

(1) THE SPOUSE IS NAMED AS THE SOLE PRIMARY BENEFICIARY; AND

(2) THE MEMBER:

(I) WAS ELIGIBLE TO RETIRE; OR

(II) HAD AT LEAST 15 YEARS OF CREDITABLE SERVICE AND WAS 55 YEARS OLD OR OLDER.

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 11(9).

The phrase "except as provided in subsection (c) of this section," is added for clarification.

The only other changes are stylistic or technical.

2-418. VESTED ALLOWANCE.

(A) ANY MEMBER WHOSE SERVICE IS TERMINATED OTHER THAN BY DEATH OR RETIREMENT AFTER THE MEMBER HAS ATTAINED 5 OR MORE YEARS OF CREDITABLE SERVICE MAY ELECT TO RECEIVE A VESTED ALLOWANCE. A MEMBER SHALL BE DEEMED TO HAVE ELECTED A VESTED ALLOWANCE, UNLESS THE MEMBER REQUESTS THE RETURN OF THE ACCUMULATED CONTRIBUTIONS WITHIN 2 YEARS OF THE TERMINATION. THE VESTED ALLOWANCE SHALL BE A DEFERRED ALLOWANCE COMMENCING AT AGE SIXTY AND SHALL BE COMPUTED AS A SERVICE ALLOWANCE AS PROVIDED UNDER § 2-401 OF THIS SUBTITLE ON THE BASIS OF THE MEMBER'S CREDITABLE SERVICE AND AVERAGE FINAL COMPENSATION AT THE TIME SERVICE IS TERMINATED. THE VESTED ALLOWANCE MAY BE IN 1 OF THE OPTIONAL FORMS SET FORTH IN § 2-407 OF THIS SUBTITLE.

(B) FOR ANY MEMBER WHO TERMINATES SERVICE PRIOR TO JULY 1, 1990, UNUSED SICK LEAVE REPORTED BY THE MEMBER'S EMPLOYER AT TERMINATION OF EMPLOYMENT SHALL BE CREDITABLE SERVICE FOR PURPOSES OF COMPUTING THE VESTED ALLOWANCE.

(C) IF THE PERSON WHO HAS ELECTED A VESTED ALLOWANCE REQUESTS THE RETURN OF THE PERSON'S CONTRIBUTIONS BEFORE THE FIRST PAYMENT OF THE VESTED ALLOWANCE COMMENCES, THE AMOUNT OF THAT PERSON'S ACCUMULATED CONTRIBUTIONS SHALL BE RETURNED AND NO FURTHER BENEFIT SHALL BE DUE OR BECOME PAYABLE ON ACCOUNT OF THE PERSON'S PREVIOUS MEMBERSHIP.

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 11(16).

In subsection (a) of this section, the last sentence is new language to clarify that a person who has elected a vested allowance may choose an optional benefit.