

# HOUSE BILL 981

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7lr2246  
CF SB 664

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By: **Allegany County Delegation**

Introduced and read first time: February 8, 2017

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

3 FOR the purpose of altering the membership of the Correctional Officers' Retirement  
4 System to include certain individuals serving in certain positions in the Department  
5 of Public Safety and Correctional Services; providing that certain members of the  
6 Correctional Officers' Retirement System who meet certain criteria may receive a  
7 normal service retirement allowance that is based on certain creditable service;  
8 requiring the State Retirement Agency, on or before a certain date, to notify certain  
9 individuals affected by this Act of their right to transfer certain service credit to the  
10 Correctional Officers' Retirement System; and generally relating to membership in  
11 the Correctional Officers' Retirement System.

12 BY repealing and reenacting, with amendments,  
13 Article – State Personnel and Pensions  
14 Section 25–201 and 25–401  
15 Annotated Code of Maryland  
16 (2015 Replacement Volume and 2016 Supplement)

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

### 19 **Article – State Personnel and Pensions**

20 25–201.

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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.



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

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

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

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

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

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

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

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

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

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

2. the Employees' Retirement System on or before December 31, 2015; [and]

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

**(8) AN INDIVIDUAL SERVING AS A DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES EMPLOYEE IN ONE OF THE FOLLOWING POSITIONS ON OR AFTER JULY 1, 2017:**

**(I) AN ALCOHOL AND DRUG:**

**1. ASSOCIATE COUNSELOR, COUNSELOR LEAD, COUNSELOR PROVISIONAL, OR COUNSELOR SUPERVISOR;**

**2. PROFESSIONAL COUNSELOR, COUNSELOR PROVISIONAL, OR COUNSELOR SUPERVISOR; OR**

1                                   **3.     SUPERVISED     COUNSELOR     OR     COUNSELOR**  
2 **PROVISIONAL;**

3                                   **(II)    A MENTAL HEALTH PROFESSIONAL COUNSELOR, GRADUATE**  
4 **PROFESSIONAL   COUNSELOR,   PROFESSIONAL   COUNSELOR   ADVANCED,   OR**  
5 **PROFESSIONAL SUPERVISOR;**

6                                   **(III)   A    PSYCHOLOGIST,    PSYCHOLOGY    ASSOCIATE,    OR**  
7 **PSYCHOLOGY ASSOCIATE DOCTORATE; ~~OR~~**

8                                   **(IV)    A SOCIAL WORKER, SOCIAL WORKER ADVANCED, SOCIAL**  
9 **WORKER SUPERVISOR, OR SOCIAL WORK REGIONAL SUPERVISOR; OR**

10                                   **(V)    A RECREATION OFFICER OR SUPERVISOR.**

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:

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

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

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

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

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

B. the Correctional Officers' Retirement System and the Employees' Pension System; [or]

**(III) 1. IS SERVING IN A POSITION SPECIFIED IN § 25-201(A)(8) OF THIS TITLE ON OR BEFORE JUNE 30, 2017;**

**2. IS VESTED IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM; AND**

**3. HAS A COMBINED TOTAL OF AT LEAST 20 YEARS OF ELIGIBILITY SERVICE FROM:**

**A. THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM AND THE EMPLOYEES' RETIREMENT SYSTEM; OR**

**B. THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM; OR**

**[(iii)] (IV)** is at least 55 years old and has:

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

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

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

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

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

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

(II) A MEMBER SERVING IN A POSITION SPECIFIED IN § 25-201(A)(8) OF THIS TITLE WHO HAS A COMBINED TOTAL OF 20 YEARS OF ELIGIBILITY SERVICE AS PROVIDED IN SUBSECTION (A)(1)(III) OF THIS SECTION.

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

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2017, the State Retirement Agency shall notify the individuals who are affected by this Act of their right to transfer service credit from the Employees' Retirement System or the Employees' Pension System to the Correctional Officers' Retirement System.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.