

Chapter 671

(Senate Bill 706)

AN ACT concerning

Law Enforcement Officers' Pension System – Reemployment as Sheriff

FOR the purpose of requiring the Board of Trustees for the State Retirement and Pension System to suspend the retirement benefit of a retiree of the Law Enforcement Officers' Pension System who is elected as a sheriff within a certain period of time after the date of retirement; providing for the reinstatement of a benefit; providing that a suspension of a benefit does not affect survivor benefits; and generally relating to reemployment of retirees of the Law Enforcement Officers' Pension System.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 26–403

Annotated Code of Maryland

(2015 Replacement Volume and 2023 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

26–403.

(a) Except as provided in [subsection (f)] **SUBSECTIONS (F) AND (G)** of this section, a retiree who is receiving a service retirement allowance may accept employment with a participating employer on a permanent, temporary, or contractual basis, without any reduction in retirement allowance.

(b) A reemployed retiree who is receiving a service retirement allowance may not receive creditable service or eligibility service during the period of reemployment.

(c) The retiree's compensation during the period of reemployment may not be subject to the employer pickup provisions of § 21–303 of this article or any reduction or deduction as a member contribution for pension or retirement purposes.

(d) The State Retirement Agency shall institute appropriate reporting procedures with the affected payroll systems to ensure compliance with this section.

(e) (1) Immediately on the employment of any retiree, a participating employer shall notify the State Retirement Agency of the type of employment and the anticipated earnings of the retiree.

(2) At least once each year, in a format specified by the State Retirement Agency, each participating employer shall provide the State Retirement Agency with a list of all employees included on any payroll of the employer, the Social Security numbers of the employees, and their earnings for that year.

(f) An individual who is receiving a service retirement allowance under this title may not be employed within 45 days of the date the individual retired, on a permanent, temporary, or contractual basis, by:

(1) the State or other participating employer; or

(2) a withdrawn participating governmental unit, if the retiree was an employee of the withdrawn participating governmental unit while the withdrawn governmental unit was a participating employer.

(G) (1) THIS SECTION APPLIES TO A RETIREE WHO IS ELECTED AS A SHERIFF LESS THAN ~~5 YEARS~~ 1 YEAR AFTER THE RETIREE'S DATE OF RETIREMENT.

(2) THE BOARD OF TRUSTEES SHALL, AFTER GIVING NOTICE, TEMPORARILY SUSPEND THE RETIREE'S ALLOWANCE AS OF THE DATE THE RETIREE BEGINS SERVING AS A SHERIFF.

(3) (I) ON RECEIVING SATISFACTORY DOCUMENTATION THAT THE INDIVIDUAL IS NO LONGER SERVING AS A SHERIFF, THE BOARD OF TRUSTEES SHALL REINSTATE THE RETIREE'S ALLOWANCE WITH ACCUMULATED COST-OF-LIVING ADJUSTMENTS FROM THE DATE THE ALLOWANCE WAS TEMPORARILY SUSPENDED.

(II) THE RETIREE'S ALLOWANCE WILL BE REINSTATED ON THE FIRST DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE RETIREE CEASED SERVING AS A SHERIFF.

(4) IF A RETIREE WHOSE ALLOWANCE IS TEMPORARILY SUSPENDED DIES WHILE SERVING AS A SHERIFF, SURVIVORSHIP BENEFITS SELECTED BY THE MEMBER AT THE TIME OF RETIREMENT SHALL BE PAID TO:

(I) THE SURVIVING SPOUSE OR CHILD, IN ACCORDANCE WITH § 26-402 OF THIS SUBTITLE; OR

(II) IF THERE IS NO SURVIVING SPOUSE OR CHILD, THE DESIGNATED BENEFICIARY IN ACCORDANCE WITH § 21-403 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any individual who retires before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, May 9, 2024.