

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2022, Legislative Day No. 10

Bill No. 42-22

Mr. Julian E. Jones, Jr., Chairman
By Request of County Executive

By the County Council, May 2, 2022

A BILL
ENTITLED

AN ACT concerning

Employees' Retirement System

FOR the purpose of establishing requirements and procedures relating to the pension of a Judge of the Orphans' Court; making it mandatory for merit and non-merit employees to join the Employees' Retirement System upon being hired; clarifying the Correctional Officer and & Deputy Sheriff Officer retirement benefit; clarifying the definition of "active duty military service" for National Guard members; codifying modifications to the Plan B Police employees and Plan B Fire employees Deferred Retirement Option Programs; clarifying the military service credit refund provisions; modifying pension provisions for Police employees in the Supervisory Management & Confidential category and all sworn Fire employees; and generally relating to the Employees' Retirement System.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY repealing and re-enacting, with amendments

Sections 5-1-201(a), (e), (k), and (q), 5-1-203(1), (3), (5)-(7), (9), and (12), 5-1-206(b), 5-1-218(b), 5-1-219(b), 5-1-230(b), 5-1-231(a)(7) and (d)(2)(iv), 5-1-237(a) and (j)

Article 5 – Pensions and Retirement

Title 1 – Employee Retirement System

Subtitle 2 – Retirement System

Baltimore County Code, 2015

BY adding

Section 5-1-237.1

Article 5 – Pensions and Retirement

Title 1 – Employee Retirement System

Subtitle 2 – Retirement System

Baltimore County Code, 2015

BY adding

Sections 5-1-307 and 5-1-308

Article 5 – Pensions and Retirement

Title 1 – Employee Retirement System

Subtitle 3 – Deferred Retirement Option Program

Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

4 ARTICLE 5 – PENSIONS AND RETIREMENT

5 Title 1 – Employee Retirement System

6 Subtitle 2 – Retirement System

7
8 § 5-1-201. Definitions.

9 (a) The following words and phrases, as used in this subtitle, unless a different meaning
10 is plainly required by the context, shall have the meanings indicated.

1 (e) “Appointed department head” means the County Executive, County Administrative
2 Officer, Deputy County Administrative Officers, senior administrative assistants to the County
3 Administrative Officer, secretary to the County Executive, County Auditor, Senior Council
4 Assistant, COUNCIL ADMINISTRATOR, Supervisor of Assessments of the County, Executive
5 Director of the County Revenue Authority, secretary to the County Council, the Zoning
6 Commissioner, and those persons who are the heads of offices and departments created by
7 legislative act of the County Council as provided for in Section 502 of the Charter or as
8 enumerated in Sections 503 and 504 of the Charter, other than the departments of education,
9 libraries, health and welfare. Any person who, on July 1, 1984, was serving at one (1) of the
10 positions enumerated herein may elect to contribute to the retirement system all amounts with
11 interest required to be contributed with respect to such service as a department head accounting
12 from that date. Any person who was serving as Deputy County Administrative Officer, senior
13 administrative assistants to the County Administrative Officer, or secretary to the County
14 Executive on or after December 1, 1987, may elect to contribute to the retirement system all
15 amounts with interest required to be contributed with respect to such service as a department
16 head accounting from the date of appointment. Any person who was serving as a Senior Council
17 Assistant on or after December 1, 1985, may elect to contribute to the retirement system all
18 amounts with interest required to be contributed with respect to such service as a department
19 head accounting from the date of appointment.

20 (k) “Employee” means any regular officer or employee of the employer, appointed or
21 elected, whose compensation is paid by the employer, except any person who is a direct
22 appointee of the Governor of the state OTHER THAN JUDGES OF THE ORPHAN’S COURT,
23 or for whom there are already existing pension provisions or who may be designated by the

Board of Trustees as a temporary employee. In all cases of doubt, the Board of Trustees shall determine whether any person is an employee as defined in this subtitle.

(q) "Military service" means:

(1) Induction into the Armed Forces of the United States for training and service under the Selection Training and Service Act of 1940 or a subsequent act of a similar nature;

(2) Membership in a reserve component of the Armed Forces of the United States:

(i) On active duty or ordered or assigned to active duty; or

(ii) On active duty for training that interrupts a member's service;

(3) Enlistment into the Armed Forces of the United States; or

(4) Membership in the Maryland National Guard.

(I) MEMBERSHIP IN THE MARYLAND NATIONAL GUARD MEANS ACTIVE DUTY MILITARY SERVICE TIME SERVED AS A MARYLAND NATIONAL GUARD MEMBER.

(II) ACTIVE DUTY, FOR PURPOSES OF MEMBERSHIP IN THE MARYLAND NATIONAL GUARD, SHALL BE AS DETERMINED AND REPORTED ON THE DD214 FORM OR OTHER SIMILAR FORM THAT SHOWS THE ACTIVE DUTY MILITARY SERVICE TIME FOR THE MARYLAND NATIONAL GUARD MEMBER.

§ 5-1-203. Membership - Composition.

The membership of the Retirement System shall consist of the following:

(1) (i) Any person who shall become an employee after June 30, 1971 but before January 1, 2014, may become a member of the Retirement System at any time within the first

1 two (2) years of the person's employment, but if the employee has not previously joined must
2 become a member at the end of that period as a condition of employment; provided such person
3 shall pass a physical examination satisfactory to the Board of Trustees.

4 (ii) Any person who shall become an employee on or after January 1, 2014 BUT
5 BEFORE JULY 1, 2022 shall become a member of the Retirement System within 60 days after
6 employment as a condition of employment provided such person shall pass a physical
7 examination satisfactory to the Board of Trustees.

