

To: Senate Budget and Taxation Committee

Ref: Senate Bill 1114, Rebuttal to SRPS testimony

Date: March 13, 2024

Greetings,

First and foremost, I want to thank the members of the Senate Budget and Taxation Committee for hearing Senate Bill 1114, a transfer of service bill.

The Fiscal Note states there will be "no effect on revenues" and this includes no local effect and no small business effect. According to the Fiscal Note, SRPS "is aware of one individual who is definitely eligible for transfer of service under the bill. Accordingly, this bill has limited applicability. Even though another 30 active members of the Local Fire and Police System may likewise be eligible, they must also already be (or become) members of SPRS after a break in service and request the transfer of credit before the bill's December 31, 2024 termination date."

I am the only employee who has reached out for assistance from Senator Carozza in this matter.

Due to time constraints, I was unable to go in depth on information I have been provided and/or had to find out myself. Due to the actions of the State Retirement and Pension System (SRPS), I have spent the last 10 years emailing members of SRPS, making phone calls to local Senators and Delegates requesting assistance, requesting assistance from the Maryland Troopers Association, hiring an attorney to assist me in this matter and having multiple hearings.

Over the past 10 years in trying to resolve this matter, I do not believe the SRPS has ever been forthcoming or transparent in this matter. The SRPS does not willingly provide information regarding the employees' rights and steps they may take after being initially denied. Rather the SRPS seems to conceal information and employee rights. Through my diligence, I was able to find out further steps could be taken even after being denied.

Only through my conversations was I able to find out from Richard Norman (SRPS Board of Trustee at that time) that the SRPS operates under an "unwritten rule" where they allow up to one year of break in service as long as the time is purchased within that year. Mr. Norman later advised my attorney of the same. There is no way an employee could find this

information out since it's an "unwritten rule" and SRPS does not volunteer this information.

Through emails with members of the SRPS, I was advised by Deputy Retirement Administrator Anne Budowski the following:

"Additionally, members of the State Police Retirement System are eligible to purchase service for federal and out-of-state municipal employment only. Your previous employment with the City of Salisbury Police Department (SPD) does not qualify as either."

Multiple members (former and/or current) of the Maryland State Police were formerly employed by SPD under the same Local Fire and Police System that I was under. These employees have purchased and/or rolled their time.

Furthermore, the SRPS member testified that Senator Carozza and I were incorrect in stating that out-of-state could purchase their time. The SRPS member testified that if I wished to pursue this option, the SRPS would speak to me about it, however she stated the cost would be exorbitant and probably not affordable. Again, this is an option that has never been provided by SRPS. If this had been offered at the onset, my time of service possibly would have been affordable, but due to the fact that the cost increases yearly, it most likely would be cost prohibitive for me to do so.

After continually being denied, I later learned through the Maryland Troopers Association that I could request a hearing before the SRPS Board of Trustees, and if I was denied my transfer of service I could request an appeal. I was **never** provided this information by SRPS.

Through my attorney, I requested the initial hearing which I was ultimately denied my transfer of service. SRPS quoted COMAR and the 30-day break in service even after I contended the SRPS set a precedent by going outside the scope of COMAR and allowing up to 1 year of a break in service with their "unwritten rule".

Through my attorney, an appeal was filed and held. SRPS again quoted COMAR and the 30-day break in service. During this appeal, a member of the SRPS Board of Trustees advised my attorney that he was sympathetic with the situation and suggested I attempt to have a bill passed through legislation to allow me to purchase/roll over my time.

The SRPS contends they have not done anything wrong (I'm unsure how to word this, they stated something like they operated correctly, something along those lines) however, I believe that they have not. SRPS has not been forthcoming and seem to conceal information regarding steps employees can

take by having an "unwritten rule" and not advising of the right to a hearing and appeal. SRPS only want to quote COMAR and the 30 day break in service, which I contend they have already set a precedent with their "unwritten rule". SRPS is offering to utilize the out-of-state clause and speak with me about that option. An option that only now they are offering and never did in the past. This is not a new option. It's just a new option for the SRPS to use as they see fit, which would then set another precedent. SRPS quotes case law in an attempt to tell the employee they can't win and force them to stop any further action.

I hope this helps clarify my testimony and situation I find myself in.

I believe if the SRPS has been transparent and shared information about my buy back/roll out options from the beginning of my case that I would not be in this situation where I am forced to seek a legislative solution to transfer my service for retirement purposes.

Respectfully submitted,

Jason Dykes

Corporal, Maryland State Police