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

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

A BILL ENTITLED


FOR the purpose of modifying the conditions for a service-connected disability retirement pension in the Employees’ Retirement Plan; modifying the limitations on continued eligibility for a service-connected disability retirement pension in the Employees’ Retirement Plan; modifying the definition of “total and permanent disability” in the Fire Service Retirement Plan, the Police Service Retirement Plan, and the Detention Officers’ and Deputy Sheriffs’ Retirement Plan; modifying the conditions for a non-duty related disability retirement pension in the Fire Service Retirement Plan, the Police Service Retirement Plan, and the Detention Officers’ and Deputy Sheriffs’ Retirement Plan; modifying the conditions for disqualification for a disability retirement pension in the Fire Service Retirement Plan, the Police Service Retirement Plan, and the Detention Officers’ and Deputy Sheriffs’ Retirement Plan; making certain technical changes; and generally relating to pensions.

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

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

ARTICLE 5. PENSIONS

TITLE 3. EMPLOYEES’ RETIREMENT PLAN

5-3-307. Disability pension.

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

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

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

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

(f) Limitations on eligibility.

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

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

(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 that incapacitates the participant for duty or has sufficiently recovered but refuses to resume the participant’s regular occupation as an employee [(or to be reemployed by the employer in some other position for which the participant is suited by, or which is appropriate to, the participant’s training and experience)]; or

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

(iii) the participant refuses to submit a report of total earnings when requested 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) [(1)] 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) [(2)] 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.
(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 Police 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 Police 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 § 5-5-203, 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 6. DETENTION OFFICERS’ AND DEPUTY SHERIFFS’ RETIREMENT PLAN**

5-6-207. 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 department in which the employee is then employed.

(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 participant's 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 § 5-6-203, 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.

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

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

By Order:

JoAnne Gray
Administrative Officer
PRESENTED to the County Executive for his approval this 6th day of October, 2020

JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 8th 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