

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 110(b), (c), (g), (h), and (j).

Former § 110(b)(2) now appears as § 11-101(b).

Former § 110(i) now appears as § 11-106(b).

11-104. ELECTION TO PARTICIPATE.

(A) ELECTIONS TO PARTICIPATE IN AN OPTIONAL RETIREMENT PROGRAM SHALL BE MADE AS PROVIDED IN THIS SECTION.

(B) (1) ELIGIBLE EMPLOYEES INITIALLY APPOINTED ON OR AFTER THE EFFECTIVE DATE OF THE ESTABLISHMENT OF AN OPTIONAL RETIREMENT PROGRAM SHALL ELECT:

(I) TO JOIN THE EMPLOYEES' RETIREMENT SYSTEM OR THE TEACHERS' RETIREMENT SYSTEM OF THE STATE OF MARYLAND OR ON OR AFTER JANUARY 1, 1980, THE PENSION SYSTEM FOR EMPLOYEES OF THE STATE OF MARYLAND OR THE PENSION SYSTEM FOR TEACHERS OF THE STATE OF MARYLAND IN ACCORDANCE WITH THE PROVISIONS OF LAW APPLICABLE THERETO; OR

(II) TO PARTICIPATE IN THE OPTIONAL RETIREMENT PROGRAM ESTABLISHED PURSUANT TO THIS SECTION.

(2) AN ELECTION MADE UNDER THIS SUBSECTION SHALL BE IN WRITING AND FILED WITH THE RESPECTIVE SYSTEM AND WITH THE EMPLOYING INSTITUTION.

(C) (1) ELIGIBLE EMPLOYEES INITIALLY APPOINTED PRIOR TO THE EFFECTIVE DATE OF THE ESTABLISHMENT OF AN OPTIONAL RETIREMENT PROGRAM MAY ELECT TO PARTICIPATE IN THE OPTIONAL RETIREMENT PROGRAM. THE ELECTION SHALL BE IN WRITING AND FILED WITH THE EMPLOYEES' RETIREMENT SYSTEM, THE PENSION SYSTEM FOR EMPLOYEES OF THE STATE OF MARYLAND, THE TEACHERS' RETIREMENT SYSTEM OR THE PENSION SYSTEM FOR TEACHERS OF THE STATE OF MARYLAND AND WITH THE EMPLOYING INSTITUTION AT LEAST 90 DAYS BEFORE THE EFFECTIVE DATE OF THE ELECTION. THE ELECTION SHALL CONSTITUTE A WAIVER OF ALL RIGHTS AND BENEFITS PROVIDED BY THE RESPECTIVE SYSTEM, EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

(2) ELIGIBLE EMPLOYEES WHO HAVE NOT ELECTED TO TRANSFER TO THE PENSION SYSTEM FOR EMPLOYEES OF THE STATE OF MARYLAND OR THE PENSION SYSTEM FOR TEACHERS OF THE STATE OF MARYLAND BY JULY 1, 1981, MAY NOT SO TRANSFER AND THEREAFTER ELECT TO PARTICIPATE IN THE OPTIONAL RETIREMENT PROGRAM.