

Article - State Personnel and Pensions23-309.

(c) (1) This subsection applies only to a member who is:

(i) subject to the contributory pension benefit under Subtitle 2, Part II of this title; and

(ii) entitled to eligibility service for military service credit granted under Title 38 of this article.

(2) The Board of Trustees shall adjust a member's eligibility service for military service credit granted under Title 38 of this article as provided in this subsection.

[(3) (i) Except as provided in subparagraph (ii) of this paragraph, a member's eligibility service for military service credit shall be treated as creditable service on or after July 1, 1998.

(ii) The Board of Trustees shall treat a member's military service credit as creditable service on or before June 30, 1998, if the member:

1. is entitled to credit for the military service under § 38-103 of this article on account of the member's absence from employment while in military service on or before June 30, 1998; or

2. received credit for the military service under § 38-104 of this article on or before June 30, 1998, as reflected in the records of the State Retirement Agency.]

38-104.

(a) (1) This section applies to an individual who is:

(i) a member of a State system; or

(ii) a former member of a State system who is eligible to receive a benefit under § 29-302 or § 29-303 of this article.

(2) This section does not apply to a retiree of a State system.

(b) Except as provided in subsection (c) of this section, an individual described in subsection (a) of this section, who has not met the conditions set forth in § 38-103(a)(2) through (4) of this subtitle, is entitled to receive service credit for military service only on the attainment of 10 years of creditable service.

(c) (1) An individual described under subsection (a) of this section may not receive credit for that military service if the individual receives credit for military service from another retirement system for which retirement benefits have been or will be received by the individual.

(2) Paragraph (1) of this subsection does not apply to:

(i) credit for military service provided under: