

HOUSE BILL 446

K4
HB 29/19 – APP

0lr1018

By: **Delegates McKay and Chang**

Introduced and read first time: January 23, 2020

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the membership of the Correctional Officers' Retirement
4 System to include certain individuals serving in a certain position in the Department
5 of Public Safety and Correctional Services; providing for the calculation of a certain
6 benefit from the Correctional Officers' Retirement System for individuals serving in
7 a certain position on or before a certain date; requiring the State Retirement Agency,
8 on or before a certain date, to notify certain individuals affected by this Act of their
9 right to transfer service credit to the Correctional Officers' Retirement System;
10 providing for the application of this Act; requiring a certain transfer and combination
11 of certain service credit for certain individuals; requiring the Board of Trustees for
12 the State Retirement and Pension System to calculate a certain disability benefit for
13 certain individuals and to grant a certain benefit under certain circumstances; and
14 generally relating to membership in the Correctional Officers' Retirement System.

15 BY repealing and reenacting, with amendments,
16 Article – State Personnel and Pensions
17 Section 25–201(a)(10) and (11) and 25–401
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2019 Supplement)

20 BY adding to
21 Article – State Personnel and Pensions
22 Section 25–201(a)(12)
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2019 Supplement)

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

27 **Article – State Personnel and Pensions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 25–201.

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

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

6 (i) a community detention officer or community detention
7 supervisor;

8 (ii) a youth transportation officer, youth transportation officer lead,
9 youth transportation officer supervisor, or youth transportation officer trainee;

10 (iii) a resident advisor, resident advisor lead, resident advisor
11 supervisor, or resident advisor trainee; or

12 (iv) a youth recreation specialist; [and]

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

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

16 (ii) a psychology services chief;

17 (iii) a correctional maintenance officer supervisor;

18 (iv) a correctional maintenance officer manager;

19 (v) a correctional maintenance services officer;

20 (vi) a correctional maintenance services supervisor; or

21 (vii) a correctional maintenance services manager; AND

22 **(12) AN INDIVIDUAL SERVING AS A DEPARTMENT OF PUBLIC SAFETY**
23 **AND CORRECTIONAL SERVICES EMPLOYEE IN THE POSITION OF CHAPLAIN ON OR**
24 **AFTER JULY 1, 2020.**

25 25–401.

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

27 (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 [or]
- 15 B. § 25–201(a)(10) or (11) of this title on or before June 30,
16 2018; **OR**
- 17 C. **§ 25–201(A)(12) OF THIS TITLE ON OR BEFORE JUNE**
18 **30, 2020;**
- 19 2. is vested in the Correctional Officers' Retirement System;
20 and
- 21 3. has a combined total of at least 20 years of eligibility
22 service from:
- 23 A. the Correctional Officers' Retirement System and the
24 Employees' Retirement System; or
- 25 B. the Correctional Officers' Retirement System and the
26 Employees' Pension System; or
- 27 (iv) is at least 55 years old and has:
- 28 1. at least 5 years of eligibility service credit, if the member
29 is a member on or before June 30, 2011; or
- 30 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), (9), (10), [or] (11), **OR (12)** 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 January 1, 2021, 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 § 37–203(f)(3) of the State Personnel and Pensions Article does not apply to an individual who transfers service credit to the Correctional Officers' Retirement System under Title 37 of the State Personnel and Pensions Article in accordance with this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) This section applies to an individual who:

(1) is employed in a position affected by this Act on July 1, 2020; and

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

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

(c) If an individual described under subsection (a) of this section is granted an

1 ordinary disability benefit under Title 29, Subtitle 1 of the State Personnel and Pensions
2 Article, the Board of Trustees for the State Retirement and Pension System shall calculate
3 the ordinary disability benefit under §§ 29–106 and 29–108 of the State Personnel and
4 Pensions Article and grant the individual the greater benefit.

5 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2020.