8 (iii) [Any person who has attained the age of fifty-five (55) years at the person's
9 date of employment shall have the option of not joining the System] ANY PERSON WHO
10 BECOMES AN EMPLOYEE ON OR AFTER JULY 1, 2022 SHALL BECOME AND
11 REMAIN A MEMBER OF THE RETIREMENT SYSTEM AS A CONDITION OF
12 EMPLOYMENT, PROVIDED SUCH PERSON SHALL PASS A PHYSICAL
13 EXAMINATION SATISFACTORY TO THE BOARD OF TRUSTEES.

14 (IV) ANY PERSON WHO HAS ATTAINED THE AGE OF FIFTY-FIVE (55)
15 YEARS AT THE PERSON'S DATE OF EMPLOYMENT SHALL HAVE THE OPTION OF
16 NOT JOINING THE SYSTEM. THIS OPTION OF NOT JOINING THE SYSTEM APPLIES
17 TO ALL EMPLOYEES EXCEPT SWORN MEMBERS OF THE POLICE AND FIRE
18 DEPARTMENTS.

19 (V) ANY PERSON HIRED BEFORE JULY 1, 2022 WHO HAD OPTED NOT
20 TO JOIN THE SYSTEM AND WHO HAS ATTAINED THE AGE OF FIFTY-FIVE (55)
21 YEARS UPON BECOMING A MERIT SYSTEM EMPLOYEE SHALL HAVE THE OPTION
22 OF NOT JOINING THE SYSTEM.

23 [(iv)] (VI) Notwithstanding any contrary provisions of this paragraph, special

provisions shall apply to county employees occupying certain nonmerit appointed positions as described in paragraph (7) of this section.

(3) (i) This paragraph applies only to a Group 3 member who began service before ON OR AFTER July 1, 2010 and who did not purchase credit for service before joining the retirement system before the last date the member was eligible to do so (June 30, 2012) as provided in Bill 30-10 OR (JUNE 30, 2015) AS PROVIDED IN BILL 51-14.

(ii) A member may purchase credit for service before joining the retirement SYSTEM as provided in this paragraph.

(iii) The member shall indicate an intent to purchase credit for service to the Administrator not later than ~~March 31, 2015~~ OCTOBER 1, 2022.

(iv) The member shall pay the contributions due plus interest in a single lump-sum payment not later than ~~June 30, 2015~~ APRIL 1, 2023.

(5) (i) The following words and phrases, as used in this subsection, unless a different meaning is plainly required by the context, shall have the meanings indicated.

1. “County agency” means special taxing area or other political subdivision of the county, and also includes any incorporated or unincorporated board, commission, agency, or instrumentality of the county created by an act of the County Council or the state General Assembly for public purposes and not for the profit of any private person or corporation.

2. “Legislative body” means the board or commission having authority or control over any such county agency, including the board or governing body of any county special taxing area or other political subdivision of the county.

(ii) 1. Except as provided in [subsubparagraph 2] SUBSUBPARAGRAPHS 2

1 AND 3 of this subparagraph, on and after July 1, 1965, any officer or employee of any county
2 agency, except such officers and employees as are now eligible to participate in a retirement
3 system wholly or partially maintained at the expense of a county agency, shall be entitled to
4 membership in the Employees' Retirement System of the county as provided by this paragraph
5 and subsequent amendments thereto; provided, however, that the officers and employees of any
6 county agency shall not be included in such Employees' Retirement System of the county
7 without the approval of the legislative body of any such county agency. Should the legislative
8 body of any county agency on or after July 1, 1965, give its approval to the participation of its
9 officers and employees in such system as hereinabove provided, such employees shall be eligible
10 to participate in such system as specifically provided hereinafter for such employees.

11 2. [On and after January 1, 2014, any officer or employee of a county
12 agency] ANY PERSON WHO BECOMES AN OFFICER OR EMPLOYEE OF A COUNTY
13 AGENCY ON OR AFTER JANUARY 1, 2014 BUT BEFORE JULY 1, 2022 who intends to
14 participate in the Retirement System shall join the System within 60 days after employment
15 provided such officer or employee shall pass a physical examination approved by the Board.

16 3. ANY PERSON WHO BECOMES AN OFFICER OR EMPLOYEE OF
17 A COUNTY AGENCY ON OR AFTER JULY 1, 2022 SHALL BECOME AND REMAIN A
18 MEMBER OF THE RETIREMENT SYSTEM AS A CONDITION OF EMPLOYMENT,
19 PROVIDED SUCH OFFICER OR EMPLOYEE SHALL PASS A PHYSICAL
20 EXAMINATION APPROVED BY THE BOARD.

21 [(iii) 1. Membership in the system for such officers and employees who are
22 admitted as provided in subparagraph (ii) of this paragraph shall be optional with such officers
23 and employees in the service on the date approval is given.

1 2. Any such officer or employee who elects to join such system within
2 one (1) calendar year thereafter shall be entitled to a prior service certificate covering any credit
3 for service rendered prior to date of approval on such basis as may be awarded by the county
4 agency.

5 3. Subsubparagraph 2 of this subparagraph does not apply to an officer or
6 employee employed by a county agency on or after January 1, 2014.]

7 [(iv)] (III) The Chief Fiscal Officer of each county agency which approves the
8 inclusion of its officers and employees in the system shall submit to the Board of Trustees of the
9 System such information and shall cause to be performed in respect to each of the employees of
10 such county agency such duties as would be performed in the county service by the head of a
11 department of the county employing members of such System.

