

22-404.

(a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) ["appointed"] "APPOINTED official" means an individual appointed to a public office of the State who meets the legal criteria for an appointed official as determined by the Attorney General.

(3) "UNCLASSIFIED SERVICE OF THE STATE" MEANS THE UNCLASSIFIED SERVICE IN THE STATE PERSONNEL MANAGEMENT SYSTEM OR A COMPARABLE POSITION IN AN INDEPENDENT PERSONNEL SYSTEM OF A PARTICIPATING EMPLOYER.

(b) The Board of Trustees shall pay a member of the Employees' Retirement System who qualifies under subsection (c) of this section a pension equal to an ordinary disability pension, regardless of age, if the member:

(1) has at least 16 years of creditable service; and

(2) elects to have the member's accumulated contributions paid as an annuity of equivalent actuarial value instead of withdrawing the accumulated contributions.

(c) A member qualifies for a pension under subsection (b) of this section if the member:

(1) (i) is an elected or appointed official of the State at the time of application for retirement; and

(ii) was initially an elected or appointed official of the State before July 22, 1981;

(2) (i) is an elected or appointed official of the State when separating from employment;

(ii) was initially an elected or appointed official of the State during the period from July 22, 1981, through June 30, 1982, both inclusive; and

(iii) separated from employment involuntarily as certified by the Secretary of Personnel; or

(3) (i) was promoted to [an unclassified position] A POSITION IN THE UNCLASSIFIED SERVICE OF THE STATE on or before June 30, 1982;

(ii) has been in the unclassified service of the State continuously from June 30, 1982, until separating from employment; and

(iii) separated from employment involuntarily as certified by the Secretary of Personnel.