

(D) (1) THIS SUBSECTION APPLIES TO A STATE EMPLOYEE WHO BECOMES ELIGIBLE TO ELECT AN OPTIONAL RETIREMENT PROGRAM BY REASONS OF:

(I) THE CERTIFICATION OF THE POSITION HELD BY THE EMPLOYEE AS PROFESSIONAL STAFF UNDER § 3-101(J), § 3-501, OR § 3-502 OF THIS ARTICLE OR § 11-104(D) OR § 16-105 OF THE EDUCATION ARTICLE; OR

(II) THE APPOINTMENT, PROMOTION, TRANSFER, OR RECLASSIFICATION OF THE EMPLOYEE TO A POSITION PREVIOUSLY SO CERTIFIED.

(2) ANY STATE EMPLOYEE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION MAY ELECT THE OPTIONAL RETIREMENT PROGRAM ESTABLISHED PURSUANT TO THIS SECTION.

(3) AN ELECTION UNDER THIS SUBSECTION SHALL BE MADE IN WRITING AND FILED WITH THE RESPECTIVE SYSTEM AND WITH THE EMPLOYING INSTITUTION AT LEAST 90 DAYS BEFORE THE EFFECTIVE DATE OF THE ELECTION AND SHALL CONSTITUTE A WAIVER OF ALL RIGHTS AND BENEFITS PROVIDED BY THE RESPECTIVE SYSTEM, EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

(E) AN ELECTION OF AN OPTIONAL RETIREMENT PROGRAM BY AN ELIGIBLE EMPLOYEE MAY NOT BE EFFECTIVE UNLESS THE ELECTION IS ACCOMPANIED BY AN APPROPRIATE APPLICATION, WHERE REQUIRED, FOR THE ISSUANCE OF A CONTRACT OR CONTRACTS UNDER THE PROGRAM.

COMMITTEE NOTE: This section formerly appeared as Art. 73B, § 110(d).

The only changes are stylistic or technical.

#### 11-105. STATE CONTRIBUTIONS.

THE STATE SHALL CONTRIBUTE ON BEHALF OF EACH PARTICIPANT IN THE OPTIONAL RETIREMENT PROGRAM 7.25 PERCENT OF EACH PARTICIPANT'S ANNUAL EARNABLE COMPENSATION. CONTRIBUTIONS AUTHORIZED OR REQUIRED BY THE PROVISIONS OF THIS SECTION ON BEHALF OF EACH PARTICIPANT MAY BE MADE BY PAYROLL DEDUCTION OR BY A REDUCTION IN SALARY IN ACCORDANCE WITH THE PROVISIONS OF § 403(B) OF THE UNITED STATES INTERNAL REVENUE CODE. PAYMENT OF CONTRIBUTIONS SHALL BE MADE BY THE APPROPRIATE GOVERNING BOARD TO THE DESIGNATED COMPANY FOR THE BENEFIT OF EACH PARTICIPANT. IN THE EVENT OF A QUALIFIED EMPLOYEE PARTICIPATING IN AN OPTIONAL RETIREMENT PROGRAM WHOSE COMPENSATION IS PAID FROM SPECIAL AND/OR FEDERAL FUNDS, THE STATE'S CONTRIBUTION TO SUCH OPTIONAL RETIREMENT PROGRAM SHALL BE PAID FROM THE SPECIAL AND/OR FEDERAL FUNDS.