12 [(v)] (IV) The actuary of the Employees' Retirement System of the county shall
13 compute the rates of contribution payable by members who are employees of a participating
14 county agency in the same manner as if they were county employees and shall compute the
15 normal contributions which would be payable annually by the county on behalf of such members
16 as though they were county employees. The contributions so computed shall be certified by the
17 Board of Trustees of the system to the Chief Fiscal Officer of each participating county agency.
18 The amounts which would be payable by the county on account of such employees of a
19 participating county agency if they were county employees, including a pro rata share of the cost
20 of the administration of such Retirement System, based upon the payroll of the employees of
21 such participating county agency, shall be a charge against such participating county agency.

22 [(vi)] (V) Each participating county agency shall make a special accrued liability
23 contribution on account of its approval of the participation of its officers and employees in the

1 system, which contribution shall be determined by an actuarial valuation of the accrued liability
2 on account of the officers and employees of such participating county agency who elected to
3 become members. This special accrued liability contribution, subject to such adjustment as
4 credits awarded to officers or employees of such participating county agency may be necessary
5 on account of any additional prior service in a county agency, shall be payable in lieu of the
6 accrued liability contribution payable on account of other employees in the system. The expense
7 of making such initial valuation shall be assessed against and paid by the participating agency on
8 whose account it is necessary. The annual accrued liability contribution of each participating
9 county agency shall be the annual payment, adjusted with interest at a rate determined by the
10 Board of Trustees, which will liquidate its accrued liability as so determined in conformity with
11 generally accepted actuarial principles and practices for measuring pension obligations.

12 [(vii)] (VI) An amount certified pursuant to this section by such Board of
13 Trustees to the Chief Fiscal Officer of a participating county agency shall be included in the next
14 budget, appropriation, or levy of such participating county agency subsequent to such
15 certification by such Board of Trustees and shall be levied and collected in the same manner as
16 other taxes.

17 [(viii)] (VII) The treasurer or proper fiscal officer of each participating county
18 agency shall pay to such Board of Trustees the amount of the charges certified to such
19 participating county agency by such Board of Trustees as above provided and the amount of the
20 deductions from the compensation of the members who are officers or employees of such
21 participating county agency. The payments of the amounts so certified by the Board of Trustees
22 shall be made within thirty (30) days after the receipt of such certificate, and the payments of
23 deductions from compensation of employees shall be made when such employees are paid.

1 [(ix)] (VIII) On receipt of the payments from the treasurer or other officer of each
2 participating county agency, the custodian of the funds of the system shall credit such amounts to
3 the appropriate fund, funds, account, or accounts of such system.

4 [(x)] (IX) Employees of participating county agencies on behalf of whom
5 contributions are paid as provided in this paragraph shall be entitled to all the benefits under the
6 Employees' Retirement System of the county as though they were county employees.

7 (6) (i) 1. Any person who enters the regular part-time employment of the
8 employer before January 1, 2014 may elect to become a member of the retirement system at any
9 time within the first two (2) years of employment provided such person shall pass a physical
10 examination satisfactory to the Board of Trustees. Any part-time employee who elects to
11 become a member of the Retirement System shall remain a member as a condition of the
12 member's part-time employment. If the part-time employee chooses not to join the System, such
13 employee shall have forfeited the right to become a member as long as the employee continues to
14 be a part-time employee.

15 2. Any person who enters the regular part-time employment of the
16 employer on or after January 1, 2014 BUT BEFORE JULY 1, 2022 may elect to become a
17 member of the Retirement System within 60 days after employment, provided such person shall
18 pass a physical examination satisfactory to the Board of Trustees.

19 3. ANY PERSON WHO ENTERS THE REGULAR PART-TIME
20 EMPLOYMENT OF THE EMPLOYER ON OR AFTER JULY 1, 2022 SHALL BECOME
21 AND REMAIN A MEMBER OF THE RETIREMENT SYSTEM AS A CONDITION OF
22 EMPLOYMENT, PROVIDED SUCH PERSON SHALL PASS A PHYSICAL
23 EXAMINATION SATISFACTORY TO THE BOARD OF TRUSTEES.

1 (ii) For purposes of computing benefits, each year of creditable service shall be
2 that fractional portion of such year which shall be equal to the portion of time worked in each
3 year as related to the standard county work year; and earnable compensation shall mean the rate
4 of compensation that would be payable to such part-time employee if the employee worked full
5 time.

6 (iii) In order to facilitate the approval of the pickup provision in § 5-1-253(g) of
7 this subtitle, it is required as follows: Any regular part-time employee who entered service prior
8 to July 15, 1987, and who has not become a member shall have a period of sixty (60) days to
9 become a member after May 15, 1989. Any person who entered regular part-time employment
10 after July 15, 1987, must elect to become a member during the two-year period provided for in
11 subparagraph (i) of this paragraph. During the election period, if a part-time employee chooses
12 to discontinue membership or chooses not to join the system, such employee shall have forfeited
13 the right to become a member as long as the employee continues to be a part-time employee.

14 (7) (i) The provisions set forth in this paragraph shall only apply to a special
15 employment category, namely, to appointed department heads, the Labor Commissioner of the
16 county, all elected officials of the county, officers and employees of a “county agency” as
17 defined in paragraph (5) of this section and those other employees of the county occupying
18 nonmerit appointed positions in either the Office of the County Executive, the Office of the
19 County Administrative Officer, the Office of the County Attorney, the Office of the State’s
20 Attorney, the Office of the County Auditor, Secretary to the County Council, the Office of
21 People’s Counsel, the Zoning and Deputy Zoning Commissioners, or certain employees of the
22 Circuit Court; and these special provisions shall be applicable notwithstanding anything to the
23 contrary in this subtitle.

(ii) 1. Any person who falls within the aforementioned special employment category before January 1, 2014 may elect within two (2) years of the start of employment to join the System provided such person shall pass a physical examination satisfactory to the Board of Trustees. Any employee listed in this subsection who elects to become a member of the Retirement System shall remain a member as a condition of the member's employment.

