

FINAL

AMENDED
January 6, 2014
and February 3, 2014

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2013, Legislative Day No. 41

Bill No. 97-13

Introduced by Mr. Grasso

By the County Council, November 18, 2013

Introduced and first read on November 18, 2013
Public Hearing set for and held on December 16, 2013
Bill AMENDED on January 6, 2014
Public Hearing on AMENDED BILL set for January 21, 2014
Public Hearing on AMENDED BILL rescheduled and held on February 3, 2014
Public Hearing on SECOND AMENDED BILL set for and held on February 18, 2014
Bill Expires February 21, 2014

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Pensions – Vesting and Other Terms – Employees’
2 Retirement Plan and Detention Officers’ and Deputy Sheriffs’ Retirement Plan

3
4 FOR the purpose of amending provisions related to the purchase of service, the credit of pre-
5 plan military service, and the determination of normal retirement date in the Employees’
6 Retirement Plan and Detention Officers’ and Deputy Sheriffs’ Retirement Plan;
7 amending the provision related to disability pension benefits in the Employees’
8 Retirement Plan; and generally relating to pensions.

9
10 BY repealing and reenacting, with amendments: §§ 5-1-209(a); 5-1-211(b); 5-3-301(a); 5-3-
11 302(a); 5-3-307(b); 5-6-201(a); and 5-6-202(b)
12 Anne Arundel County Code (2005, as amended)

13
14 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
15 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

16
17 **ARTICLE 5. PENSIONS**
18 **TITLE 1. GENERAL PROVISIONS**

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 **5-1-209. Credited pre-plan military service.**

2
3 (a) **Generally.** A participant may receive a maximum of three years of credited pre-plan
4 military service for active duty pre-plan military service honorably completed before
5 employment with an employer if:

6
7 (1) for a participant in the Fire Service Retirement Plan or the Police Service
8 Retirement Plan, the participant completes actual plan service plus transferred service under
9 § 5-1-304 totaling 20 years;

10
11 (2) [for a participant in the Employees' Retirement Plan] FOR A CATEGORY I
12 PARTICIPANT OR A CATEGORY II PARTICIPANT HIRED BEFORE JULY 1, 2015, IN THE
13 DETENTION OFFICERS' AND DEPUTY SHERIFFS' RETIREMENT PLAN, the participant completes
14 actual plan service plus transferred service under § 5-1-302 totaling five years; [or]

15
16 (3) for a CATEGORY II participant in the Detention Officers' and Deputy Sheriffs'
17 Retirement Plan HIRED ON OR AFTER JULY 1, 2015, the participant completes actual plan
18 service plus transferred service under § 5-1-302 totaling [five] 10 years;

19
20 (4) EXCEPT AS OTHERWISE PROVIDED FOR IN THIS SUBSECTION, FOR A PARTICIPANT
21 IN THE EMPLOYEES' RETIREMENT PLAN HIRED BEFORE JULY 1, 2015, THE PARTICIPANT
22 COMPLETES ACTUAL PLAN SERVICE PLUS TRANSFERRED SERVICE UNDER § 5-1-302
23 TOTALING FIVE YEARS;

24
25 (5) EXCEPT AS OTHERWISE PROVIDED FOR IN THIS SUBSECTION, FOR A PARTICIPANT
26 IN THE EMPLOYEES' RETIREMENT PLAN HIRED ON OR AFTER JULY 1, 2015, THE PARTICIPANT
27 COMPLETES ACTUAL PLAN SERVICE PLUS TRANSFERRED SERVICE UNDER § 5-1-302
28 TOTALING 10 YEARS;

29
30 (6) FOR A PARTICIPANT IN THE EMPLOYEES' RETIREMENT PLAN WHO IS AN ELECTED
31 OFFICIAL WHOSE FIRST TERM BEGINS ON OR AFTER DECEMBER 1, 2014, THE PARTICIPANT
32 COMPLETES ACTUAL PLAN SERVICE PLUS TRANSFERRED SERVICE UNDER § 5-1-302
33 TOTALING 10 YEARS; OR

34
35 (7) FOR A PARTICIPANT IN THE EMPLOYEES' RETIREMENT PLAN WHO IS AN EXEMPT
36 EMPLOYEE HIRED UNDER § 6-2-101 OR § 6-2-103 OF THIS CODE AND IS HIRED ON OR AFTER
37 DECEMBER 1, 2014, THE PARTICIPANT COMPLETES ACTUAL PLAN SERVICE PLUS
38 TRANSFERRED SERVICE UNDER § 5-1-302 TOTALING EIGHT YEARS.

