

# FINAL

## COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 26

Bill No. 70-20

Introduced by Ms. Pickard, Chair  
(by request of the County Executive)

and by Mr. Pruski and Ms. Pickard

By the County Council, September 8, 2020

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Introduced and first read on September 8, 2020  
Public Hearing set for and held on October 5, 2020  
Bill Expires on December 12, 2020

By Order: JoAnne Gray, Administrative Officer

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### A BILL ENTITLED

1 AN ORDINANCE concerning: Pensions – Employees’ Retirement Plan – Fire Service  
2 Retirement Plan – Police Service Retirement Plan - Detention Officers’ and Deputy  
3 Sheriffs’ Retirement Plan – Disability Pensions  
4

5 FOR the purpose of modifying the conditions for a service-connected disability retirement  
6 pension in the Employees’ Retirement Plan; modifying the limitations on continued  
7 eligibility for a service-connected disability retirement pension in the Employees’  
8 Retirement Plan; modifying the definition of “total and permanent disability” in the  
9 Fire Service Retirement Plan, the Police Service Retirement Plan, and the Detention  
10 Officers’ and Deputy Sheriffs’ Retirement Plan; modifying the conditions for a non-  
11 duty related disability retirement pension in the Fire Service Retirement Plan, the Police  
12 Service Retirement Plan, and the Detention Officers’ and Deputy Sheriffs’ Retirement  
13 Plan; modifying the conditions for disqualification for a disability retirement pension  
14 in the Fire Service Retirement Plan, the Police Service Retirement Plan, and the  
15 Detention Officers’ and Deputy Sheriffs’ Retirement Plan; making certain technical  
16 changes; and generally relating to pensions.  
17

18 BY repealing and reenacting, with amendments: §§ 5-3-307(c)(1), (f)(2), and (3); 5-4-  
19 206(b), (d)(3)(ii), and (e); 5-5-205(b), (d)(3)(ii), and (e); and 5-6-207(b), (d)(3)(ii), and  
20 (e)  
21 Anne Arundel County Code (2005, as amended)

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[[Brackets]] indicate matter deleted from existing law.  
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
2 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

3  
4 **ARTICLE 5. PENSIONS**

5  
6 **TITLE 3. EMPLOYEES' RETIREMENT PLAN**

7  
8 **5-3-307. Disability pension.**

9  
10 (c) **Service-connected disability retirement pension.** A participant who is not eligible  
11 to retire on a normal retirement pension may be retired by the Personnel Officer on a  
12 service-connected disability retirement pension beginning on the date the following  
13 conditions are met:

14  
15 (1) the Personnel Officer determines on the basis of a medical examination by one  
16 or more physicians selected by the Personnel Officer that:

17  
18 (i) the participant has a total and permanent disability as the natural and  
19 proximate result of bodily injury in the performance of the participant's regular occupation  
20 or occupational disease incurred in the performance of the participant's regular occupation  
21 at some definite time or place without willful negligence on the participant's part; and

22  
23 (ii) is unable to engage in the participant's regular occupation as an employee  
24 [[or to be employed by the employer in some other position for which the participant is  
25 suited by, or which is appropriate to, the participant's training and experience]];

26  
27 (f) **Limitations on eligibility.**

28  
29 (2) A participant ceases to qualify for a non-service-connected disability retirement  
30 pension when the participant is no longer eligible for disability benefits under the  
31 provisions of the Social Security Act, or when the participant refuses to submit a report of  
32 total earnings when requested by the Personnel Officer in accordance with subsection  
33 [[(f)] (G).