2. Any person who falls within the aforementioned special employment category who joins county service on or after January 1, 2014 BUT BEFORE JULY 1, 2022 may elect within 60 days of the start of employment to join the System, provided such person shall pass a physical examination satisfactory to the Board of Trustees. Any employee listed in this paragraph who elects to become a member of the Retirement System shall remain a member as a condition of the member's employment.

3. ANY PERSON WHO FALLS WITHIN THE SPECIAL EMPLOYMENT CATEGORY WHO JOINS COUNTY SERVICE ON OR AFTER JULY 1, 2022 SHALL BECOME AND REMAIN A MEMBER OF THE RETIREMENT SYSTEM AS A CONDITION OF EMPLOYMENT, PROVIDED SUCH PERSON SHALL PASS A PHYSICAL EXAMINATION SATISFACTORY TO THE BOARD OF TRUSTEES.

(iii) The provisions of this paragraph apply to any person classified as a Council employee or aide employed as a FULL-TIME OR PART-TIME NON-MERIT EMPLOYEE OR A regular part-time employee; and, except for a Council employee who begins service on or after July 1, 2010, any such employee who elects to join the System OR IS A CURRENT MEMBER may purchase credit for ANY service before joining the System by NOTIFYING THE ADMINISTRATOR IN WRITING OF AN INTENT TO PURCHASE CREDIT FOR SERVICE NOT LATER THAN OCTOBER 1, 2022 AND paying the contributions due plus interest before

1 ~~June 30, 2012~~ NOT LATER THAN APRIL 1, 2023.

2 (iv) In order to facilitate the approval of the pickup provision in § 5-1-253(g) of
3 this subtitle, it is required as follows: Any employee listed in this paragraph who entered service
4 prior to July 15, 1987, and who has not become a member shall have a period of sixty (60) days
5 to become a member after May 15, 1989. Any person who became an employee listed herein
6 after July 15, 1987, must elect to become a member during the two-year period provided for in
7 paragraph (6)(i) of this section. During the election period, if any employee listed herein
8 chooses to discontinue membership or chooses not to join the System, such employee shall have
9 forfeited the right to become a member as long as the employee continues employment in the
10 categories listed in this subsection.

11 (9) (i) This paragraph applies to a member who begins service on or after July 1,
12 2007.

13 (ii) Notwithstanding any other provision of this subtitle, membership benefits
14 shall be considered vested after the member has completed a minimum of ten (10) years of
15 membership CREDITABLE service.

16 (12) (i) This paragraph applies to a member who begins service on or after July 1,
17 2007.

18 (ii) Except as otherwise provided in this paragraph, beginning on July 1, 2016,
19 the rate of contribution shall be 7.0 percent.

20 (iii) 1. This subparagraph applies to sworn members of the Fire Department
21 on Pay Schedules V and VIII.

22 2. Beginning on July 1, 2016:

23 A. The rate of contribution for a member who began service on or

1 before June 30, 2011 shall be 8.65 percent; and

2 B. The rate of contribution for a member who began service on or
3 after July 1, 2011 shall be 10 percent.

4 3. Beginning on July 1, 2017, the rate of contribution for a member who
5 began service on or before June 30, 2011 shall be 9.0 percent.

6 4. Beginning on January 1, 2019:

7 A. The rate of contribution for a member on Pay Schedule V who
8 began service on or before June 30, 2011 shall be 9.5 percent; and

9 B. The rate of contribution for a member on Pay Schedule VIII
10 who began service on or before June 30, 2011 shall be 10 percent.

11 5. BEGINNING ON JULY 1, 2022:

12 A. THE RATE OF CONTRIBUTION FOR A MEMBER ON
13 PAY SCHEDULE V HIRED BETWEEN JULY 1, 2007 AND JUNE 30, 2011 SHALL BE
14 10.28 PERCENT;

15 B. THE RATE OF CONTRIBUTION FOR A MEMBER ON
16 PAY SCHEDULE V HIRED ON OR AFTER JULY 1, 2011 SHALL BE 10.78 PERCENT;
17 AND

18 C. THE RATE OF CONTRIBUTION FOR A MEMBER ON
19 PAY SCHEDULE VIII HIRED ON OR AFTER JULY 1, 2007 SHALL BE 10.78 PERCENT.

20 (iv) 1. This subparagraph applies to sworn members of the Police Department
21 on Pay Schedules IV and VII.

22 2. Beginning on July 1, 2016:

23 A. The rate of contribution for a member on Pay Schedule IV who

1 began service on or before June 30, 2014 shall be 8.5 percent;

2 B. The rate of contribution for a member on Pay Schedule VII
3 who was appointed on or before June 30, 2012 shall be 8.65 percent; and

4 C. The rate of contribution for a member on Pay Schedule VII
5 who was appointed on or after July 1, 2012 and for a member on Pay Schedule IV who began
6 service on or after July 1, 2014 shall be 10 percent.

7 3. Beginning on July 1, 2017, the rate of contribution for a member on
8 Pay Schedule VII who was appointed on or before June 30, 2012 shall be 9.0 percent.

9 4. Beginning on January 1, 2019, the rate of contribution for a member on
10 Pay Schedule VII who was appointed on or before June 30, 2012 shall be 9.5 percent.