39
40 **5-1-211. Purchased service – Employees' Retirement Plan and Detention Officers' and**
41 **Deputy Sheriffs' Retirement Plan.**

42
43 (b) **Payment.**

44
45 (1) To obtain purchased service, a participant shall pay a lump sum amount equal to
46 the reserves actuarially determined necessary to fund the benefits attributable to the
47 purchased service.

48
49 (2) [Notwithstanding any other provision of this title, a participant] A CATEGORY I
50 PARTICIPANT AND A CATEGORY II PARTICIPANT HIRED BEFORE JULY 1, 2015, IN THE
51 DETENTION OFFICERS' AND DEPUTY SHERIFFS' RETIREMENT PLAN may not obtain and pay

1 for any purchased service until the participant has completed actual plan service plus
2 transferred service under § 5-1-302 totaling five years.

3
4 (3) A CATEGORY II PARTICIPANT IN THE DETENTION OFFICERS' AND DEPUTY
5 SHERIFFS' RETIREMENT PLAN HIRED ON OR AFTER JULY 1, 2015 MAY NOT OBTAIN AND PAY
6 FOR ANY PURCHASED SERVICE UNTIL THE PARTICIPANT HAS COMPLETED ACTUAL PLAN
7 SERVICE PLUS TRANSFERRED SERVICE UNDER § 5-1-302 TOTALING 10 YEARS.

8
9 (4) EXCEPT AS OTHERWISE PROVIDED FOR IN THIS SUBSECTION, A PARTICIPANT IN
10 THE EMPLOYEES' RETIREMENT PLAN HIRED BEFORE JULY 1, 2015, MAY NOT OBTAIN AND
11 PAY FOR ANY PURCHASED SERVICE UNTIL THE PARTICIPANT HAS COMPLETED ACTUAL
12 PLAN SERVICE PLUS TRANSFERRED SERVICE UNDER § 5-1-302 TOTALING FIVE YEARS.

13
14 (5) EXCEPT AS OTHERWISE PROVIDED FOR IN THIS SUBSECTION, A PARTICIPANT IN
15 THE EMPLOYEES' RETIREMENT PLAN HIRED ON OR AFTER JULY 1, 2015 MAY NOT OBTAIN
16 AND PAY FOR ANY PURCHASED SERVICE UNTIL THE PARTICIPANT HAS COMPLETED ACTUAL
17 PLAN SERVICE PLUS TRANSFERRED SERVICE UNDER § 5-1-302 TOTALING 10 YEARS.

18
19 (6) A PARTICIPANT IN THE EMPLOYEES' RETIREMENT PLAN WHO IS AN ELECTED
20 OFFICIAL WHOSE FIRST TERM BEGINS ON OR AFTER DECEMBER 1, 2014 MAY NOT OBTAIN
21 AND PAY FOR ANY PURCHASED SERVICE UNTIL THE PARTICIPANT HAS COMPLETED ACTUAL
22 PLAN SERVICE PLUS TRANSFERRED SERVICE UNDER § 5-1-302 TOTALING 10 YEARS.

23
24 (7) A PARTICIPANT IN THE EMPLOYEES' RETIREMENT PLAN WHO IS AN EXEMPT
25 EMPLOYEE HIRED UNDER § 6-2-101 OR § 6-2-103 OF THIS CODE AND IS HIRED ON OR AFTER
26 DECEMBER 1, 2014 MAY NOT OBTAIN AND PAY FOR ANY PURCHASED SERVICE UNTIL THE
27 PARTICIPANT HAS COMPLETED ACTUAL PLAN SERVICE PLUS TRANSFERRED SERVICE UNDER
28 § 5-1-302 TOTALING EIGHT YEARS.

29
30 [(3)] (8) Purchased service may not be counted as credited service until paid for in
31 full.

32 33 TITLE 3. EMPLOYEES' RETIREMENT PLAN

34 35 5-3-301. Vesting; termination of service before retirement.

36
37 (a) **Generally.** A participant vests in the benefits of the plan upon completion of actual
38 plan service plus transferred service under § 5-1-302 [totaling five years] AS SET FORTH IN
39 THIS SUBSECTION.

40
41 (1) EXCEPT AS OTHERWISE PROVIDED FOR IN THIS SUBSECTION, A PARTICIPANT IN
42 THE EMPLOYEES' RETIREMENT PLAN HIRED BEFORE JULY 1, 2015 VESTS IN THE BENEFITS OF
43 THE PLAN UPON COMPLETION OF ACTUAL PLAN SERVICE PLUS TRANSFERRED SERVICE
44 UNDER § 5-1-302 TOTALING FIVE YEARS.

