

Defined terms: "Member" § 38-101

"Military service" § 38-101

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

38-103. RIGHTS TO MEMBERSHIP AND SERVICE CREDIT.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES ONLY TO A MEMBER OF A STATE OR LOCAL RETIREMENT OR PENSION SYSTEM WHO:

(1) DOES NOT WITHDRAW ANY OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS, UNLESS THE MEMBER REDEPOSITS THE SUM WITHDRAWN AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION;

(2) WITHIN 1 YEAR AFTER THE MEMBER LEAVES MILITARY SERVICE, IS EMPLOYED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE;

(3) DOES NOT TAKE ANY EMPLOYMENT OTHER THAN THE EMPLOYMENT DESCRIBED IN ITEM (2) OF THIS SUBSECTION, EXCEPT FOR TEMPORARY EMPLOYMENT AFTER THE MEMBER:

(I) APPLIED FOR REEMPLOYMENT IN THE MEMBER'S FORMER CLASSIFICATION OR POSITION IN THE STATE SERVICE; AND

(II) WAS REFUSED IMMEDIATE REEMPLOYMENT FOR CAUSES BEYOND THE MEMBER'S CONTROL; AND

(4) APPLIES FOR SERVICE CREDIT WITH THE STATE OR LOCAL RETIREMENT OR PENSION SYSTEM IN WHICH THE MEMBER HELD MEMBERSHIP BEFORE THE MEMBER'S MILITARY SERVICE BEGAN.

(B) REDEPOSIT OF ACCUMULATED CONTRIBUTIONS.

IF A MEMBER OF A STATE OR LOCAL RETIREMENT OR PENSION SYSTEM WHO IS ABSENT FROM EMPLOYMENT FOR MILITARY SERVICE WITHDRAWS ANY OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS AND REDEPOSITS THE SUM WITHDRAWN WITH REGULAR INTEREST INTO THE STATE OR LOCAL RETIREMENT OR PENSION SYSTEM, THE MEMBER, IF OTHERWISE QUALIFIED, IS ENTITLED TO THE BENEFITS OF THIS SECTION AS IF THE WITHDRAWAL HAD NOT BEEN MADE.

(C) RETENTION OF STATUS AND RIGHTS AS A MEMBER.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A MEMBER OF A STATE OR LOCAL RETIREMENT OR PENSION SYSTEM WHO IS ACTIVELY REEMPLOYED UNDER SUBSECTION (A)(2) OF THIS SECTION RETAINS THE STATUS AND RIGHTS AS A MEMBER DURING A PERIOD OF ABSENCE FROM EMPLOYMENT FOR MILITARY SERVICE.

(D) SERVICE CREDIT.