was available to the member to be used as sick leave during
22 employment.

23 (b) This section does not apply to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) the Judges' Retirement System; or

2 (2) the Legislative Pension Plan.

3 (c) Except as provided in subsection (f) of this section, **AND SUBJECT TO**
4 **SUBSECTION (I) OF THIS SECTION**, a member is entitled to receive creditable service for
5 unused sick leave if the member retires on or before 30 days after the member is separated
6 from employment with a participating employer or a participating governmental unit that
7 has withdrawn from one of the several systems under Title 31 of this article.

8 (d) (1) At retirement, a member is entitled to receive creditable service for
9 unused sick leave, on verification of the unused sick leave to the Board of Trustees.

10 (2) (i) This subsection does not apply to the Local Fire and Police
11 System or the Law Enforcement Officers' Pension System.

12 (ii) A member who separates from employment for reasons other
13 than retirement on or before June 30, 1990, is entitled to receive creditable service for
14 unused sick leave that is reported by the member's employer at the member's separation
15 from employment if the member was entitled to a vested allowance at the time of
16 separation.

17 (e) (1) Subject to paragraphs (2) and (3) of this subsection, for 22 days of
18 unused sick leave a member is entitled to receive 1 month of creditable service.

19 (2) (i) If a member has at least 11 days but less than 22 days of unused
20 sick leave, the member is entitled to receive 1 month of creditable service.

21 (ii) If a member has at least 22 days of unused sick leave, and if
22 fractional days totaling 11 or more result from the application of the formula described in
23 paragraph (1) of this subsection, a member is entitled to receive 1 additional month of
24 creditable service.

25 (3) For the purposes of this section:

26 (i) a member may not accumulate more than 15 days of sick leave
27 per year;

28 (ii) unless sick leave credit is accepted and credited by the current
29 participating employer, a member may not receive credit for unused sick leave granted by
30 a former employer; and

31 (iii) in determining the amount of unused sick leave a member is
32 eligible to use as creditable service at retirement, the Board of Trustees shall use the lesser
33 of:

1 1. the member's number of years of creditable service, not
2 including credit for unused sick leave, multiplied by 15; or

3 2. the member's cumulative number of unused sick leave
4 days reported by the participating employer.

5 (f) (1) This subsection applies to a member of the Employees' Pension System
6 who:

7 (i) was a member of the Correctional Officers' Retirement System
8 and was transferred from the Correctional Officers' Retirement System to the Employees'
9 Pension System as a result of a change in position with the same employer that rendered
10 the individual ineligible for membership in the Correctional Officers' Retirement System;
11 and

12 (ii) did not transfer service credit from the Correctional Officers'
13 Retirement System to the Employees' Pension System.

14 (2) Subject to paragraph (3) of this subsection, a member is entitled to
15 receive creditable service for the total amount of unused sick leave accrued by the member
16 at the time of retirement.

17 (3) The creditable service for unused sick leave shall be calculated for each
18 of the two State systems by multiplying the total amount of unused sick leave, calculated
19 in accordance with subsection (e) of this section, by a fraction:

20 (i) the numerator of which is the creditable service earned in the
21 State system, not including the creditable service for unused sick leave; and

22 (ii) the denominator of which is the total creditable service earned in
23 both State systems, not including the creditable service for unused sick leave.

24 (g) Credit for unused sick leave may not be used under this section:

25 (1) to determine years of eligibility service required for a benefit under this
26 Division II; or

27 (2) to compute average final compensation.

28 (h) A State employee who came into the State system while retaining sick leave
29 and annual leave benefits under a county system and who came under the provisions of
30 Chapter 423 of the Acts of 1971 shall be entitled to the same full credit toward retirement
31 as provided by this section.

32 **(I) FOR MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM OR THE**
33 **TEACHERS' PENSION SYSTEM, IF A MEMBER APPEALS A DECISION RELATING TO THE**
34 **MEMBER'S SEPARATION FROM EMPLOYMENT, THE 30-DAY TIME PERIOD UNDER**

1 SUBSECTION (C) OF THIS SECTION MAY NOT BEGIN UNTIL THE MEMBER HAS
2 EXHAUSTED OR OTHERWISE TERMINATED ALL RIGHTS TO APPEAL.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2017.