

Bill No. 32-03  
Concerning: Personnel – Retirement –  
Police  
Revised: Nov. 5. 2003 Draft No. 3  
Introduced: September 9. 2003  
Enacted: November 18. 2003  
Executive: December 1, 2003  
Effective: March 1, 2004  
Sunset Date: None  
Ch. 30, Laws of Mont. Co. 2003

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

**AN ACT** to:

- (1) implement certain provisions of the current labor agreement between the County and the police collective bargaining organization; and
- (2) generally amend County law regarding the County employee retirement system.

By amending

Montgomery County Code  
Chapter 33, Personnel and Human Resources  
Sections 33-43 and 33-46

**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by amendment.*

*Deleted from existing law or the bill by amendment.*

*Existing law unaffected by bill.*

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Section 1. Sections 33-43 and 33-46 are amended as follows:**

2   **Sec. 33-43. Disability retirement.**

3   \*     \*     \*

4           **(j) Adjustment or cessation of disability pension payments.**

5   \*     \*     \*

6           (2)   **(A)** [Whenever the] The Chief Administrative Officer  
 7   [determines that a member who has not yet reached  
 8   normal retirement date, receiving disability pension  
 9   payments is engaged in or is able to engage in a gainful  
 10    occupation paying more than the difference between]  
 11    may reduce the amount of the disability pension  
 12    payments of a member who:

13                                       **(i)** has not reached the normal retirement date: and

14                                       **(ii)** is engaged in, or able to engage in, an occupation  
 15    that pays more than the difference between the  
 16    amount of the disability pension payments **[[and]]**  
 17    and the current maximum earnings of the  
 18    occupational classification from which the  
 19    employee was disabled[, the amount of the  
 20    member's disability pension payments may be  
 21    reduced to the point at which the amount of  
 22    disability pension payments plus the amount  
 23    earnable equals such maximum earnings].

24                                       **(B)** For a member other than a Group F member who meets  
 25    the criteria in subparagraph (A) **[[above]]**, the Chief  
 26    Administrative Officer may reduce the member's  
 27    disability pension payments until the amount of the

28 disability pension payments plus the amount that the  
 29 employee earned or is able to earn equals the maximum  
 30 earnings of the occupational class from which the  
 31 member was disabled.

32 (C) For a Group F member who receives a non-service  
 33 connected disability pension and who meets the criteria  
 34 in subparagraph (A) [[above]], the Chief Administrative  
 35 Officer may reduce the member's disability pension  
 36 payments until the amount of the disability pension  
 37 payments plus the amount the employee earned or is able  
 38 to earn equals 120 percent of the maximum earnings of  
 39 the occupational class from which the employee was  
 40 disabled.

41 (3) [Whenever a disability retiree's] If the earnings capacity of a  
 42 disability retiree [is changed] changes, the Chief Administrative  
 43 Officer may change the amount of the disability retirement  
 44 pension [may be further modified by the Chief Administrative  
 45 Officer]. [The amount of the revised pension must not exceed  
 46 the original disability retirement pension plus cost-of-living  
 47 increases or an amount which, when added to the amount  
 48 earnable by the member, equals the maximum earnings of  
 49 occupational classification from which disabled.] For the  
 50 purpose of this subsection, "disability pension" is the amount of  
 51 pension payable without election of a pension payment option.

52 (A) For a disability retiree other than a group F member, the  
 53 Chief Administrative Officer must ensure that the amount  
 54 of the revised pension does not exceed:

55 (i) the original disability retirement pension plus cost-  
56 of-living increases: or

57 (ii) an amount that, when added to the amount the  
58 member earns or is able to earn, equals the  
59 maximum earnings of the occupational  
60 classification from which the member was disabled.

61 (B) For a Group F member who receives a non-service  
62 connected disability pension, the Chief Administrative  
63 Officer must ensure that the amount of the revised  
64 pension must not exceed:

65 (i) the original disability retirement pension plus cost-  
66 of-living increases: or

67 (ii) an amount that, when added to the amount that the  
68 member earns or is able to earn, equals 120 percent  
69 of the maximum earnings of the occupational  
70 classification from which the member was  
71 disabled.

