

CHAPTER 318  
FORMERLY  
HOUSE BILL NO. 164

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES' PENSION PLAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 5501 as effective until January 1, 2012 and as effective January 1, 2012, Title 29 of the Delaware Code by inserting a new paragraph “(d)” therein to read as follows, relettering the definitional paragraphs accordingly thereafter, and amending all internal references therein accordingly:

“(d) “Correction Officer” shall mean an employee employed by the Department of Correction in a position responsible for supervising inmates in secured facilities and classified with a Correctional Officer job title and authorized to receive Hazardous Duty Level A-1 pay per the State Merit Rules authorized by § 5914 of this Title.”.

Section 2. Amend § 5543(a) as effective January 1, 2012, Title 29 of the Delaware Code by designating the entirety of the existing subsection as paragraph “(1)” thereof and by adding a new paragraph “(2)” thereto as follows:

“(2) The employee contribution for a Correction Officer shall be 4% of annual compensation provided, however, that a Correction Officer who is also a Post-2011 employee will pay an employee contribution rate of 6% of annual compensation.”.

Section 3. Amend § 5522(a) as effective January 1, 2012, Title 29 of the Delaware Code by striking the word “or” at the end of paragraph (3) therein, by striking the period at the end of paragraph (4) therein and substituting in lieu thereof the language “; or” and by inserting a new paragraph “(5)” to read as follows:

“(5) The employee has 25 years of credited service, exclusive of service credited under § 5501(d)(4), (5) and (12) of this title, regardless of age, and is a Correction Officer.”.

Section 4. This Act shall become effective following receipt of a favorable Private Letter Ruling by the Internal Revenue Service, which provides that the implementation of Section 3 of this Act would not affect the qualified plan status of the State Employees' Pension Plan. Further, upon receipt of a favorable Private Letter Ruling the provisions of Section 2 of this Act will become effective January 1 of the following year. Further, upon receipt of a favorable Private Letter Ruling the provisions of Section 3 of this Act will become effective two years after the first of the following year.

Approved July 11, 2012