

(3) (I) THE MEMBER HAS COMPLETED 1 YEAR OF ELIGIBILITY SERVICE AFTER A BREAK IN SERVICE; AND

(II) THE NUMBER OF CONSECUTIVE YEARS IN WHICH THE MEMBER INCURRED A BREAK IN SERVICE IS LESS THAN THE YEARS OF ELIGIBILITY SERVICE AS A MEMBER BEFORE THE BREAK IN SERVICE.

(D) DETERMINATION OF PRIOR ELIGIBILITY SERVICE.

TO DETERMINE IF A MEMBER IS ELIGIBLE FOR PRIOR ELIGIBILITY SERVICE UNDER SUBSECTION (C)(3)(II) OF THIS SECTION, THE BOARD OF TRUSTEES SHALL DETERMINE THE NUMBER OF YEARS OF PRIOR ELIGIBILITY SERVICE:

(1) AS OF THE DAY THE MEMBER SEPARATED FROM EMPLOYMENT;
BUT

(2) EXCLUDING ANY ELIGIBILITY SERVICE LOST BECAUSE OF A PRIOR BREAK IN SERVICE.

(E) TERMINATION OF RIGHTS IN OTHER SYSTEM.

WHEN A MEMBER RECEIVES CREDIT FOR ELIGIBILITY SERVICE UNDER SUBSECTION (C) OF THIS SECTION FROM THE OTHER SYSTEM, THE MEMBER HAS NO FURTHER RIGHTS IN THE OTHER SYSTEM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, §§ 4-301(e) and (f) and 5-301(e) and (f).

In subsection (a) of this section, the former substantive provision describing a break in service is revised as a definition to clarify the use of the term in this section.

Also in subsection (a) of this section, the reference to "employment while a member" is substituted for the former reference to "service with the State" for accuracy and because "service" is no longer a defined term.

In subsection (c) of this section, the former reference to a member who "incurs a break in service" is deleted as unnecessary and inconsistent with subsection (c)(1) of this section.

In subsection (d) of this section, the reference to the "Board of Trustees" is added to clarify who makes the determination of eligibility for prior eligibility service.

In subsection (e) of this section, the references to "member" are substituted for the former references to "former member" to reflect that the individual receiving the service credit is currently a "member" of the system in which the individual is receiving the service credit.

Also in subsection (e) of this section, the references to the "other system" are substituted for the former references to the "Pension System for Employees" and the "Pension System for Teachers" to reflect the consolidation of the provisions for the two systems.