



Gregory J. Swain, County Attorney

MEMORANDUM

To: Members, Anne Arundel County Council

From: Lori L. Blair Klasmeier, Deputy County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: September 8, 2020

Subject: Bill No. 70-20: Pensions – Employees’ Retirement Plan – Fire Service Retirement Plan – Police Service Retirement Plan - Detention Officers’ and Deputy Sheriffs’ Retirement Plan – Disability Pensions

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 70-20, which modifies eligibility requirements for certain disability pensions.

Background. All of the County’s pension plans provide for pensions to be paid to employees who suffer disabling injuries or disease under certain circumstances. All of the plans have different provisions for service-related disability as opposed to non-service-related disability.

To be eligible for a disability pension, all of the plans require that the disability prevent the pension plan participant be unable to perform the duties of the participant’s regular job. In the Employees’ Plan, the participant also must be and remain unable to be employed by the County “in some other position for which the participant is suited by, or which is appropriate to, the participant’s training and experience”. In the Fire, Police, and Detention Officers’ and Deputy Sheriffs’ (“DODS”) plans, the disability also must prevent the participant from performing any other assignment within the department.

All of the plans have requirements for disqualification from a disability pension after it is awarded. In the Fire, Police, and DODS plans, if the pension has been in effect for less than 5 years, the participant is disqualified if a medical examination reveals that the participant can resume the participant’s regular occupation or may be reemployed by the County “in some other

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

position for which the participant is suited by, or which is appropriate to, the participant's training and experience".

Purpose. The purpose of Bill No. __-20 is to eliminate the ability to perform the duties of a position other than the pension participant's regular position as a disqualifying factor for disability pensions. A provision is added that a participant in the Fire, Police, and DODS plans would be disqualified from the service-related disability pension if the participant is actually employed in a position with the same requirements as the participant's regular assignment during the first five years of receiving the pension.

Summary. In **Section 1** of the Bill, the condition of being able to be employed by the County "in some other position for which the participant is suited by, or which is appropriate to, the participant's training and experience" is removed from the conditions for a participant in the Employees' Retirement Plan to receive a service-connected disability retirement pension. (§ **5-3-307(c)(1)(ii)**). In addition, the ability to be employed "in some other position for which the participant is suited by, or which is appropriate to, the participant's training and experience" is removed as a reason for disqualification from a service-connected pension in the Employees' Retirement Plan. (§ **5-3-307(f)(3)**). An internal reference is corrected in § **5-3-307(f)(2)**.

In §§ **5-4-206(b)**, **5-5-205(b)**, and **5-6-207(b)**, the definition of "total and permanent disability is modified to remove the requirement that a participant in the Fire, Police, and DODS Plans be unable to continue "in some other assignment" within the department. Paragraphs **5-4-206(d)(3)(ii)**, **5-5-205(d)(3)(ii)**, and **5-6-207(d)(3)(ii)** remove the phrase "or in some other assignment" within the department as a condition of total and permanent disability when describing the benefit for a non-service-connected disability pension in the Fire, Police, and DODS plans. Subsections **5-4-206(e)**, **5-5-205(e)**, and **5-6-207(e)** are modified such that the ability to be employed "in some other position for which the participant is suited by, or which is appropriate to, the participant's training and experience" no longer disqualifies participants in the Fire, Police, and DODS plans from receiving a disability pension. A participant's actual employment in a position with the same requirements as the participant's regular assignment is added as a disqualifying factor in those same subsections.

Section 2 of the bill provides that it will take effect 45 days from the date it becomes law.

If there are any questions, please let me know.

cc: Honorable Steuart Pittman, County Executive
Kai Boggess-deBruin, Chief of Staff
Matthew Power, Chief Administrative Officer
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William Lowry, Acting Chief, Police Department
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