

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 8

Bill No. 31-24

Introduced by Mr. Smith

By the County Council, April 15, 2024

Introduced and first read on April 15, 2024
Public Hearing set for and held on May 20, 2024
Public Hearing continued to and held on June 3, 2024
Public Hearing on AMENDED bill set for and held on June 17, 2024
Bill Expires July 19, 2024

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Pensions – Reemployment – Reduction of Benefits
2
3 FOR the purpose of eliminating a reduction in pension benefit during a pension recipient’s
4 period of reemployment under certain circumstances; and generally relating to
5 pensions.
6

7 BY repealing and reenacting, with amendments: ~~§ 5-1-203(b)~~ § 5-1-203(c)
8 Anne Arundel County Code (2005, as amended)
9

10 ~~BY repealing: § 5-1-203(e)~~
11 ~~— Anne Arundel County Code (2005, as amended)~~
12

13 ~~BY adding: § 5-1-203(e)~~
14 ~~Anne Arundel County Code (2005, as amended)~~
15

16 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
17 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:
18

19 **ARTICLE 5. PENSIONS**

20 **TITLE 1. DEFINITIONS; GENERAL PROVISIONS**
21

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 amendment to a bill.
~~Strikeover~~ indicates matter removed from bill by amendment.

1 **5-1-203. Reemployment.**

2
3 **(b) Reduction of benefits; earning new benefits; termination of reemployment.**

4
5 (1) ~~Except as provided in subsection (c) or (d), whenever a retired participant is~~
6 ~~employed or reemployed by an employer, the employee's retirement benefit shall be~~
7 ~~reduced by \$1.00 for every \$2.00 earned by the employee.~~

8
9 (2) ~~WHILE REEMPLOYED, THE EMPLOYEE MAY PARTICIPATE IN A RETIREMENT~~
10 ~~PLAN AND MAY EARN A NEW RETIREMENT BENEFIT SUBJECT TO ALL VESTING AND OTHER~~
11 ~~CONDITIONS OF THIS ARTICLE AS OF THE DATE OF REEMPLOYMENT AND AS MODIFIED~~
12 ~~THEREAFTER.~~

13
14 (3) ~~On termination of reemployment, the [[retirement benefit amount shall include~~
15 ~~any new retirement benefit earned]] RETIRED PARTICIPANT IS ENTITLED TO THE~~
16 ~~REINSTATEMENT OF THE ORIGINAL RETIREMENT BENEFIT AND TO ANY NEW RETIREMENT~~
17 ~~BENEFIT EARNED DURING THE PERIOD OF REEMPLOYMENT based on credited service and~~
18 ~~annual basic pay during the period of reemployment. Any retirement benefit earned during~~
19 ~~the period of reemployment may be subject to different early retirement reduction factors~~
20 ~~and optional forms of payments than the [[prior]] ORIGINAL benefit.~~

21
22 ~~(C) When benefits not reduced. EXCEPT AS PROVIDED IN § 5-1-515, THE RETIREMENT~~
23 ~~BENEFIT OF A PARTICIPANT MAY NOT BE REDUCED IF THE PARTICIPANT IS REEMPLOYED~~
24 ~~IN ANY POSITION OTHER THAN A POSITION IN THE DEPARTMENT IN WHICH THE~~
25 ~~PARTICIPANT WAS EMPLOYED AT THE TIME OF RETIREMENT.~~

26
27 **(c) When benefits not reduced.**

28
29 (1) Except as provided in § 5-1-515, a participant's retirement benefit may not be
30 reduced if:

31
32 (i) the employee is retired from the County as a classified employee and is
33 reemployed by the County as:

34
35 1. an exempt employee under § 802(a)(14) of the Charter, but only for the
36 first 1,500 hours worked in a calendar year;

37
38 2. an exempt employee under § 802(a)(17) of the Charter;

39
40 3. an employee of the Sheriff in a position that requires the employee to be
41 certified as a Police Officer by the Police Training Commission if the employee was
42 certified as a Police Officer by the Police Training Commission at the time the employee
43 retired; or

44
45 4. an employee of the State's Attorney in a position that requires the
46 employee to be certified as a Police Officer by the Police Training Commission if the
47 employee was certified as a Police Officer by the Police Training Commission at the time
48 the employee retired; or

(ii) the employee retired from the County as an exempt employee under §§ 6-2-101, 6-2-104, or 6-2-105 of this Code in a position that is not exempt from the provisions of the Fair Labor Standards Act, 29 U.S.C. §§ 207 et seq. and is reemployed by the County as an exempt employee under § 802(a)(14) of the Charter[, but only for the first 1,500 hours worked in a calendar year.]]; OR

(III) THE EMPLOYEE IS RETIRED FROM THE COUNTY AS A CLASSIFIED EMPLOYEE AND:

1. IT IS AT LEAST 90 DAYS BETWEEN THE DATE OF RETIREMENT AND THE DATE OF REEMPLOYMENT IF REEMPLOYED AS A CLASSIFIED EMPLOYEE; AND

2. THE RETIREE IS REEMPLOYED IN A DIFFERENT JOB CLASSIFICATION THAN THAT WHICH THE RETIREE HELD AT THE TIME OF RETIREMENT; AND

3. IF THE RETIREE WAS A UNIFORMED OFFICER AS DEFINED IN § 6-1-101(22), THE RETIREE IS REEMPLOYED AS A NON-UNIFORMED OFFICER OR IN A DIFFERENT DEPARTMENT FROM WHICH THE RETIREE RETIRED.

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

AMENDMENTS ADOPTED: June 3, 2024

READ AND PASSED this 17th day of June, 2024

By Order:



Kaley Schultze
Administrative Officer

PRESENTED to the County Executive for his approval this 20th day of June, 2024



Kaley Schultze
Administrative Officer

APPROVED AND ENACTED this 24th day of June, 2024



Steuart Pittman
County Executive

EFFECTIVE DATE: August 8, 2024

Bill No. 31-24

Page No. 4

**I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 31-24 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.**

A handwritten signature in black ink, appearing to read 'K Schultze', with a long horizontal line extending to the right.

**Kaley Schultze
Administrative Officer**