11 5. BEGINNING ON JULY 1, 2022:

12 A. THE RATE OF CONTRIBUTION FOR A MEMBER ON
13 PAY SCHEDULE IV HIRED BETWEEN JULY 1, 2007 AND JUNE 30, 2014 SHALL BE 10.8
14 PERCENT;

15 B. THE RATE OF CONTRIBUTION FOR A MEMBER ON
16 PAY SCHEDULE IV HIRED ON OR AFTER JULY 1, 2014 SHALL BE 11.3 PERCENT;

17 C. THE RATE OF CONTRIBUTION FOR A MEMBER ON
18 PAY SCHEDULE VII APPOINTED BETWEEN JULY 1, 2007 AND JUNE 30, 2012 SHALL
19 BE 10.8 PERCENT; AND

20 D. THE RATE OF CONTRIBUTION FOR A MEMBER ON
21 PAY SCHEDULE VII APPOINTED ON OR AFTER JULY 1, 2012 SHALL BE 11.3
22 PERCENT.

23 (v) 1. This subparagraph applies to:

1 A. Correctional officers on Pay Schedule 1C; and

2 B. Deputy Sheriffs on Pay Schedule XIII.

3 2. Beginning on July 1, 2016:

4 A. The rate of contribution for a member who began service on or
5 before June 30, 2011 shall be 8.0 percent; and

6 B. The rate of contribution for a member who began service on or
7 after July 1, 2011 shall be 10 percent.

8 (vi) 1. This subparagraph applies to correctional officers on Pay Schedule 1C
9 who began service before July 1, 2011.

10 2. Beginning July 1, 2020, the rate of contribution for a member is 8.5
11 percent.

12 (vii) 1. This subparagraph applies to appointed department heads.

13 2. Beginning on July 1, 2016, the rate of contribution shall be 10.5
14 percent.

15
16 § 5-1-206. Same - Member Entering Armed Services; Military Service Credit.

17 (b) Notwithstanding any other provision of this section, credit for military service shall
18 be FOR ACTIVE DUTY INCURRED PRIOR TO COUNTY EMPLOYMENT AND SHALL
19 BE granted to any member [who has not met the conditions set forth in this section,] upon the
20 attainment by that member of five (5) years of creditable service for a member who began
21 service on or before June 30, 2007 or ten (10) years of creditable service for a member who
22 began service on or after July 1, 2007, provided that the service credit so granted shall not
23 exceed four (4) years. No such service credit shall be granted to a member if the member has

1 received credit for a period of military service under any other retirement system for which
2 retirement benefits have been or will be received by the member; provided that this exclusion
3 shall not apply to any credit provided through old-age or survivors insurance benefits under the
4 Social Security Law, military retired pay benefits or the Railroad Retirement Act. [Upon the
5 member's attainment of five (5) years of creditable service for a member who began service on
6 or before June 30, 2007 or ten (10) years of creditable service for a member who began service
7 after July 1, 2007, any current member of the system who, prior to attaining five (5) or ten (10)
8 years, as applicable, of creditable service, had made up the member's contributions for the period
9 of the member's service in the armed forces pursuant to the provisions of this section shall,
10 within sixty (60) days of that date or the date on which the member first completes five (5) or ten
11 (10) years, as applicable, of creditable service, whichever is later, receive a refund of said
12 contributions, with interest thereon at a rate to be set by the Board of Trustees for the period
13 from the date the make-up payment was made or the date the employee first completes five (5)
14 or ten (10) years, as applicable, of creditable service, as applicable.] The county shall make all
15 necessary contributions to the pension accumulation fund for the funding of military service
16 credit upon the attainment of five (5) or ten (10) years, as applicable, of creditable service by any
17 member so entitled to the credit.

18
19 § 5-1-218. Same - Correctional Officers.

20 (b) (1) Except as provided in paragraph (2) of this subsection, a member as defined
21 in subsection (a) of this section who retires on or after July 1, 1995, shall be entitled to receive a
22 service retirement allowance, consisting of an annuity and a pension which together will provide
23 a minimum benefit of fifty (50) percent of average final compensation plus two (2) percent for

1 each year of creditable service in excess of twenty (20), and for a member who retires on or after
2 July 1, 2020, plus three (3) percent for each year of creditable service in excess of twenty-five
3 (25), provided such member shall have reached [a minimum of sixty-five (65) years of age and
4 five (5) years of creditable service or] a minimum of twenty (20) years creditable service.

5 (2) (i) [The] THIS paragraph applies to members who begin service on or
6 after July 1, 2007.

7 (ii) A member is eligible for normal service retirement benefits upon the
8 completion of:

- 9 1. Twenty-five (25) years of creditable service regardless of age;
10 or
11 2. A minimum of sixty-seven (67) years of age and ten (10) years
12 of creditable service.

13 (iii) A member as defined in subsection (a) of this section who retires
14 WITH TWENTY-FIVE (25) YEARS OF CREDITABLE SERVICE shall be entitled to receive a
15 service retirement allowance consisting of an annuity and a pension which together will provide
16 a minimum benefit of fifty (50) percent of average final compensation plus two (2) percent for
17 each year of creditable service in excess of twenty (20) and for a member who retires on or after
18 July 1, 2020, plus three (3) percent for each year of creditable service in excess of twenty-five
19 (25).
20

21 § 5-1-219. Same - Sworn Members of the Sheriff's Office.

22 (b) (1) Except as provided in paragraph (2) of this subsection, a member who retires
23 on or after July 1, 2000, shall be entitled to receive a service retirement allowance at the time of

1 retirement, consisting of an annuity and a pension which together will provide a minimum
2 benefit of fifty (50) percent of average final compensation plus two (2) percent for each year of
3 creditable service in excess of twenty (20) years, and for a member who retires on or after July 1,
4 2020, plus three (3) percent for each year of creditable service in excess of twenty-five (25)
5 provided such member shall have reached [a minimum of sixty-five (65) years of age and five
6 (5) years of creditable service or] a minimum of twenty (20) years creditable service, as defined
7 in subsection (c) of this section.

