

The addition of this section is based on an administrative interpretation of former § 157(s) that the eligibility service provisions of the Pension System for Employees apply to this pension system.

This section is identical to § 4-301 except for the differences stated below.

(1) Subsection (a)(1) of this section is modified to clarify that service as a member of this pension system is eligibility service for this pension system.

(2) Subsection (b)(1)(ii) of this section is new language to clarify that eligibility service attained under the Pension System for Employees is to be eligibility service under this pension system.

(3) Subsection (b)(2) of this section does not include transfers from municipal corporations as part of eligibility service since that type of transfer of credit would be applicable in the employees' systems only.

(4) A provision similar to Art. 73B, § 4-301(f) has been excluded from this section. Section 4-301(f) specifies how the break in service rules apply to a former member of the Pension System for Teachers who becomes a member of the Pension System for Employees. It is not clear how the General Assembly intended for this provision to apply to this pension system. The General Assembly may want to enact a provision to address the issue of whether break in service rules apply to former members of other State pension systems who become members of this pension system.

(5) A provision similar to Art. 73B, § 4-301(i) has been excluded from this section. Section 4-301(i) only applies to a member of the Pension System for Employees who is employed by a member of the Senate or House of Delegates.

8-302. CREDITABLE SERVICE.

(A) FOR THE PURPOSE OF CALCULATING BENEFITS UNDER THIS TITLE, CREDITABLE SERVICE SHALL CONSIST OF:

(1) ELIGIBILITY SERVICE, ADJUSTED AS PROVIDED IN SUBSECTION (B) OF THIS SECTION; AND

(2) CREDIT FOR UNUSED SICK LEAVE, AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

(B) (1) ELIGIBILITY SERVICE, OTHER THAN ELIGIBILITY SERVICE TRANSFERRED TO THIS SYSTEM, MILITARY SERVICE, OR CREDIT PURCHASED AS ELIGIBILITY SERVICE SHALL BE ADJUSTED, AS PROVIDED IN THIS SUBSECTION.

(2) THE BOARD OF TRUSTEES SHALL ESTABLISH RULES TO DETERMINE THE CREDITABLE SERVICE WITH RESPECT TO ANY FISCAL YEAR OF ELIGIBILITY SERVICE FOR A MEMBER WHO HAS COMPLETED LESS THAN THE NORMAL HOURS OF SERVICE FOR THE MEMBER'S