

SENATE BILL 972

P6

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CF HB 1005

By: **Senator Guzzone**

Introduced and read first time: February 2, 2024

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 29, 2024

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of altering membership in the Correctional Officers' Retirement System
4 to include certain employees of the Department of Public Safety and Correctional
5 Services and the Maryland Department of Health; making members transferred to
6 the Correctional Officers' Retirement System under this Act eligible to receive
7 creditable service for unused sick leave accrued by the member in the State
8 Employees' Retirement System or State Employees' Pension System; providing for
9 the calculation of a certain benefit from the Correctional Officers' Retirement System
10 for individuals serving in certain positions on or before a certain date; requiring the
11 State Retirement and Pension System to transfer the creditable service of employees
12 transferred into the Correctional Officers' Retirement System under this Act ~~unless~~
13 ~~the employee elects~~; authorizing certain employees to elect not to transfer service to
14 the Correctional Officers' Retirement System on or before a certain date; requiring
15 the Board of Trustees for the State Retirement and Pension System to calculate a
16 certain disability benefit for certain individuals and to grant a certain benefit under
17 certain circumstances; and generally relating to membership in the Correctional
18 Officers' Retirement System.

19 BY repealing and reenacting, without amendments,
20 Article – State Personnel and Pensions
21 Section 20–206(a)
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2023 Supplement)

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 BY repealing and reenacting, with amendments,
2 Article – State Personnel and Pensions
3 Section 20–206(g), 25–201, and 25–401
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2023 Supplement)

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

8 **Article – State Personnel and Pensions**

9 20–206.

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

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

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

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

16 (i) was a member of the Employees’ Pension System or Employees’
17 Retirement System and was transferred from the Employees’ Pension System or
18 Employees’ Retirement System to the Correctional Officers’ Retirement System as a result
19 of a change in membership within the several systems that rendered the individual
20 ineligible for membership in the Employees’ Pension System or the Employees’ Retirement
21 System;

22 (ii) did not transfer service credit from the Employees’ Pension
23 System or the Employees’ Retirement System to the Correctional Officers’ Retirement
24 System; and

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

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

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

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

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

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

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

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

13 (4) (i) This paragraph applies to an individual described under item
14 (1)(iii)3 of this subsection.

15 (ii) An individual's retirement benefit from the Employees' Pension
16 System or Employees' Retirement System shall be adjusted to include any credit for unused
17 sick leave that the individual accrued in the Employees' Pension System or Employees'
18 Retirement System prior to becoming a member of the Correctional Officers' Retirement
19 System:

20 1. on or after July 1, 2016, in a position included under §
21 25-201(a)(7) of this article;

22 2. on or after July 1, 2017, in a position included under §
23 25-201(a)(8) or (9) of this article;

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

26 4. on or after July 1, 2022, in a position included under §
27 25-201(a)(12) of this article; **OR**

28 **5. ON OR AFTER JULY 1, 2024, IN A POSITION INCLUDED**
29 **UNDER § 25-201(A)(13) OF THIS ARTICLE.**

30 25-201.

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

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

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

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

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

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

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

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

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

14 1. the Employees' Pension System on or before December 31,
15 2014; or

16 2. the Employees' Retirement System on or before December
17 31, 2015;

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

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

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

24 (i) an alcohol and drug:

25 1. associate counselor, counselor lead, counselor provisional,
26 or counselor supervisor;

27 2. professional counselor, counselor provisional, or counselor
28 supervisor; or

29 3. supervised counselor or counselor provisional;

1 (ii) a mental health professional counselor, graduate professional
2 counselor, professional counselor advanced, or professional supervisor;

3 (iii) a psychologist, psychology associate, or psychology associate
4 doctorate;

5 (iv) a social worker, social worker advanced, social worker
6 supervisor, or social work regional supervisor; or

7 (v) a recreation officer or supervisor;

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

10 (i) a community detention officer or community detention
11 supervisor;

12 (ii) a youth transportation officer, youth transportation officer lead,
13 youth transportation officer supervisor, or youth transportation officer trainee;

14 (iii) a resident advisor, resident advisor lead, resident advisor
15 supervisor, or resident advisor trainee; or

16 (iv) a youth recreation specialist;

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

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

20 (ii) a psychology services chief;

21 (iii) a correctional maintenance officer supervisor;

22 (iv) a correctional maintenance officer manager;

23 (v) a correctional maintenance services officer;

24 (vi) a correctional maintenance services supervisor; ~~or~~

25 (vii) a correctional maintenance services manager; **[and] OR**

26 **(VIII) A CORRECTIONAL MAINTENANCE REGIONAL MANAGER;**

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

- (i) a case management specialist I, II, or III;
- (ii) a case management specialist supervisor;
- (iii) a case management specialist program supervisor; or
- (iv) a group life manager I or II; AND

(13) AN INDIVIDUAL SERVING AS A MARYLAND DEPARTMENT OF HEALTH EMPLOYEE ~~IN ONE OF THE FOLLOWING POSITIONS~~ 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:

