

Expedited Bill No. 42-10  
Concerning: Personnel - Retirement -  
Furlough - Imputed Compensation -  
Represented Employees  
Revised: July 12, 2010 Draft No. 1  
Introduced: July 20, 2010  
Enacted: October 12, 2010  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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**AN EXPEDITED ACT** to:

- (1) amend the definition of regular earnings and final earnings under the employees' retirement system and the retirement savings plan to include certain imputed compensation not received due to a furlough for certain represented employees; and
- (2) generally amend the law regarding the employees' retirement system and the retirement savings plan.

By amending

Montgomery County Code  
Chapter 33, Personnel and Human Resources  
Sections 33-35, 33-113 and 33-128

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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



26 Revenue Code Section 401(a)(17), as adjusted by the Internal Revenue Service.  
27 Gross pay must be used to determine benefits even if the County implements a  
28 pick-up plan under Section 414 of the Internal Revenue Code. Gross pay must be  
29 used to determine benefits even if a member has agreed to a reduction in earnings  
30 under:

- 31 (a) the County's deferred compensation plan under Section 457 of the
- 32 Internal Revenue Code; or
- 33 (b) any statutory fringe benefit program sponsored by the County and
- 34 permitted by the Internal Revenue Code.

35 \* \* \*

36 **33-113. Definitions.**

37 In this Division the following words and phrases have the following  
38 meanings:

39 \* \* \*

40 (p) Regular earnings means gross pay for actual hours worked,  
41 including paid leave, but not including overtime, without  
42 reduction for participant contributions that are picked up under  
43 Section 33-116(a), or contributions to any County deferred  
44 compensation plan or statutory fringe benefit program. If a  
45 participant is required to take any furlough, as defined in  
46 personnel regulations under Section 33-7(b) or a collective  
47 bargaining agreement, regular earnings must include any  
48 amount the participant would have received if the participant  
49 had not been required to take any furlough.

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