

In subsection (a) of this section, the phrase "[s]ubject to subsection (b) of this section" is added to clarify that to receive eligibility service, a member must satisfy the conditions stated in subsection (b).

Also in subsection (a) of this section, the reference to "January 1, 1980" is deleted as obsolete and unnecessary since an individual could not have been a member before that date.

Also in subsection (a) of this section, the references to the "Employees' Pension System" and the "Teachers' Pension System" are substituted for the former references to "this pension system" to reflect that the provisions for the two systems are consolidated in this title.

In subsection (b)(2) and (3) of this section, the word "fiscal" is added to modify "first and last years" for clarity and to conform to the reference to a "fiscal year" in subsection (b)(1).

In subsection (b)(3) of this section, the reference to the "Board of Trustees" is added to clarify who has the responsibility to prorate the eligibility service.

Defined terms: "Board of Trustees" § 20-101

"Eligibility service" § 20-101

"Employees' Pension System" § 20-101

"Member" § 20-101

"Teachers' Pension System" § 20-101

23-303. SAME — BREAK IN SERVICE RULES.

(A) "BREAK IN SERVICE" DEFINED.

IN THIS SECTION, "BREAK IN SERVICE" MEANS A PERIOD OF SEPARATION FROM EMPLOYMENT IN A FISCAL YEAR AFTER THE ONE IN WHICH A MEMBER FIRST BECOMES EMPLOYED, IF DURING THAT FISCAL YEAR THE MEMBER DOES NOT COMPLETE MORE THAN 350 HOURS OF EMPLOYMENT WHILE A MEMBER.

(B) SCOPE OF SECTION.

(1) THIS SECTION APPLIES TO A MEMBER OF THE EMPLOYEES' PENSION SYSTEM OR THE TEACHERS' PENSION SYSTEM WHO WAS A MEMBER OF ONE OF THOSE STATE SYSTEMS.

(2) THIS SECTION DOES NOT APPLY TO A RETIREE OF THE EMPLOYEES' PENSION SYSTEM OR THE TEACHERS' PENSION SYSTEM.

(C) IN GENERAL.

A MEMBER IS ENTITLED TO THE ELIGIBILITY SERVICE TO WHICH THE MEMBER WAS ENTITLED BEFORE THE SEPARATION FROM EMPLOYMENT IF:

(1) THE MEMBER HAS NOT INCURRED A BREAK IN SERVICE;

(2) THE MEMBER WAS ENTITLED TO A VESTED ALLOWANCE AT THE TIME OF THE SEPARATION FROM EMPLOYMENT; OR