

excluded from membership in the Employees' Retirement System under subsection (b)(3) of this section because under current practice they are treated as members since they are temporary only in the sense that their permanent employment is pending until results of their examinations are known.

Former Art. 73B, § 2-101(e)(3)(ii), which excluded from membership in the Employees' Retirement System a class of employee only partially compensated by the State, is deleted as inaccurate in light of long-standing administrative practice.

The first sentence of former Art. 73B, § 3-505(a)(1), as it related to employees of the University of Baltimore becoming members of the Employees' Retirement System, is deleted as unnecessary since those employees would be considered State employees who would be members of the Employees' Pension System or Employees' Retirement System as a condition of employment. For the provision relating to employees of the University of Baltimore who are members of the Teachers' Retirement System, see § 22-205 of this subtitle.

As to former Art. 73B, § 2-101(e)(4), which gave the Board of Trustees authority to determine membership in cases of doubt, see § 22-204 of this subtitle.

Defined terms: "County" § 20-101

"Employees' Pension System" § 20-101

"Employees' Retirement System" § 20-101

"Member" § 20-101

"Participating governmental unit" § 20-101

"State system" § 20-101

## 22-202. SAME — CONDITIONS AND RESTRICTIONS.

### (A) MEMBERSHIP AS A CONDITION OF EMPLOYMENT.

EXCEPT AS PROVIDED IN § 22-203 OF THIS SUBTITLE, AN INDIVIDUAL DESCRIBED IN § 22-201(A) OF THIS SUBTITLE WHO WAS A MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM ON OR BEFORE DECEMBER 31, 1979, BECAME A MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM AS A CONDITION OF EMPLOYMENT.

### (B) MEMBERSHIP RESTRICTED.

EXCEPT AS PROVIDED IN FORMER ARTICLE 73B, § 2-206 OF THE CODE, AN INDIVIDUAL WHO IS NOT A MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM ON DECEMBER 31, 1979, IS NOT ELIGIBLE FOR MEMBERSHIP IN THE EMPLOYEES' RETIREMENT SYSTEM.

REVISOR'S NOTE: Subsection (a) of this section is new language derived without substantive change from former Art. 73B, § 2-201(a).