

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, § 1-506.

The reference to an "executive branch official" is substituted for the former reference to an "executive official" for clarity.

The former word "salaried" which modified "State employee" is deleted as surplusage.

The reference to benefits "as a member of" more than one State system is substituted for the former reference to benefits "under" more than one State system for clarity.

Former Art. 73B, §§ 2-211, 3-209, 4-204, 5-204, and 6-204 are deleted as unnecessary in light of this section and possibly misleading.

Defined terms: "Member" § 20-101

"Retirement" § 20-101

"State system" § 20-101

20-204. AVERAGE FINAL COMPENSATION — RETIREMENT SYSTEMS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO:

- (1) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;
- (2) THE EMPLOYEES' RETIREMENT SYSTEM;
- (3) THE STATE POLICE RETIREMENT SYSTEM; OR
- (4) THE TEACHERS' RETIREMENT SYSTEM.

(B) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE AVERAGE FINAL COMPENSATION OF A MEMBER EQUALS THE AVERAGE ANNUAL EARNABLE COMPENSATION OF THE MEMBER FOR:

- (1) THE 3 YEARS OF EMPLOYMENT AS A MEMBER DURING WHICH THE MEMBER'S EARNABLE COMPENSATION WAS HIGHEST, IF THE MEMBER WAS EMPLOYED AT LEAST 3 YEARS AS A MEMBER; OR
- (2) THE MEMBER'S TOTAL PERIOD OF EMPLOYMENT, IF THE MEMBER WAS EMPLOYED LESS THAN 3 YEARS AS A MEMBER.

(C) EXCEPTIONS.

(1) EXCEPT FOR A SALARY INCREASE BECAUSE OF A MEMBER'S PROMOTION, THE MEMBER'S AVERAGE FINAL COMPENSATION DOES NOT INCLUDE A SALARY INCREASE IN THE LAST 3 YEARS OF EMPLOYMENT IF IT IS AN EXTRAORDINARY SALARY INCREASE ACCORDING TO REGULATIONS THAT THE BOARD OF TRUSTEES ADOPTS.