

SENATE BILL 768

P6

5lr3475
CF HB 1029

By: **Senator M. Jackson (Chair, Joint Committee on Pensions)**

Introduced and read first time: January 27, 2025

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: February 25, 2025

CHAPTER _____

1 AN ACT concerning

2 **Correctional Officers' Retirement System – Membership – Clarifications**

3 FOR the purpose of clarifying the membership in the Correctional Officers' Retirement
4 System for certain employees of certain Maryland Department of Health facilities;
5 clarifying that certain participating employees who are appointed, promoted, or
6 transferred are members of the Correctional Officers' Retirement System as a
7 condition of employment; and generally relating to membership in the Correctional
8 Officers' Retirement System.

9 BY repealing and reenacting, without amendments,
10 Article – State Personnel and Pensions
11 Section 20–206(a)
12 Annotated Code of Maryland
13 (2024 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Personnel and Pensions
16 Section 20–206(g), 25–201, and 25–401
17 Annotated Code of Maryland
18 (2024 Replacement Volume and 2024 Supplement)

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

21 **Article – State Personnel and Pensions**

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 20–206.

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

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

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

6 (g) (1) This subsection applies to a member of the Correctional Officers’
7 Retirement System who:

8 (i) was a member of the Employees’ Pension System or Employees’
9 Retirement System and was transferred from the Employees’ Pension System or
10 Employees’ Retirement System to the Correctional Officers’ Retirement System as a result
11 of a change in membership within the several systems that rendered the individual
12 ineligible for membership in the Employees’ Pension System or the Employees’ Retirement
13 System;

14 (ii) did not transfer service credit from the Employees’ Pension
15 System or the Employees’ Retirement System to the Correctional Officers’ Retirement
16 System; and

17 (iii) 1. retires under § 25–401 of this article, and receives a vested
18 benefit from the Employees’ Pension System or the Employees’ Retirement System;

19 2. retires under §§ 22–401, 22–402, 23–401, or 23–402 of this
20 article, and receives a vested benefit from the Correctional Officers’ Retirement System for
21 service earned on or after July 1, 2016; or

22 3. retires with a vested benefit from the Employees’ Pension
23 System or Employees’ Retirement System, and earned service in the Correctional Officers’
24 Retirement System on or after July 1, 2016, for which the individual is not eligible for a
25 benefit.

26 (2) Subject to paragraphs (3) and (4) of this subsection, a member is
27 entitled to receive creditable service for the total amount of unused sick leave accrued by
28 the member at the time of retirement.

29 (3) (i) This paragraph applies to an individual described under
30 paragraph (1)(iii)1 or 2 of this subsection.

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

1 1. the numerator of which is the creditable service earned in
2 the State system, not including the creditable service for unused sick leave; and

3 2. the denominator of which is the total creditable service
4 earned in both State systems, not including the creditable service for unused sick leave.

5 (4) (i) This paragraph applies to an individual described under
6 paragraph (1)(iii)3 of this subsection.

7 (ii) An individual's retirement benefit from the Employees' Pension
8 System or Employees' Retirement System shall be adjusted to include any credit for unused
9 sick leave that the individual accrued in the Employees' Pension System or Employees'
10 Retirement System prior to becoming a member of the Correctional Officers' Retirement
11 System:

12 1. on or after July 1, 2016, in a position included under §
13 25-201(a)(7) of this article;

14 2. on or after July 1, 2017, in a position included under §
15 25-201(a)(8) or (9) of this article;

16 3. on or after July 1, 2018, in a position included under §
17 25-201(a)(10) or (11) of this article;

18 4. on or after July 1, 2022, in a position included under §
19 25-201(a)(12) of this article; [or]

20 5. on or after July 1, 2024, in a position included under §
21 25-201(a)(13) of this article; **OR**

22 **6. ON OR AFTER JULY 1, 2025, IN A POSITION INCLUDED**
23 **UNDER § 25-201(A)(14) OF THIS ARTICLE.**

24 25-201.

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

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

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

29 (3) a detention center officer employed by a participating governmental
30 unit that on or after July 1, 2006, has elected to participate in the Correctional Officers'
31 Retirement System;

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

3 (5) an individual serving as a Maryland Correctional Enterprises officer,
4 officer trainee, plant supervisor, plant manager, or regional manager;

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

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

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

10 1. the Employees' Pension System on or before December 31,
11 2014; or

12 2. the Employees' Retirement System on or before December
13 31, 2015;

14 (7) an individual serving as a correctional case management specialist,
15 supervisor, or manager on or after July 1, 2016;

16 (8) an individual serving as a parole and probation agent, supervisor, or
17 regional administrator on or after July 1, 2017;

18 (9) an individual serving as a Department of Public Safety and
19 Correctional Services employee in one of the following positions on or after July 1, 2017:

20 (i) an alcohol and drug:

21 1. associate counselor, counselor lead, counselor provisional,
22 or counselor supervisor;

23 2. professional counselor, counselor provisional, or counselor
24 supervisor; or

25 3. supervised counselor or counselor provisional;

26 (ii) a mental health professional counselor, graduate professional
27 counselor, professional counselor advanced, or professional supervisor;

28 (iii) a psychologist, psychology associate, or psychology associate
29 doctorate;

30 (iv) a social worker, social worker advanced, social worker
31 supervisor, or social work regional supervisor; or

1 (v) a recreation officer or supervisor;

2 (10) an individual serving as a Department of Juvenile Services employee
3 in one of the following positions on or after July 1, 2018:

4 (i) a community detention officer or community detention
5 supervisor;

6 (ii) a youth transportation officer, youth transportation officer lead,
7 youth transportation officer supervisor, or youth transportation officer trainee;

8 (iii) a resident advisor, resident advisor lead, resident advisor
9 supervisor, or resident advisor trainee; or

10 (iv) a youth recreation specialist;

11 (11) an individual serving as a Department of Public Safety and
12 Correctional Services employee in one of the following positions on or after July 1, 2018:

13 (i) a parole and probation assistant regional administrator;

14 (ii) a psychology services chief;

15 (iii) a correctional maintenance officer supervisor;

16 (iv) a correctional maintenance officer manager;

17 (v) a correctional maintenance services officer;

18 (vi) a correctional maintenance services supervisor;

19 (vii) a correctional maintenance services manager; or

20 (viii) a correctional maintenance regional manager;

21 (12) an individual serving as a Department of Juvenile Services employee
22 in one of the following positions on or after July 1, 2022:

23 (i) a case management specialist I, II, or III;

24 (ii) a case management specialist supervisor;

25 (iii) a case management specialist program supervisor; or

26 (iv) a group life manager I or II; [and]

(13) an individual serving as a Maryland Department of Health employee on or after July 1, 2024:

(i) at one of the following facilities:

1. Eastern Shore Hospital Center;
2. Thomas B. Finan Center;
3. Potomac Center/Secure Evaluation and Therapeutic Treatment Program;
4. Spring Grove Hospital Center;
5. Springfield Hospital Center;
6. Regional Institute for Children and Adolescents – Baltimore; or
7. John L. Gildner Regional Institute for Children and Adolescents; and

(ii) in one of the following positions:

1. a CAMH associate **I, II, OR LEAD – CI**;
2. a developmental disability associate – CI;
3. a direct care assistant **I OR II – CI**;
4. **A DIRECT CARE TRAINEE – CI**;
- [4.] **5. a licensed practical nurse I, II, III ADVANCE, OR III LEAD – CI**;
- [5.] **6. a resident associate SETT – CI**;
- [6.] **7. a security attendant I, II, or III**;
- [7.] **8. a security attendant manager I or II; or**
- [8.] **9. a security attendant supervisor; AND**

(14) AN INDIVIDUAL SERVING AS A MARYLAND DEPARTMENT OF HEALTH EMPLOYEE ON OR AFTER JULY 1, 2025:

1 (I) AT A FACILITY DESCRIBED IN ITEM (13)(I) OF THIS
2 SUBSECTION; AND

3 (II) IN ONE OF THE FOLLOWING POSITIONS:

4 1. A CAMH ASSOCIATE SUPERVISOR – CI;

5 2. A DEVELOPMENTAL DISABILITY ASSOCIATE
6 ASSISTANT MANAGER – CI;

7 3. A DEVELOPMENTAL DISABILITY ASSOCIATE
8 MANAGER – CI; AND

9 4. A DEVELOPMENTAL DISABILITY ASSOCIATE
10 SUPERVISOR – CI.

11 (b) This subtitle does not apply to:

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

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

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

17 (2) a detention center officer employed by a participating governmental
18 unit as a local detention center officer on the effective date of participation on or after July
19 1, 2006, who did not elect to become a member of the Correctional Officers' Retirement
20 System within 6 months of the effective date of participation; or

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

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

26 (ii) the Employees' Retirement System on or before December 31,
27 2015.

28 25–401.