8 (2) (i) This paragraph applies to members who begin service on or after July
9 1, 2007.

10 (ii) A member is eligible for normal service retirement benefits upon the
11 completion of:

12 1. Twenty-five (25) years of creditable service regardless of age;
13 or

14 2. A minimum of sixty-two (62) years of age and ten (10) years of
15 creditable service.

16 (iii) A member who retires WITH TWENTY-FIVE (25) YEARS OF
17 CREDITABLE SERVICE shall be entitled to receive a service retirement allowance consisting
18 of an annuity and a pension which together will provide a minimum benefit of fifty (50) percent
19 of average final compensation plus two (2) percent for each year of creditable service in excess
20 of twenty (20) and for a member who retires on or after July 1, 2020, plus three (3) percent for
21 each year of creditable service in excess of twenty-five (25).
22

23 § 5-1-230. Return of Accumulated Contributions and Termination Benefit.

1 (b) (1) This subsection applies to a member who begins service on or after July 1,
2 2007.

3 (2) (i) Should a member cease to be an employee except by death or by
4 retirement under the provisions of this subtitle, the member shall be paid the amount of the
5 member's accumulated contributions.

6 (ii) Anything in this subtitle to the contrary notwithstanding, any current
7 member who has completed ten (10) or more years of [creditable] MEMBERSHIP service at the
8 time the member's service is terminated or any member who has completed at least one (1) four-
9 year term as the County Executive may elect to receive, in lieu of the return of the member's
10 accumulated contributions, a deferred retirement allowance to commence at the age of sixty-
11 seven (67) if the member is a member in Group 3 and at the age of sixty (60) if the member is a
12 member in Group 4, which shall consist of an annuity provided by the member's accumulated
13 contributions with interest to attainment of said commencement age and a pension equal to the
14 pension computed in accordance with § 5-1-214 of this subtitle on the basis of the member's
15 creditable service and average final compensation at the date the member's service is terminated.

16 (iii) Notwithstanding any other provision of this subtitle, a Group 3
17 member who is classified in the county classification and compensation plan as a Deputy Sheriff,
18 Deputy Sheriff First Class, Deputy Sheriff Sergeant, Deputy Sheriff Lieutenant, Deputy Sheriff
19 Captain, or Chief Deputy Sheriff whose service is terminated on or after July 1, 2020 and who
20 has completed ten (10) or more years of creditable service may elect to receive, in lieu of the
21 return of the member's accumulated contributions, a deferred retirement allowance to commence
22 at the age of sixty-two (62), which shall consist of an annuity provided by the member's
23 accumulated contributions with interest to attainment of said commencement age and a pension

1 equal to the pension computed in accordance with § 5-1-214 of this subtitle on the basis of the
2 member's creditable service and average final compensation at the date the member's service is
3 terminated.

4
5 § 5-1-231. Optional Allowances.

6 (a) (7) Subject to subsection (d) of this section, an employee who has completed at
7 least twenty-five (25) years of actual service as a sworn Baltimore County police officer, at least
8 twenty-five (25) years of actual service as a sworn Baltimore County firefighter, or any
9 combination of actual service as a sworn Baltimore County police officer and Baltimore County
10 firefighter equaling twenty-five (25) years of actual service, [or] AND beginning on July 1,
11 2021, a sworn Baltimore County Police Officer on pay schedule IV who has completed at least
12 twenty-five (25) years of creditable service, AND BEGINNING ON JULY 1, 2022, A SWORN
13 BALTIMORE COUNTY POLICE OFFICER ON PAY SCHEDULE VII WHO HAS
14 COMPLETED AT LEAST TWENTY-FIVE (25) YEARS OF CREDITABLE SERVICE OR A
15 SWORN BALTIMORE COUNTY FIREFIGHTER ON PAY SCHEDULE V OR PAY
16 SCHEDULE VIII WHO WAS HIRED PRIOR TO JULY 1, 2007 AND WHO HAS
17 COMPLETED AT LEAST TWENTY-FIVE (25) YEARS OF CREDITABLE SERVICE, AND
18 A SWORN BALTIMORE COUNTY FIREFIGHTER ON PAY SCHEDULE V OR PAY
19 SCHEDULE VIII WHO WAS HIRED ON OR AFTER JULY 1, 2007 AND WHO HAS
20 COMPLETED AT LEAST THIRTY (30) YEARS OF CREDITABLE SERVICE, may retire
21 with UPON RETIREMENT, HAVE the option of having fifty (50) percent of the retired
22 member's retirement allowance continued throughout the life of and paid to the original
23 beneficiary upon the retired member's death. This option shall be provided at no cost to the

employee.

(d) (2) (iv) "Employee" means a:

1. Sworn Baltimore County Police Officer in active service on pay schedule IV or VII who has completed at least twenty-five (25) years of actual service as a sworn member of the Baltimore County Police Department;

2. Sworn Baltimore County Firefighter in active service on pay schedule V or VIII who has completed at least twenty-five(25) years of actual service as a sworn member of the Baltimore County Fire Department;

3. Beginning on July 1, 2021, a sworn Baltimore County Police Officer on pay schedule IV who has completed at least twenty-five (25) years of creditable service as defined in § 5-1-201(i) of this subtitle; [or]

4. BEGINNING ON JULY 1, 2022, A SWORN BALTIMORE COUNTY POLICE OFFICER ON PAY SCHEDULE VII WHO HAS COMPLETED AT LEAST TWENTY-FIVE (25) YEARS OF CREDITABLE SERVICE;

5. BEGINNING ON JULY 1, 2022, A SWORN BALTIMORE COUNTY FIREFIGHTER ON PAY SCHEDULE V OR PAY SCHEDULE VIII ~~WHO WAS HIRED PRIOR TO JULY 1, 2007 AND~~ WHO HAS COMPLETED AT LEAST TWENTY-FIVE (25) YEARS OF CREDITABLE SERVICE; OR

~~6. BEGINNING ON JULY 1, 2022, A SWORN BALTIMORE COUNTY FIREFIGHTER ON PAY SCHEDULE V OR PAY SCHEDULE VIII WHO WAS HIRED ON OR AFTER JULY 1, 2007 AND WHO HAS COMPLETED AT LEAST THIRTY (30) YEARS OF CREDITABLE SERVICE; OR~~

[4.] 7. 6. Any combination of items 1 and 2 of this subparagraph

1 equaling twenty-five (25) years of actual service.

