

SENATE BILL 665

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CF HB 708

By: **Senators Edwards, Shank, and Madaleno**

Introduced and read first time: January 31, 2014

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the positions eligible for membership in the Correctional
4 Officers' Retirement System; clarifying that certain individuals who do not elect
5 to transfer are not members of the Correctional Officers' Retirement System;
6 authorizing certain individuals to cease membership in the Employees' Pension
7 System and enroll in the Correctional Officers' Retirement System; authorizing
8 certain individuals to transfer service credit from the Employees' Pension
9 System to the Correctional Officers' Retirement System; requiring an individual
10 who elects to transfer membership and service credit to the Correctional
11 Officers' Retirement System to make that election on a form provided by the
12 Board of Trustees for the State Retirement and Pension System; requiring
13 service credit transferred to the Correctional Officers' Retirement System under
14 this Act to be transferred in accordance with certain provisions of law; requiring
15 the Executive Director of the State Retirement Agency to grant a certain waiver
16 if it is necessary to implement a certain transfer of service credit; providing for
17 the termination of certain provisions of this Act; and generally relating to
18 membership in the Correctional Officers' Retirement System.

19 BY repealing and reenacting, with amendments,
20 Article – State Personnel and Pensions
21 Section 25–201 and 25–401
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2013 Supplement)

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

26 **Article – State Personnel and Pensions**

27 25–201.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

9 (4) an individual serving as a correctional dietary, maintenance,
10 laundry, or supply officer; [and]

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

13 **(6) A CORRECTIONAL OFFICER SERVING AS A SECURITY CHIEF, A**
14 **FACILITY ADMINISTRATOR, AN ASSISTANT WARDEN, OR A WARDEN WHO:**

15 **(I) BEGINS EMPLOYMENT IN THAT POSITION ON OR AFTER**
16 **JULY 1, 2014; OR**

17 **(II) IS SERVING IN THAT POSITION ON JUNE 30, 2014, AND**
18 **ELECTS TO TRANSFER TO THE CORRECTIONAL OFFICERS' RETIREMENT**
19 **SYSTEM ON OR BEFORE DECEMBER 31, 2014.**

20 (b) This subtitle does not apply to:

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

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

24 (ii) did not elect to become a member of the Correctional
25 Officers' Retirement System on that date; [or]

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

1 **(3) A CORRECTIONAL OFFICER SERVING AS A SECURITY CHIEF, A**
2 **FACILITY ADMINISTRATOR, AN ASSISTANT WARDEN, OR A WARDEN WHO IS IN**
3 **THAT POSITION ON JUNE 30, 2014, AND DOES NOT ELECT TO TRANSFER**
4 **MEMBERSHIP TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM ON OR**
5 **BEFORE DECEMBER 31, 2014.**

6 25-401.

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

8 (1) on or before the date of retirement, the member has at least 20
9 years of eligibility service;

10 (2) for at least 5 years immediately before retirement, the member
11 was:

12 (i) a security attendant at Clifton T. Perkins Hospital Center;

13 (ii) a correctional officer in any of the first six job classifications;

14 (iii) a detention center officer employed by a participating
15 governmental unit that has elected to participate in the Correctional Officers'
16 Retirement System;

17 (iv) an individual serving as a correctional dietary, maintenance,
18 laundry, or supply officer;

19 (v) an individual serving as a Maryland Correctional
20 Enterprises officer, officer trainee, plant supervisor, plant manager, or regional
21 manager; [or]

22 **(VI) A CORRECTIONAL OFFICER SERVING AS A SECURITY**
23 **CHIEF, A FACILITY ADMINISTRATOR, AN ASSISTANT WARDEN, OR A WARDEN; OR**

24 **[(vi)] (VII) in a combination of these positions; and**

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

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

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

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

1 (1) is a member of the Employees' Pension System on June 30, 2014,
2 and employed as a correctional officer serving as a security chief, a facility
3 administrator, an assistant warden, or a warden; and

4 (2) on July 1, 2014, continues employment as a correctional officer
5 serving as a security chief, a facility administrator, an assistant warden, or a warden.

6 (b) (1) On or after July 1, 2014, but on or before December 31, 2014, an
7 individual described in subsection (a) of this section may cease membership in the
8 Employees' Pension System and be enrolled as a member of the Correctional Officers'
9 Retirement System.

10 (2) An individual who enrolls as a member of the Correctional Officers'
11 Retirement System under paragraph (1) of this subsection may transfer service credit
12 from the Employees' Pension System to the Correctional Officers' Retirement System.

13 (3) (i) An individual who chooses to enroll in the Correctional
14 Officers' Retirement System under paragraph (1) of this subsection shall do so by filing
15 an application provided by the Board of Trustees for the State Retirement and Pension
16 System.

17 (ii) An individual who chooses to transfer service credit to the
18 Correctional Officers' Retirement System under paragraph (2) of this subsection shall
19 do so by filing an application provided by the Board of Trustees for the State
20 Retirement and Pension System.

21 (4) (i) Service credit transferred under paragraph (2) of this
22 subsection shall be transferred in the same manner as a transfer of service credit
23 made in accordance with Title 37 of the State Personnel and Pensions Article.

24 (ii) The Executive Director of the State Retirement Agency shall
25 grant a waiver under § 37-203.2 of the State Personnel and Pensions Article if a
26 waiver is necessary to transfer service credit under paragraph (2) of this subsection.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 2014. Section 2 of this Act shall remain effective for a period of 6 months and,
29 at the end of December 31, 2014, with no further action required by the General
30 Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.