34  
35 (3) A participant ceases to qualify for a service-connected disability retirement  
36 pension if:

37  
38 (i) the Personnel Officer determines on the basis of a medical examination by  
39 one or more physicians selected by the Personnel Officer that the participant no longer has  
40 a total and permanent disability that incapacitates the participant for duty or has sufficiently  
41 recovered but refuses to resume the participant's regular occupation as an employee [[or to  
42 be reemployed by the employer in some other position for which the participant is suited  
43 by, or which is appropriate to, the participant's training and experience]]; or

44  
45 (ii) the participant refuses to undergo a medical examination requested by the  
46 Personnel more than once a year; or

47  
48 (iii) the participant refuses to submit a report of total earnings when requested  
49 by the Personnel Officer in accordance with subsection [[(f)] (G).

**TITLE 4. FIRE SERVICE RETIREMENT PLAN****5-4-206. Disability pension.**

(b) **Scope of “total and permanent disability”.** A participant has a total and permanent disability if the Personnel Officer determines, on the basis of a medical examination by one or more physicians selected by the Personnel Officer, that the participant is wholly and permanently prevented as a result of bodily injury or disease from engaging in any occupation or employment for remuneration or profit or continuing as an employee in the participant's regular assignment [[or in some other assignment within the Fire Department]].

**(d) Annual disability retirement pension.**

(3) (ii) If a participant has a total and permanent disability solely because the participant is prevented from continuing as an employee in the participant's regular assignment [[or in some other assignment within the Fire Department,]] as a result of a non-duty related cause, the participant is entitled to receive an annual disability retirement pension equal to the participant's accrued pension as of the participant's date of disability, computed in accordance with the provisions of § 5-4-203 or 20% of the participant's final average basic pay, whichever is greater.

**(e) Disqualification.**

(1) [[Except for]] THIS SUBSECTION DOES NOT APPLY TO a participant whose disability retirement pension has been in effect for at least five years[.].

(2) [[a]] A participant ceases to qualify for a disability retirement pension when:

[[1]] (I) the Personnel Officer determines, on the basis of a medical examination by one or more physicians selected by the Personnel Officer, that the participant no longer has a total and permanent disability or has sufficiently recovered but refuses to resume the participant's regular occupation as an employee [[or to be reemployed by the County in some other position for which the participant is suited by, or that is appropriate to, the participant's training and experience]]; [[or]]

[[2]] (II) the participant refuses to undergo a medical examination requested by the Personnel Officer, provided the participant may not be required to undergo a medical examination more than once a year; OR

(III) THE PARTICIPANT IS EMPLOYED IN A POSITION WITH THE SAME REQUIREMENTS AS THE PARTICIPANT'S REGULAR ASSIGNMENT.

**TITLE 5. POLICE SERVICE RETIREMENT PLAN****5-5-205. Disability pension.**

1 (b) **Scope of “total and permanent disability”**. A participant has a total and  
2 permanent disability if the Personnel Officer determines, on the basis of a medical  
3 examination by one or more physicians selected by the Personnel Officer, that the  
4 participant is wholly and permanently prevented as a result of bodily injury or disease from  
5 engaging in any occupation or employment for remuneration or profit or continuing as an  
6 employee in the participant’s regular assignment [[or in some other assignment within the  
7 Police Department]].

8  
9 (d) **Annual disability retirement pension.**

10  
11 (3) (ii) If a participant has a total and permanent disability solely because the  
12 participant is prevented from continuing as an employee in the participant’s regular  
13 assignment [[or in some other assignment within the Police Department,]] as a result of a  
14 non-duty related cause, the participant is entitled to receive an annual disability retirement  
15 pension equal to the participant’s accrued pension as of the participant’s date of disability,  
16 computed in accordance with the provisions of § 5-5-203, or 20% of the participant’s final  
17 average basic pay, whichever is greater.

18  
19 (e) **Disqualification.**

20  
21 (1) [[Except for]] THIS SUBSECTION DOES NOT APPLY TO a participant whose  
22 disability retirement pension has been in effect for at least five years[[,]].

