

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2017, Legislative Day No. 37

Bill No. 78-17

Introduced by Mr. Grasso, Chairman (by request of the County Executive)

By the County Council, September 18, 2017

Introduced and first read on September 18, 2017 Public Hearing set for and held on October 16, 2017 Public Hearing on AMENDED bill set for and held on November 20, 2017 Bill Expires December 22, 2017

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1	AN ORDINANCE concerning: Pensions - General Provisions - Deferred Retirement
2	Option Programs - Fire Service Retirement Plan, Police Service Retirement Plan, and
3	Detention Officers' and Deputy Sheriffs' Retirement Plan
4	
5	FOR the purpose of modifying general provisions relating to reemployment of retirees;
6	modifying reemployment provisions for certain retirees who participated in Deferred
7	Retirement Option Programs; providing for the application of this Ordinance; and
8	generally relating to retirement plans.
9	
10	BY repealing and reenacting, with amendments: §§ 5-1-203(c)(1); and 5-1-515(a) and (b)
11	(as amended by Bill No. 56-16)
12	Anne Arundel County Code (2005, as amended)
13	
14	BY repealing: § 5-1-515(b)
15	Anne Arundel County Code (2005, as amended)
16	
17	BY renumbering: §§ 5-1-515(c) through (f) to be §§ 5-1-515(b) through (e)
18	Anne Arundel County Code (2005, as amended)
19	
20	SECTION 1. Be it enacted by the County Council of Anne Arundel County,
21	Maryland, That Section(s) of the Anne Arundel County Code (2005, as amended)(and as
22	amended by Bill No. 56-16) read as follows:
	EXPLANATION: CAPITALS indicate new matter added to existing law.

[Brackets] indicate matter stricken from existing law.

Captions and taglines in **bold** in this bill are catchwords and are not law.

Underlining indicates amendments to bill.

Strikeover indicates matter stricken from bill by amendment.

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1	SECTION 1. Be it enacted by the County Council of Anne Arundel County,
2	Maryland, That § 5-1-515(b) of the Anne Arundel Code (2005, as amended) is hereby
3	repealed.
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5	SECTION 2. And be it further enacted, That § 5-1-515(c) through (f) of the Anne
6	Arundel County Code (2005, as amended) is hereby renumbered to be § 5-1-515(b)
7	through (e), respectively.
8	
9	SECTION 3. And be it further enacted, That Section(s) of the Anne Arundel County
10	Code (2005, as amended) read as follows:
11	
12	ARTICLE 5. PENSIONS
13	THE F 4 CENTER 41 PROMICEOUS
14	TITLE 1. GENERAL PROVISIONS
15	5 1 202 Deampleyment
16 17	5-1-203. Reemployment.
18	(c) When benefits not reduced.
19	(c) When benefits not reduced.
20	(1) Except as provided in § 5-1-515(A), a participant's retirement benefit may not
21	be reduced if:
22	
23	(i) the employee is retired from the County as a classified employee and is
24	reemployed by the County as:
25	
26	1. an exempt employee under § 802(a)(14) of the Charter;
27	
28	2. AN EXEMPT EMPLOYEE UNDER § 802(A)(17) OF THE CHARTER;
29	[2]] 2
30	[2.] 3. an employee of the Sheriff in a position that requires the employee
31 32	to be certified as a Police Officer by the Police Training Commission if the employee was certified as a Police Officer by the Police Training Commission at the time the employee
33	retired; or
34	Tetried, or
35	[3.] 4. an employee of the State's Attorney in a position that requires the
36	employee to be certified as a Police Officer by the Police Training Commission if the
37	employee was certified as a Police Officer by the Police Training Commission at the time
38	the employee retired; or
39	
40	(ii) the employee retired from the County as an exempt employee under §§ 6-
41	2-101, 6-2-104, or 6-2-105 of this Code in a position that is not exempt from the
42	provisions of the Fair Labor Standards Act, 29 U.S.C. §§ 207 et seq. and is reemployed
43	by the County as an exempt employee under § 802(a)(14) of the Charter.
44	
45	5-1-515. Reemployment of participant.
46	

(a) **Reduction in benefit.** [Except as provided in subsection (b), if] EXCEPT FOR THOSE DROP PARTICIPANTS WHO RETIRED FROM A NON REPRESENTED POSITION IN THE

FIRE DEPARTMENT, [a] A former DROP participant IN THE FIRE SERVICE RETIREMENT 1 PLAN WHO RETIRED FROM A POSITION CLASSIFICATION COVERED BY A COLLECTIVE 2 BARGAINING AGREEMENT, who is receiving a retirement benefit under § 5-1-512, AND 3 WHO is reemployed in any capacity by the County[, the] SHALL HAVE A REDUCTION IN 4 THEIR retirement benefit under § 5-1-512(a) [shall be reduced] during the period of 5 reemployment by \$1.00 for each \$2.00 received in salary or wages from the County. 6 7 (a) Reduction in benefit. [Except as provided in subsection (b), if] a former DROP 8 participant who is receiving a retirement benefit under § 5-1-512 is reemployed in any 9 capacity by the County, the retirement benefit under § 5-1-512(a) shall be reduced during 10 the period of reemployment by \$1.00 for each \$2.00 received in salary or wages from the 11 County. 12 13 (b) When benefits not reduced. 14 15 (1) The retirement benefit of a former DROP participant who is a member of the 16 Police Service Retirement Plan OR THE DETENTION OFFICERS' AND DEPUTY SHERIFFS' 17 RETIREMENT PLAN may not be reduced if the employee is REEMPLOYED BY THE COUNTY 18 PURSUANT TO § 5-1-203(C)(1)[: 19 20 (i) retired from the County as a classified employee; and 21 22 (ii) reemployed by the County as an employee of the Sheriff or the State's 23 Attorney in a position that requires the employee to be certified as a Police Officer by the 24 Police Training Commission if the employee was certified as a Police Officer by the 25 Police Training Commission at the time the employee retired]. 26 27 (2) An employee REEMPLOYED under subsection (b)(1) does not accrue a new 28 pension benefit during the period of reemployment. 29 30

SECTION 2 <u>4</u>. And be it further enacted, That the provisions of this Ordinance shall be retroactive to July 1, 2017.

SECTION 3 5. And be it further enacted, That the provisions of this Ordinance shall take effect 45 days from the date it becomes law.

AMENDMENTS ADOPTED: October 16, 2017

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READ AND PASSED this 20th day of November, 2017

By Order:

Administrative Officer

V/oChine

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PRESENTED to the County Executive for his approval this 21st day of November, 2017

JoAnne Gray

Administrative Officer

APPROVED AND ENACTED this 2

day of

ember, 2

_, 2017

Steven R. Schuh County Executive

EFFECTIVE DATE:

January 12, 2018

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.

78-17 . The original of which is retained in the files

OF THE COUNTY COUNCIL.

JoAnne Gray

Administrative Officer