45
46 (2) EXCEPT AS OTHERWISE PROVIDED FOR IN THIS SUBSECTION, A PARTICIPANT IN
47 THE EMPLOYEES' RETIREMENT PLAN HIRED ON OR AFTER JULY 1, 2015 VESTS IN THE
48 BENEFITS OF THE PLAN UPON COMPLETION OF ACTUAL PLAN SERVICE PLUS TRANSFERRED
49 SERVICE UNDER § 5-1-302 TOTALING 10 YEARS.

50
51 (3) A PARTICIPANT IN THE EMPLOYEES' RETIREMENT PLAN WHO IS AN ELECTED
52 OFFICIAL A COUNTY COUNCILMEMBER WHOSE FIRST TERM BEGINS ON OR AFTER
53 DECEMBER 1, 2014 VESTS IN THE BENEFITS OF THE PLAN UPON COMPLETION OF ACTUAL
54 PLAN SERVICE PLUS TRANSFERRED SERVICE UNDER § 5-1-302 TOTALING 10 YEARS.

1
2 (4) A PARTICIPANT IN THE EMPLOYEES' RETIREMENT PLAN WHO IS AN EXEMPT
3 EMPLOYEE HIRED UNDER § 6-2-101 OR § 6-2-103 OF THIS CODE ~~AND~~ OR A COUNTY
4 EXECUTIVE, WHO IS HIRED ON OR AFTER DECEMBER 1, 2014 VESTS IN THE BENEFITS OF THE
5 PLAN UPON COMPLETION OF ACTUAL PLAN SERVICE PLUS TRANSFERRED SERVICE UNDER §
6 5-1-302 TOTALING EIGHT YEARS.

7
8 **5-3-302. Determination of normal retirement date and early retirement date.**

9
10 (a) **Normal retirement date.** A participant's normal retirement date is the first day of the
11 month coinciding with or next following the earlier of:

12
13 (1) FOR A PARTICIPANT HIRED BEFORE JULY 1, 1999, THE PARTICIPANT'S 60TH
14 BIRTHDAY OR THE COMPLETION OF 30 YEARS OF CREDITED SERVICE.

15
16 [(1)] (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, for a participant
17 hired on or after July 1, 1999 AND BEFORE JULY 1, 2015:

18
19 (i) the participant's 60th birthday and completion of actual plan service plus
20 transferred service under § 5-1-302 totaling five years; or

21
22 (ii) the completion of 30 years of credited service.[]; or

23
24 (2) for a participant hired before July 1, 1999, the participant's 60th birthday or the
25 completion of 30 years of credited service.]

26
27 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, FOR A PARTICIPANT
28 HIRED ON OR AFTER JULY 1, 2015:

29
30 (I) THE PARTICIPANT'S 60TH BIRTHDAY AND COMPLETION OF ACTUAL PLAN
31 SERVICE PLUS TRANSFERRED SERVICE UNDER § 5-1-303 TOTALING 10 YEARS; OR

32
33 (II) THE COMPLETION OF 30 YEARS OF CREDITED SERVICE.

34
35 (4) FOR A PARTICIPANT IN THE EMPLOYEES' RETIREMENT PLAN WHO IS AN ~~ELECTED~~
36 OFFICIAL A COUNTY COUNCILMEMBER WHOSE FIRST TERM BEGINS ON OR AFTER
37 DECEMBER 1, 2014:

38
39 (I) THE PARTICIPANT'S 60TH BIRTHDAY AND COMPLETION OF ACTUAL PLAN
40 SERVICE PLUS TRANSFERRED SERVICE UNDER § 5-1-303 TOTALING 10 YEARS; OR

41
42 (II) THE COMPLETION OF 30 YEARS OF CREDITED SERVICE.

43
44 (5) FOR A PARTICIPANT IN THE EMPLOYEES' RETIREMENT PLAN WHO IS AN EXEMPT
45 EMPLOYEE HIRED UNDER § 6-2-101 OR § 6-2-103 OF THIS CODE ~~AND~~ OR A COUNTY
46 EXECUTIVE, WHO IS HIRED ON OR AFTER DECEMBER 1, 2014:

47
48 (I) THE PARTICIPANT'S 60TH BIRTHDAY AND COMPLETION OF ACTUAL PLAN
49 SERVICE PLUS TRANSFERRED SERVICE UNDER § 5-1-303 TOTALING EIGHT YEARS; OR

50
51 (II) THE COMPLETION OF 30 YEARS OF CREDITED SERVICE.

