

(3) AN EMPLOYEE OF THE UNIVERSITY OF MARYLAND SYSTEM WHO IS NOT IN A POSITION DESIGNATED TO BE TREATED IN THE SAME MANNER AS A CLASSIFIED SERVICE EMPLOYEE UNDER § 12-111 OF THE EDUCATION ARTICLE;

(4) AN EMPLOYEE OF MORGAN STATE UNIVERSITY WHO IS NOT SUBJECT TO THE PROVISIONS OF THE STATE PERSONNEL ARTICLE THAT GOVERN THE CLASSIFIED SERVICE; OR

(5) AN EMPLOYEE OF ST. MARY'S COLLEGE OF MARYLAND WHO IS IN A POSITION DETERMINED BY THE BOARD OF TRUSTEES OF THE COLLEGE TO BE A PROFESSIONAL OR FACULTY POSITION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, § 11-101(c).

This section is set forth as a substantive provision instead of a definition because it is substantive to the extent that it specifies eligibility for participation in the optional retirement program.

Defined terms: "Employing institution" § 30-101

"Pension system" § 30-101

"Program" § 30-101

"Retirement system" § 30-101

30-302. ELECTION TO PARTICIPATE — IN GENERAL.

AN ELECTION TO PARTICIPATE IN THE PROGRAM SHALL BE MADE AS PROVIDED IN THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, § 11-105(a).

Defined term: "Program" § 30-101

30-303. SAME — EMPLOYEES EMPLOYED ON OR AFTER OCTOBER 1, 1993.

(A) OPTIONS.

AN ELIGIBLE EMPLOYEE INITIALLY EMPLOYED ON OR AFTER OCTOBER 1, 1993, SHALL ELECT TO:

(1) JOIN A PENSION SYSTEM IN ACCORDANCE WITH THE PROVISIONS OF THIS DIVISION II APPLICABLE TO THAT SYSTEM; OR

(2) PARTICIPATE IN THE PROGRAM.

(B) FORM.

AN ELIGIBLE EMPLOYEE SHALL:

(1) MAKE AN ELECTION UNDER THIS SECTION IN WRITING; AND

(2) FILE THE ELECTION WITH THE BOARD OF TRUSTEES AND THE EMPLOYING INSTITUTION.