72 \* \* \*

73 (7) [A Group G member] The Chief Administrative Officer must  
74 not [have the member's] reduce the service-connected disability  
75 pension payments [reduced] of a Group F or G member by  
76 [other] income received from sources other than County  
77 Government employment.

78 \* \* \*

79 **Sec. 33-46. Death benefits and designation of beneficiaries.**

80 \* \* \*

81           **(b) Spouse's, or domestic partner's, and children's benefits of a**  
 82           **member whose death is service-connected.**

83           **(1)   (A) If a member other than a Group F member dies while [in**  
 84           **the service of] employed by the County or a participating**  
 85           **agency on or after August 15, 1965, and the employing**  
 86           **department or agency, a beneficiary, or another person**  
 87           **submits satisfactory proof to the Chief Administrative**  
 88           **Officer that the employee's death [was the result of]**  
 89           **resulted from injuries sustained in the line of duty or was**  
 90           **directly attributable to the inherent hazards of the duties**  
 91           **the employee performed [by the member is submitted]**  
 92           **and the death was not due to willful negligence, the**  
 93           **County must pay benefits [payments must be made] as**  
 94           **follows:**

95           **[(1)]       (i)    [A] a spouse's or domestic partner's benefit equal**  
 96           **to 25 percent of the member's final earnings, paid**  
 97           **as a monthly benefit for the spouse's or partner's**  
 98           **life, but not less than \$250 per month; plus**

99           **[(2)]       (ii) [A] a child's benefit equal to 5 percent of the**  
 100           **member's final earnings, paid as a monthly**  
 101           **benefit, but not less than \$50 per month until the**  
 102           **child reaches age 21 or for life if the child is**  
 103           **disabled and incapable of self-support.**

104           **(B) The Chief Administrative Officer must ensure that the**  
 105           **maximum total [spouse's, or domestic partner's, and**  
 106           **children's benefit] benefit for a spouse or domestic**

107 partner and child must not exceed 40 percent of the  
 108 member's final earnings.

109 (C) The [spouse's, or domestic partner's, and children's]  
 110 Chief Administrative Officer must not pay the benefit [is  
 111 not payable] to the spouse or domestic partner and child  
 112 if the spouse or domestic partner elects to receive  
 113 benefits under subsection (e). However, the Chief  
 114 Administrator must pay [, except that] a child's benefit  
 115 [is payable] if the eligible spouse or domestic partner dies  
 116 before the child is 21 years old.

117 (2) The Chief Administrative Officer must pay death benefits to the  
 118 spouse or domestic partner and child of a Group F member as if  
 119 the member had been receiving a service-connected disability  
 120 pension on the date of the member's death and had selected a  
 121 joint and survivor pension option of 100 percent of the amount  
 122 payable to the member. if:

123 (A) the Group F member died while employed by the County;  
 124 and

125 (B) the employing department, a beneficiary, or another  
 126 person submits satisfactory proof to the Chief  
 127 Administrative Officer that the member's death:

128 (i) resulted from injuries the employee received in the  
 129 line of duty or was directly attributable to the  
 130 inherent hazards of the duties the employee  
 131 performed: and

132 (ii) was not due to the employee's willful negligence.

133 \* \* \*

134 **Sec. 2. Transition.**

135 Section 33-46(b)(2) of the Code, as amended by this Act, applies to service-  
136 connected death benefits payable to the spouse or domestic partner and child of  
137 any Group F member who dies on or after July 1, 2003.

138 *Approved:*

139 

Michael L. Subin, President, County Council

11/21/03

Date

140 *Approved:*

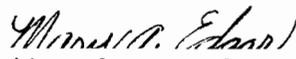
141 

Douglas M. Duncan, County Executive

12/1/03

Date

142 *This is a correct copy of Council action.*

43 

Mary A. Edgar, CMC, Clerk of the Council

12/3/03

Date