52
53 **5-3-307. Disability pension.**

1 (b) **Non-service-connected disability retirement pension.** A participant who is not
2 eligible to retire on a normal retirement pension may be retired by the Personnel Officer on a
3 non-service-connected disability retirement pension beginning on the date the following
4 conditions are met:

5 (1) the Personnel Officer determines, on the basis of a medical examination by one or
6 more physicians selected by the Personnel Officer, that the participant has a total and
7 permanent disability in that the participant is wholly and permanently prevented, as a result
8 of bodily injury or disease, but not as a result of bodily injury or occupational disease
9 incurred in the performance of duty, from engaging in an occupation or employment for
10 remuneration or profit or continuing in the capacity of an employee;

11
12 (2) the participant has exhausted all accrued disability leave and all accident and
13 sickness benefits from programs, exclusive of federal Social Security, to which the County
14 makes contributions;

15
16 (3) for a tier one employee, the participant was making employee contributions under
17 this title immediately prior to the participant's date of disability;

18
19 (4) the participant has [five years of actual plan service] VESTED IN ACCORDANCE
20 WITH § 5-3-301;

21
22 (5) the participant is not eligible for a service-connected disability retirement; and

23
24 (6) the participant is eligible for disability benefits under the Social Security Act.

25
26 **TITLE 6. DETENTION OFFICERS' AND DEPUTY SHERIFFS' RETIREMENT**
27 **PLAN**

28
29 **5-6-201. Vesting; termination of service before retirement.**

30
31 (a) **Generally.**

32
33 (1) A category I participant hired on or after August 9, 2004 vests in the benefits of
34 the plan upon completion of 20 years of actual plan service.

35
36 (2) A category I participant hired before August 4, 2004 and a category II participant
37 HIRED BEFORE JULY 1, 2015 vest in the benefits of the plan upon completion of actual plan
38 service plus transferred service under § 5-1-302 totaling five years.

39
40 (3) A CATEGORY II PARTICIPANT HIRED ON OR AFTER JULY 1, 2015 VESTS IN THE
41 BENEFITS OF THE PLAN UPON COMPLETION OF ACTUAL PLAN SERVICE PLUS TRANSFERRED
42 SERVICE UNDER § 5-1-302 TOTALING 10 YEARS.

43
44 **5-6-202. Determination of normal retirement date and early retirement date.**

45
46 (b) **Normal retirement date for category II participants.** The normal retirement date
47 for a category II participant is:

1 (1) FOR A PARTICIPANT HIRED BEFORE JULY 1, 2015, the first day of the month
2 coinciding with or next following the participant's 50th birthday and the completion of actual
3 plan service plus transferred service under § 5-1-302 totaling five years.

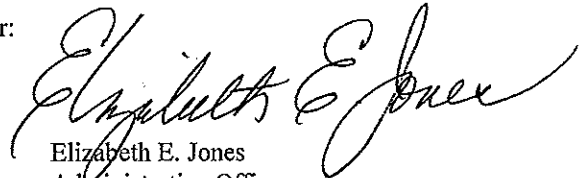
4
5 (2) FOR A PARTICIPANT HIRED ON OR AFTER JULY 1, 2015, THE FIRST DAY OF THE
6 MONTH COINCIDING WITH OR NEXT FOLLOWING THE PARTICIPANT'S 50TH BIRTHDAY AND
7 THE COMPLETION OF ACTUAL PLAN SERVICE PLUS TRANSFERRED SERVICE UNDER § 5-1-302
8 TOTALING 10 YEARS.

9
10 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
11 from the date it becomes law.

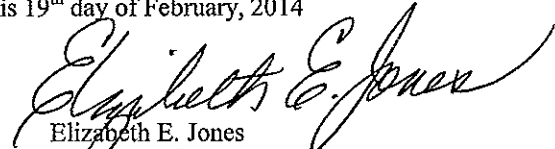
AMENDMENTS ADOPTED: January 6 and February 3, 2014

READ AND PASSED this 18th day of February, 2014

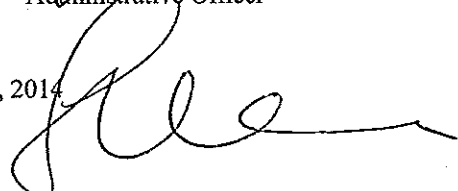
By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for her approval this 19th day of February, 2014

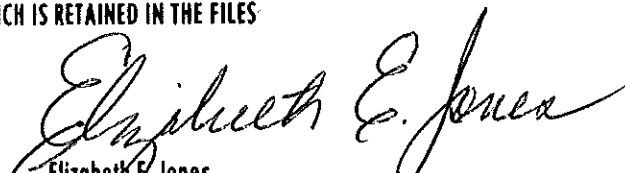

Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this 28th day of February, 2014


Laura Neuman
County Executive

EFFECTIVE DATE: April 14, 2014

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
97-13, THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.


Elizabeth E. Jones
Administrative Officer