~~(I)~~ **1. A CAMH ASSOCIATE – CI;**

~~(II)~~ **2. A DEVELOPMENTAL DISABILITY ASSOCIATE – CI;**

~~(III)~~ **3. A DIRECT CARE ASSISTANT – CI;**

~~(IV)~~ **4. A LICENSED PRACTICAL NURSE – CI;**

~~(V)~~ **5. A RESIDENT ASSOCIATE SETT – CI; OR**

~~(VI)~~ **6. A SECURITY ATTENDANT I, II, OR III;**

1 **7. A SECURITY ATTENDANT MANAGER I OR II; OR**

2 **8. A SECURITY ATTENDANT SUPERVISOR.**

3 (b) This subtitle does not apply to:

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

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

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

9 (2) a detention center officer employed by a participating governmental
10 unit as a local detention center officer on the effective date of participation on or after July
11 1, 2006, who did not elect to become a member of the Correctional Officers' Retirement
12 System within 6 months of the effective date of participation; or

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

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

18 (ii) the Employees' Retirement System on or before December 31,
19 2015.

20 25-401.

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

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

23 (i) has at least 20 years of eligibility service;

24 (ii) 1. is a correctional case management specialist, supervisor,
25 or manager on or before June 30, 2016;

26 2. is vested in the Correctional Officers' Retirement System;
27 and

28 3. has a combined total of at least 20 years of eligibility
29 service from:

1 A. the Correctional Officers' Retirement System and the
2 Employees' Retirement System; or

3 B. the Correctional Officers' Retirement System and the
4 Employees' Pension System;

5 (iii) 1. is serving in a position specified in:

6 A. § 25–201(a)(8) or (9) of this title on or before June 30, 2017;

7 B. § 25–201(a)(10) or (11) of this title on or before June 30,
8 2018; [or]

9 C. § 25–201(a)(12) of this title on or before June 30, 2022; OR

10 **D. § 25–201(A)(13) OF THIS TITLE ON OR BEFORE JUNE**
11 **30, 2024;**

12 2. is vested in the Correctional Officers' Retirement System;
13 and

14 3. has a combined total of at least 20 years of eligibility
15 service from:

16 A. the Correctional Officers' Retirement System and the
17 Employees' Retirement System; or

18 B. the Correctional Officers' Retirement System and the
19 Employees' Pension System; or

20 (iv) is at least 55 years old and has:

21 1. at least 5 years of eligibility service credit, if the member
22 is a member on or before June 30, 2011; or

23 2. at least 10 years of eligibility service credit, if the member
24 becomes a member on or after July 1, 2011; and

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

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

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

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

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

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That § 37–203(f)(3) of the State
16 Personnel and Pensions Article does not apply to an individual who transfers service credit
17 to the Correctional Officers' Retirement System under Title 37 of the State Personnel and
18 Pensions Article in accordance with this Act.

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

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

21 (1) is employed in a position affected by this Act on July 1, 2024; and

22 (2) has creditable service in the Employees' Pension System before July 1,
23 2008.

24 ~~(a) (b) Except as provided in subsections (b) and (c) and (d) of this section, on June~~
25 ~~30, 2025, the Board of Trustees for the State Retirement and Pension System shall transfer~~
26 ~~the service of an individual described in subsection (a) of this section from the Employees'~~
27 ~~Retirement System or Employees' Pension System to the Correctional Officers' Retirement~~
28 ~~System ~~the service of an individual who was transferred into the Correctional Officers'~~~~
29 ~~Retirement System under this Act.~~

30 ~~(b) (c) On or before June 1, 2025, an individual described in subsection (a) of this~~
31 ~~section who was transferred into the Correctional Officers' Retirement System under this~~
32 ~~Act may elect not to transfer the individual's Employees' Retirement System or Employees'~~
33 ~~Pension System service to the Correctional Officers' Retirement System by submitting to~~
34 ~~the Board of Trustees for the State Retirement and Pension System a form provided by the~~
35 ~~State Retirement Agency for the purpose of electing not to transfer service under this Act.~~

1 ~~(e)~~ (d) If an individual described in subsection (a) of this section who was transferred
2 into the Correctional Officers' Retirement System under this Act submits an application for
3 retirement to retire before June 30, 2025, the Board of Trustees for the State Retirement
4 and Pension System shall transfer the individual's service from the Employees' Retirement
5 System or the Employees' Pension System to the Correctional Officers' Retirement System
6 prior to the effective date of retirement, unless the individual elects not to transfer the
7 individual's service in accordance with subsection ~~(b)~~ (c) of this section.

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

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

10 (1) is employed in a position affected by this Act on July 1, 2024; and

11 (2) has no creditable service in the Employees' Pension System before July
12 1, 2008.

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

16 ~~SECTION 4.~~ 5. AND BE IT FURTHER ENACTED, That:

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

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

25 ~~SECTION 5.~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2024. Section 3 of this Act shall remain effective for a period of 1 year and, at the
27 end of June 30, 2025, Section 3 of this Act, with no further action required by the General
28 Assembly, shall be abrogated and of no further force and effect.