23  
24 (2) [[a]] A participant ceases to qualify for a disability retirement pension when:

25  
26 [[(1)] (I) the Personnel Officer determines, on the basis of a medical  
27 examination by one or more physicians selected by the Personnel Officer, that the  
28 participant no longer has a total and permanent disability or has sufficiently recovered but  
29 refuses to resume the participant’s regular occupation as an employee [[or to be reemployed  
30 by the County in some other position for which the participant is suited by, or that is  
31 appropriate to, the participant’s training and experience]]; [[or]]

32  
33 [[(2)] (II) the participant refuses to undergo a medical examination requested  
34 by the Personnel Officer, provided the participant may not be required to undergo a medical  
35 examination more than once a year; OR

36  
37 (III) THE PARTICIPANT IS EMPLOYED IN A POSITION WITH THE SAME  
38 REQUIREMENTS AS THE PARTICIPANT’S REGULAR ASSIGNMENT.

39  
40 **TITLE 6. DETENTION OFFICERS’ AND DEPUTY SHERIFFS’ RETIREMENT**  
41 **PLAN**

42  
43 **5-6-207. Disability pension.**

44  
45 (b) **Scope of “total and permanent disability”**. A participant has a total and  
46 permanent disability if the Personnel Officer determines, on the basis of a medical  
47 examination by one or more physicians selected by the Personnel Officer, that the  
48 participant is wholly and permanently prevented as a result of bodily injury or disease from  
49 engaging in any occupation or employment for remuneration or profit or continuing as an

1 employee in the participant's regular assignment [[or in some other assignment within the  
2 department in which the employee is then employed]].

3  
4 **(d) Annual disability retirement pension.**

5  
6 (3) (ii) If a participant has a total and permanent disability solely because the  
7 participant is prevented from continuing as an employee in the participant's regular  
8 assignment [[or in some other assignment, within the participant's department,]] as a result  
9 of a non-duty related cause, the participant is entitled to receive an annual disability  
10 retirement pension equal to the participant's accrued pension as of the participant's date of  
11 disability, computed in accordance with the provisions of § 5-6-203, or 20% of the  
12 participant's final average basic pay, whichever is greater.

13  
14 **(e) Disqualification.**

15  
16 (1) [[Except for]] THIS SUBSECTION DOES NOT APPLY TO a participant whose  
17 disability retirement pension has been in effect for at least five years[.].

18  
19 (2) [[a]] A participant ceases to qualify for a disability retirement pension when:

20  
21 [[(1)] (I) the Personnel Officer determines, on the basis of a medical  
22 examination by one or more physicians selected by the Personnel Officer, that the  
23 participant no longer has a total and permanent disability or has sufficiently recovered but  
24 refuses to resume the participant's regular occupation as an employee [[or to be reemployed  
25 by the County in some other position in the participants former department for which the  
26 participant is suited by, or that is appropriate to, the participant's training and experience]];  
27 [[or]]

28  
29 [[(2)] (II) the participant refuses to undergo a medical examination requested  
30 by the Personnel Officer, provided the participant may not be required to undergo a medical  
31 examination more than once a year; OR

32  
33 (III) THE PARTICIPANT IS EMPLOYED IN A POSITION WITH THE SAME  
34 REQUIREMENTS AS THE PARTICIPANT'S REGULAR ASSIGNMENT.

35  
36 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days  
37 from the date it becomes law.

READ AND PASSED this 5<sup>th</sup> day of October, 2020

By Order:



JoAnne Gray  
Administrative Officer

Bill No. 70-20

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PRESENTED to the County Executive for his approval this 6<sup>th</sup> day of October, 2020



JoAnne Gray  
Administrative Officer

APPROVED AND ENACTED this 8<sup>th</sup> day of October, 2020



Steuart Pittman  
County Executive

EFFECTIVE DATE: November 22, 2020

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF  
BILL NO. 70-20. THE ORIGINAL OF WHICH IS RETAINED IN THE  
FILES OF THE COUNTY COUNCIL.



JoAnne Gray  
Administrative Officer