

Article 65 – Militia

88.

The rights and status of any person inducted into the land or naval forces of the United States for training and service pursuant to the act of Congress known as the Selective Training and Service Act of 1940, or any subsequent acts of a similar nature, and any member of any reserve component of the land or naval forces of the United States on active duty or service within that period or ordered or assigned to active duty or service within that period, as well as any person who, within that period, enlists in the armed forces of the United States, and who may be absent in military service shall be as follows in any pension or retirement fund or system under the laws of the State of Maryland, or of the City of Baltimore or any other political subdivision of this State, including the Teachers' Retirement System of the State of Maryland:

(a) During the period of his absence, no such person or his estate shall have any right or be entitled to ordinary disability benefits, accidental disability benefits, death benefits, optional allowances or other disability or death benefits in any fund or system.

(b) Any such person, during such absence except as herein otherwise specified, shall retain his status and rights as a member of any such pension or retirement fund or system:

(i) If he does not withdraw any part of his accumulated contributions;

(ii) If within one year from the time he is relieved from active duty or service he shall be actively employed by the State of Maryland, or any agency thereof, or by the City of Baltimore or any other political subdivision of the State;

(iii) If he shall not have previously taken any other employment except temporary employment after he has applied for reemployment in his former classification or position in the State service, he has been refused immediate reemployment for causes beyond his control;

(iv) If he shall make application for credit with the retirement system of the State of Maryland or agency thereof or of the City of Baltimore or any other political subdivision of this State in which he held membership before the beginning of his military service; and

(v) If he has withdrawn any part of his accumulated contributions, he shall be entitled to repay the sum withdrawn into the pension or retirement fund or system, including the Teachers' Retirement System of the State of Maryland, with regular interest thereon to the date of repayment and, if otherwise qualified, be entitled to the benefits of this section as if such withdrawal had not been made.

(c) If, under the restrictions set out under subsection (b) of this section, any such person is again actively employed or reinstated as a regular employee on a leave of absence, in any position for which membership in any pension or retirement fund or system under the laws of the State of Maryland, or of the City of Baltimore or any other political subdivision of this State, including the Teachers' Retirement System of the State of Maryland, is made a condition of employment within one year from the time he is