

Subsection (b) of this section is new language derived without substantive change from former Art. 73B, § 144(1) and (2). The adjustment formula for eligibility service in subsection (b)(2) of this section is clarified to show that it is applicable to any member who has completed less than normal hours of service for the member's position. The normal hours of service for a member's position equal the minimum number of hours to be completed by a full-time teacher serving in that position.

Former Art. 73B, § 144(3) and the first sentence of former § 144(5) are deleted as inaccurate.

Former Art. 73B, § 144(4) and (6) and the second sentence of (5) are deleted as redundant. See § 5-301(b), (c), and (d) of this subtitle.

Subsection (c) formerly appeared as Art. 73B, § 144(8).

Former § 144(9) now appears as § 5-301(g).

The only other changes are stylistic or technical.

5-303. AVERAGE FINAL COMPENSATION.

(A) (1) FOR THE PURPOSE OF CALCULATING BENEFITS UNDER THIS TITLE, THE AVERAGE FINAL COMPENSATION FOR A MEMBER SHALL EQUAL THE AVERAGE ANNUAL EARNABLE COMPENSATION OF THE MEMBER, ADJUSTED AS PROVIDED IN THIS SECTION, DURING ANY 3 CONSECUTIVE YEARS THAT PROVIDE THE HIGHEST AVERAGE EARNABLE COMPENSATION.

(2) IF THE PERIOD USED TO DETERMINE AVERAGE FINAL COMPENSATION IS THE PERIOD THAT IMMEDIATELY PRECEDES THE DATE OF RETIREMENT OR OTHER TERMINATION OF SERVICE, ANY MONTH OR MONTHS, NOT IN EXCESS OF 12, THAT OTHERWISE WOULD BE INCLUDED IN COMPUTING AVERAGE FINAL COMPENSATION BUT DURING WHICH THE MEMBER WAS ON AUTHORIZED LEAVE OF ABSENCE AT PARTIAL PAY OR WITHOUT PAY MAY NOT BE INCLUDED IN THE COMPUTATION OF AVERAGE FINAL COMPENSATION, AND THE MONTH OR AN EQUAL NUMBER OF MONTHS IMMEDIATELY PRECEDING THIS PERIOD SHALL BE SUBSTITUTED INSTEAD.

(B) IF A MEMBER HAS COMPLETED LESS THAN THE NORMAL HOURS OF SERVICE FOR THE MEMBER'S POSITION, THEN THE MEMBER'S EARNABLE COMPENSATION SHALL BE ADJUSTED TO A FULL-TIME BASIS FOR ANY PERIOD INCLUDED IN THE COMPUTATION OF AVERAGE FINAL COMPENSATION IN WHICH THE MEMBER COMPLETED LESS. THE NORMAL HOURS OF SERVICE USED UNDER THIS SUBSECTION SHALL EQUAL THE NORMAL HOURS OF SERVICE FOR THE SAME PERIOD OF TIME USED TO ADJUST ELIGIBILITY SERVICE FOR THE MEMBER UNDER § 5-302 OF THIS SUBTITLE.