

In subsection (a) of this section, the reference to the "certification of the position held by the employee as professional staff under § 3-101(j), § 3-501, or § 3-502 of this article [former Art. 73B] or § 11-104(d) or § 16-105 of the Education Article" is deleted as obsolete. Former Art. 73B, § 3-101(j) defined "teacher" for purposes of participation in the Teachers' Retirement System and ED §§ 3-501 and 3-502 refer to university staff as "teachers". There is no specific reference to a "certification" of positions as professional staff. ED § 11-104(d) merely authorizes professional staff to join the optional retirement program, and ED § 16-105 has been repealed.

In subsection (d) of this section, the reference to "§ 30-307 of this subtitle" is added for specificity because § 30-307 provides the only exception in this title to the waiver of rights by participating employees.

Also in subsection (d) of this section, the reference to the "retirement system or pension system in which the participating employee was a member on the effective date of the election" is substituted for the former reference to the "respective system" for clarity.

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

"Eligible employee" § 30-101

"Employing institution" § 30-101

"Member" § 20-101

"Participating employee" § 30-101

"Pension system" § 30-101

"Program" § 30-101

"Retirement system" § 30-101

30-306. APPLICATION FOR CONTRACT REQUIRED.

AN ELECTION OF THE PROGRAM BY AN ELIGIBLE EMPLOYEE IS ONLY EFFECTIVE WHEN THE ELECTION IS ACCOMPANIED BY AN APPROPRIATE APPLICATION, IF REQUIRED, FOR THE ISSUANCE OF AN ANNUITY CONTRACT UNDER THE PROGRAM.

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

Defined terms: "Annuity contract" § 30-101

"Eligible employee" § 30-101

"Program" § 30-101

30-307. EFFECT OF PARTICIPATION.

(A) RIGHTS IN RETIREMENT OR PENSION SYSTEM.

FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR IMMEDIATE VESTED RIGHTS OR BENEFITS IN A RETIREMENT SYSTEM OR PENSION SYSTEM, AN ELIGIBLE EMPLOYEE WHO IS A MEMBER OF THAT STATE SYSTEM WHEN THE EMPLOYEE ELECTS TO PARTICIPATE IN THE PROGRAM IS DEEMED TO HAVE SEPARATED FROM EMPLOYMENT ON THE EFFECTIVE DATE OF THE ELECTION.