

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) IN GENERAL.

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

- (1) THE FORMER MEMBER HAS NOT INCURRED A BREAK IN SERVICE;
- (2) THE FORMER MEMBER WAS ENTITLED TO A VESTED ALLOWANCE AT THE TIME OF SEPARATION FROM EMPLOYMENT; OR
- (3) (I) THE FORMER 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.

(C) DETERMINATION OF PRIOR ELIGIBILITY SERVICE.

TO DETERMINE IF A FORMER MEMBER IS ELIGIBLE FOR PRIOR ELIGIBILITY SERVICE UNDER SUBSECTION (B)(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 FORMER MEMBER SEPARATED FROM EMPLOYMENT; BUT
- (2) EXCLUDING ANY ELIGIBILITY SERVICE LOST BECAUSE OF A PRIOR BREAK IN SERVICE.

REVISOR'S NOTE: Subsections (a), (b)(2) and (3), and (c) of this section are new language derived without substantive change from former Art. 73B, § 8-301(e).

Subsection (b)(1) of this section is new language added to state expressly that which formerly only was implied — i.e., if a former member returned to membership without a break in service, the former member is entitled to the eligibility service the former member had before the separation from employment.

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 consistency, because "service" is no longer a defined term.