2
3 § 5-1-237. Members of County Council and County Executive.

4 (a) [Any person who, on July 1, 1971, is or may thereafter be appointed or elected as a
5 Councilman on the County Council] ANY PERSON WHO WAS A MEMBER OF THE
6 COUNTY COUNCIL BETWEEN JULY 1, 1971 AND JUNE 30, 2022 may elect to contribute
7 thirteen and eighty-five one-hundredths (13.85) percent of the person's earnable compensation
8 on and after that date and, in such event, shall become a member or continue as a member of the
9 retirement system and be eligible to receive the benefits enumerated in this section on account of
10 the person's service on the County Council. ANY PERSON WHO, ON OR AFTER JULY 1,
11 2022, IS APPOINTED OR ELECTED AS A NEW MEMBER OF THE COUNTY COUNCIL
12 SHALL CONTRIBUTE THIRTEEN AND EIGHTY FIVE ONE-HUNDREDTHS (13.85)
13 PERCENT OF THEIR EARNABLE COMPENSATION AND SHALL BECOME A MEMBER
14 OF THE RETIREMENT SYSTEM AND BE ELIGIBLE TO RECEIVE THE BENEFITS
15 ENUMERATED IN THIS SECTION ON ACCOUNT OF THEIR SERVICE ON THE
16 COUNTY COUNCIL. Anything in this subtitle to the contrary notwithstanding, the benefits
17 payable under this section shall be computed separately from any benefits earned and computed
18 under any other section of this subtitle, and the benefits from County Council service may be
19 combined with and added to the benefits computed under any other section of this subtitle, and
20 provided the member meets the vesting requirements of this section or, in the alternative, such
21 member may at any time prior to the member's retirement transfer the member's credit for
22 service on the County Council to any group under this retirement system of which the member is
23 or may become a member. For the purpose of this section, "service" shall mean service as an

1 elected or appointed councilman on the County Council or service as the County Executive when
2 rendered by a person who has elected to make contributions under this section.

3 (j) [Any person who is elected or appointed as County Executive on or after January 1,
4 1986,] ANY PERSON WHO WAS A COUNTY EXECUTIVE BETWEEN JANUARY 1, 1986
5 AND JUNE 30, 2022, may elect to contribute thirteen and eighty-five one-hundredths (13.85)
6 percent of the member's earnable compensation and be eligible to receive the benefits and be
7 subject to the provisions enumerated in subsections (a) through (g) of this section, inclusive, on
8 account of service as the County Executive. ANY PERSON WHO, ON JULY 1, 2022, IS
9 APPOINTED OR ELECTED AS A NEW COUNTY EXECUTIVE SHALL CONTRIBUTE
10 THIRTEEN AND EIGHTY FIVE ONE-HUNDREDTHS (13.85) PERCENT OF THEIR
11 EARNABLE COMPENSATION AND SHALL BECOME A MEMBER OF THE
12 RETIREMENT SYSTEM AND BE ELIGIBLE TO RECEIVE THE BENEFITS
13 ENUMERATED IN THIS SECTION ON ACCOUNT OF THEIR SERVICE AS THE
14 COUNTY EXECUTIVE.

15
16 § 5-1-237.1. JUDGES OF THE ORPHANS' COURT.

17 (A) AN ORPHANS' COURT JUDGE IS ELIGIBLE FOR A PENSION UNDER THIS
18 SECTION ONLY IF THE JUDGE WAS IN OFFICE ON OR AFTER JANUARY 1, 2022.

19 (B) ANY PERSON WHO BECOMES AN ORPHANS' COURT JUDGE SHALL
20 BECOME AND REMAIN A MEMBER OF THE RETIREMENT SYSTEM, EXCEPT AS
21 PROVIDED IN SUBSECTION (C) OF THIS SECTION.

22 (C) AN ORPHANS' COURT JUDGE SHALL HAVE THE OPTION OF NOT
23 JOINING THE SYSTEM IF THEY HOLD OFFICE AS OF JULY 1, 2022 AND AS OF THAT

1 DATE HAVE ATTAINED THE AGE OF FIFTY-FIVE (55) YEARS, OR IF THEY TAKE
2 OFFICE AFTER JULY 1, 2022 AND UPON TAKING OFFICE HAVE ATTAINED THE AGE
3 OF FIFTY-FIVE (55) YEARS.

4 (D) AN ORPHANS' COURT JUDGE SHALL BE ELIGIBLE TO RECEIVE THE
5 PENSION BENEFIT UPON MEETING THE FOLLOWING CONDITIONS:

6 (1) HAS TERMINATED ACTIVE SERVICE;

7 (2) HAS REACHED THE AGE OF SIXTY (60) YEARS; AND

8 (3) HAS COMPLETED AT LEAST TWO TERMS OF OFFICE.

9 (E) THE RATE OF CONTRIBUTION FOR THE JUDGES OF THE ORPHANS'
10 COURT SHALL BE 13.85 PERCENT.