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

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

- 1 (i) has at least 20 years of eligibility service;
- 2 (ii) 1. is a correctional case management specialist, supervisor,
3 or manager on or before June 30, 2016;
- 4 2. is vested in the Correctional Officers' Retirement System;
5 and
- 6 3. has a combined total of at least 20 years of eligibility
7 service from:
- 8 A. the Correctional Officers' Retirement System and the
9 Employees' Retirement System; or
- 10 B. the Correctional Officers' Retirement System and the
11 Employees' Pension System;
- 12 (iii) 1. is serving in a position specified in:
- 13 A. § 25–201(a)(8) or (9) of this title on or before June 30, 2017;
- 14 B. § 25–201(a)(10) or (11) of this title on or before June 30,
15 2018;
- 16 C. § 25–201(a)(12) of this title on or before June 30, 2022; or
- 17 D. § 25–201(a)(13) of this title on or before June 30, 2024;
- 18 2. is vested in the Correctional Officers' Retirement System;
19 and
- 20 3. has a combined total of at least 20 years of eligibility
21 service from:
- 22 A. the Correctional Officers' Retirement System and the
23 Employees' Retirement System; or
- 24 B. the Correctional Officers' Retirement System and the
25 Employees' Pension System; or
- 26 (iv) is at least 55 years old and has:
- 27 1. at least 5 years of eligibility service credit, if the member
28 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; and

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

5 (b) (1) Except as provided in paragraph (2) of this subsection, on retirement
6 under this section, a member is entitled to receive a normal service retirement allowance
7 that equals one fifty-fifth of the member's average final compensation multiplied by the
8 number of years of creditable service.

9 (2) On retirement under this section, if a member's annuity is greater than
10 the member's normal service retirement allowance calculated under paragraph (1) of this
11 subsection, the member's normal service retirement allowance shall equal the member's
12 annuity.

13 (c) (1) This subsection applies only to:

14 (i) a correctional case management specialist, supervisor, or
15 manager who has a combined total of 20 years of eligibility service as provided in subsection
16 (a)(1)(ii) of this section; or

17 (ii) a member serving in a position specified in § 25-201(a)(8), (9),
18 (10), (11), (12), [or] (13), **OR (14)** of this title who has a combined total of 20 years of
19 eligibility service as provided in subsection (a)(1)(iii) of this section.

20 (2) A member is entitled to receive a normal service retirement allowance
21 that equals an allowance based on the creditable service the member has in the
22 Correctional Officers' Retirement System.

23 SECTION 2. AND BE IT FURTHER ENACTED, That:

24 (a) This section applies to an individual who:

25 (1) is employed in a position affected by this Act on July 1, 2025; and

26 (2) has creditable service in the Employees' Pension System before July 1,
27 2008.

28 (b) Except as provided in subsections (c) and (d) of this section, on June 30, 2026,
29 the Board of Trustees for the State Retirement and Pension System shall transfer the
30 service of an individual described in subsection (a) of this section from the Employees'
31 Retirement System or the Employees' Pension System to the Correctional Officers'
32 Retirement System.

33 (c) On or before June 1, 2026, an individual described in subsection (a) of this
34 section who was transferred into the Correctional Officers' Retirement System under this

1 Act may elect not to transfer the individual's Employees' Retirement System or Employees'
2 Pension System service to the Correctional Officers' Retirement System by submitting to
3 the Board of Trustees for the State Retirement and Pension System a form provided by the
4 State Retirement Agency for the purpose of electing not to transfer service under this Act.

5 (d) If an individual described in subsection (a) of this section who was transferred
6 into the Correctional Officers' Retirement System under this Act submits an application for
7 retirement to retire before June 30, 2026, the Board of Trustees for the State Retirement
8 and Pension System shall transfer the individual's service from the Employees' Retirement
9 System or the Employees' Pension System to the Correctional Officers' Retirement System
10 prior to the effective date of retirement, unless the individual elects not to transfer the
11 individual's service in accordance with subsection (c) of this section.

12 SECTION 3. AND BE IT FURTHER ENACTED, That:

13 (a) This section applies to an individual who:

14 (1) is employed in a position affected by this Act on July 1, 2025; and

15 (2) has no creditable service in the Employees' Pension System before July
16 1, 2008.

17 (b) An individual described in subsection (a) of this section shall have the
18 individual's service credit from the Employees' Pension System transferred and combined
19 with the individual's service in the Correctional Officers' Retirement System.

20 SECTION 4. AND BE IT FURTHER ENACTED, That:

21 (a) This section applies to an individual who has service from the Employees'
22 Retirement System or the Employees' Pension System transferred into the Correctional
23 Officers' Retirement System under this Act.

24 (b) If an individual described under subsection (a) of this section is granted an
25 ordinary disability benefit under Title 29, Subtitle 1 of the State Personnel and Pensions
26 Article, the Board of Trustees for the State Retirement and Pension System shall calculate
27 the ordinary disability benefit under §§ 29-106 and 29-108 of the State Personnel and
28 Pensions Article and grant the greater benefit to the individual.

29 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2025. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of
31 June 30, 2026, Section 2 of this Act, with no further action required by the General
32 Assembly, shall be abrogated and of no further force and effect.