

~~(i) is a member of the Teachers' Pension System as of October 1, 2002 and does not transfer to the Employees' Pension System in accordance with § 23-202.1 of this subtitle; or~~

~~(ii) transfers from the Teachers' Retirement System on or after October 1, 2002.~~

~~(b) [Sections] EXCEPT AS PROVIDED IN § 23-207 OF THIS SUBTITLE, §§ 23-208 and 23-209 of this subtitle do not apply to:~~

~~(1) an individual who has elected to participate in an optional retirement program under Title 30 of this article WITHIN 1 YEAR OF BECOMING A MEMBER OF THE TEACHERS' PENSION SYSTEM;~~

~~(2) an individual who is employed under a federal public service employment program;~~

~~(3) a professional or clerical employee of the Department of Public Libraries of Montgomery County who is participating in the Employees' Retirement System of Montgomery County;~~

~~(4) a staff employee of the University System of Maryland, Morgan State University, or St. Mary's College who becomes employed on or after January 1, 1998 in a position as a staff employee of the educational institution that was eligible for membership in the Teachers' Retirement System or Teachers' Pension System under Chapter 6, § 8, paragraphs 1(a) and 2(a) of the Acts of 1994;~~

~~(5) an employee who is not a member of a State system and who accepts a position for which the budgeted hours per fiscal year are less than 500 hours in the first fiscal year of employment; or~~

~~(6) a nonfaculty employee of the Baltimore City Community College who becomes employed on or after October 1, 2002, or who transfers to the Employees' Pension System in accordance with § 23-202.1 of this subtitle.~~

~~23-207.~~

~~(A) THIS SECTION APPLIES TO AN INDIVIDUAL WHO:~~

~~(1) IS A MEMBER OF THE TEACHERS' PENSION SYSTEM ON JUNE 30, 2007; AND~~

~~(2) IS ELIGIBLE TO PARTICIPATE IN THE OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE.~~