

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER OF A STATE OR LOCAL RETIREMENT OR PENSION SYSTEM SHALL RECEIVE SERVICE CREDIT FOR A PERIOD OF ABSENCE FROM EMPLOYMENT WHILE IN MILITARY SERVICE IF:

(I) THE EMPLOYMENT OF THE MEMBER UNDER SUBSECTION (A)(2) OF THIS SECTION IS ACTIVE OR THE EMPLOYEE IS REINSTATED AS A REGULAR EMPLOYEE ON A LEAVE OF ABSENCE; AND

(II) MEMBERSHIP IN A STATE OR LOCAL RETIREMENT OR PENSION SYSTEM IS A REQUIREMENT OF EMPLOYMENT.

(2) FOR AN ABSENCE FOR MILITARY SERVICE ON OR AFTER JANUARY 1, 1946, SERVICE CREDIT FOR THE MILITARY SERVICE MAY NOT EXCEED 5 YEARS.

(E) TRANSFER OF SERVICE CREDIT.

A MEMBER OF A STATE OR LOCAL RETIREMENT OR PENSION SYSTEM WHO RECEIVES SERVICE CREDIT FOR MILITARY SERVICE UNDER THIS SECTION MAY TRANSFER THE CREDIT TO ANOTHER STATE OR LOCAL RETIREMENT OR PENSION SYSTEM.

(F) CONTRIBUTIONS.

(1) WITH RESPECT TO THE PERIOD OF A MEMBER'S ABSENCE FROM EMPLOYMENT FOR MILITARY SERVICE, THE STATE OR POLITICAL SUBDIVISION THAT EMPLOYED THE MEMBER SHALL MAKE THE MEMBER CONTRIBUTIONS AND EMPLOYER CONTRIBUTIONS AS IF THE MEMBER HAD NOT BEEN ABSENT AND HAD RETAINED THE STATUS OF AN EMPLOYEE.

(2) A MEMBER MAY NOT WITHDRAW ANY CONTRIBUTION MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 65, § 88(b), (c), and (d).

The State Personnel and Pensions Article Review Committee notes for the consideration of the General Assembly, that the method for calculating the length of absence for military service is ambiguous as to whether the period of absence for military service includes the entire length of absence from employment or only that period of time during which the member is in military service.

Defined terms: "Accumulated contributions" § 38-101

"Member" § 38-101

"Military service" § 38-101

"Regular interest" § 38-101

"State or local retirement or pension system" § 38-101

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(A) IN GENERAL.