

(i) Any eligible employee electing to participate in an optional retirement program shall be ineligible for membership in the Teachers' Retirement System of the State of Maryland OR THE PENSION SYSTEM FOR THE TEACHERS OF THE STATE OF MARYLAND so long as he or she is employed in any eligible position by the employing institution or by any other institution establishing an optional retirement program pursuant to this section. The employee shall participate in the optional retirement program of that institution.

EMPLOYEES' PENSION SYSTEM

111. DEFINITIONS.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(1) "RETIREMENT SYSTEM" MEANS THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF MARYLAND.

(2) "PENSION SYSTEM" MEANS THE PENSION SYSTEM FOR EMPLOYEES OF THE STATE OF MARYLAND.

(3) "DEPARTMENT" MEANS ANY STATE AGENCY THAT RECEIVES STATE APPROPRIATIONS AND EMPLOYS PERSONS WHO ARE, OR WHO ARE ENTITLED TO BECOME MEMBERS OF THIS PENSION SYSTEM.

(4) (A) "EMPLOYEE" MEANS ANY REGULAR CLASSIFIED OR UNCLASSIFIED OFFICER OR EMPLOYEE OF THE STATE FOR WHOM COMPENSATION IS PROVIDED BY STATE APPROPRIATION, OR WHOSE COMPENSATION IS PAID FROM STATE FUNDS.

(B) "EMPLOYEE" INCLUDES ANY:

(I) APPOINTED OR ELECTED OFFICIAL OF THIS STATE;

(II) THE SHERIFF OF BALTIMORE CITY AND THE EMPLOYEES OF HIS OFFICE;

(III) "ADDITIONAL EMPLOYEE" OF THE MARYLAND RACING COMMISSION AS DEFINED IN ARTICLE 78B, § 5(A) OF THE CODE, SUBJECT TO APPROVAL BY THE BOARD OF TRUSTEES; AND

(IV) PERMANENT EMPLOYEE OF THE BOARDS OF SUPERVISORS OF ELECTIONS AS PROVIDED IN § 113(6)(A) OF THIS SUBTITLE.

(C) "EMPLOYEE" DOES NOT INCLUDE:

(I) ANY PERSON WHO IS A MEMBER OF OR ENTITLED TO BE A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM OF THE STATE OF MARYLAND, THE STATE POLICE RETIREMENT SYSTEM OF THE STATE OF MARYLAND, OR THE PENSION SYSTEM FOR TEACHERS OF THE STATE OF MARYLAND;