11 (F) THE PENSION SHALL BE THE GREATER OF:

12 (1) \$1,200 ANNUALLY; OR

13 (2) AN AMOUNT CALCULATED AT THE RATE OF 4 PERCENT OF THE
14 LAST ANNUAL AMOUNT OF COMPENSATION MULTIPLIED BY THE NUMBER OF
15 YEARS OF SERVICE BEGINNING ON OR AFTER JANUARY 1, 2022, NOT EXCEEDING
16 TWENTY FOUR (24) YEARS.

17 (G) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND EXCEPT
18 AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A SURVIVING SPOUSE OF
19 AN ORPHANS' COURT JUDGE SHALL BE PAID ONE-HALF OF THE PENSION TO
20 WHICH THE JUDGE WAS ENTITLED AT THE TIME OF THE JUDGE'S DEATH, OR
21 WOULD HAVE BEEN ENTITLED ON ATTAINING THE AGE OF SIXTY (60) YEARS.

22 (2) A PENSION SHALL BE PAID TO A SURVIVING SPOUSE UNTIL THE
23 SURVIVING SPOUSE'S DEATH OR REMARRIAGE.

1 (3) A SURVIVING SPOUSE IS NOT ENTITLED TO A PENSION IF THE
2 SURVIVING SPOUSE WAS MARRIED TO AN ACTIVE OR RETIRED JUDGE FOR A
3 PERIOD OF LESS THAN 3 YEARS BEFORE THE ACTIVE JUDGE'S DEATH OR THE
4 RETIRED JUDGE'S RETIREMENT.

5 ~~(H) A JUDGE IN OFFICE AS OF JULY 1, 2022 SHALL HAVE 180 DAYS FROM~~
6 ~~SUCH DATE TO PURCHASE THEIR SERVICE TIME RETROACTIVE TO JANUARY 1,~~
7 ~~2022. IF THE JUDGE DOES NOT PURCHASE THEIR SERVICE TIME WITHIN 180~~
8 ~~DAYS, THE JUDGE WILL NOT RECEIVE SERVICE CREDIT IN ACCORDANCE WITH~~
9 ~~THE PROVISIONS OF THIS SECTION.~~

10 (H) A JUDGE IN OFFICE AS OF JULY 1, 2022 WHO BECOMES A MEMBER OF
11 THE RETIREMENT SYSTEM UNDER SUBSECTION (A) OF THIS SECTION MAY
12 TRANSFER THEIR CREDIT FOR SERVICE IN ACCORDANCE WITH THE FOLLOWING:

13 (1) IF A JUDGE WAS A MEMBER OF ANY GROUP UNDER THE
14 RETIREMENT SYSTEM BEFORE JULY 1, 2022, THE JUDGE MAY TRANSFER THEIR
15 CREDIT FOR SERVICE AS AN ORPHAN'S COURT JUDGE TO THE SYSTEM
16 ESTABLISHED BY THIS SECTION;

17 (2) TO COMPLETE SUCH A TRANSFER, A JUDGE SHALL PAY THE
18 DIFFERENCE IN CONTRIBUTIONS BETWEEN THE ACTUAL CONTRIBUTIONS PAID
19 TO THE SYSTEM BEFORE JULY 1, 2022 AND THE CONTRIBUTIONS REQUIRED
20 UNDER THIS SECTION, PLUS INTEREST; AND

21 (3) IF THE JUDGE DOES NOT TRANSFER THEIR CREDIT FOR SERVICE
22 WITHIN 180 DAYS OF JULY 1, 2022, THE JUDGE WILL NOT RECEIVE SERVICE
23 CREDIT IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

1 Subtitle 3 - Deferred Retirement Option Program

2
3 § 5-1-307. DEFERRED RETIREMENT OPTION PROGRAM - FIRE HIRED ON OR AFTER
4 JULY 1, 2007.

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) "DROP ALLOWANCE" MEANS THE ANNUAL PENSION
8 CONTRIBUTED TO THE DROP ACCOUNT FOR EACH FULL YEAR OF THE DROP
9 PERIOD.

10 (3) "DROP PERIOD" MEANS THE PERIOD OF TIME IN ACCORDANCE
11 WITH SUBSECTION (C) OF THIS SECTION FOR PARTICIPATION IN THE DROP
12 PROGRAM.

13 (4) "DROP PROGRAM" MEANS THE DEFERRED RETIREMENT OPTION
14 PROGRAM FOR MEMBERS.

15 (5) "DROP SERVICE" MEANS THE PERIOD OF QUALIFYING SERVICE,
16 MINUS THE LENGTH OF THE DROP PERIOD SELECTED BY A MEMBER.

17 (6) (I) "MEMBER" MEANS A GROUP 4 MEMBER IN ACTIVE
18 SERVICE WHO IS ON PAY SCHEDULE V OR PAY SCHEDULE VIII OF THE COUNTY
19 CLASSIFICATION AND COMPENSATION PLAN.

20 (II) "MEMBER" DOES NOT INCLUDE A GROUP 4 MEMBER WHO
21 BEGAN SERVICE PRIOR TO JULY 1, 2007.

22 (7) (I) "QUALIFYING SERVICE" MEANS:

23 1. MEMBERSHIP SERVICE ON PAY SCHEDULE ~~IV~~ V OR

PAY SCHEDULE ~~VII~~ VIII;

2. RETIREMENT SYSTEM MEMBERSHIP CREDIT FOR
ACCUMULATED UNUSED SICK LEAVE; AND

3. CREDITABLE MILITARY SERVICE.

(II) "QUALIFYING SERVICE" DOES NOT INCLUDE:

1. OTHER JURISDICTIONAL SERVICE OUTSIDE
BALTIMORE COUNTY; OR

2. TRANSFER SERVICE WITHIN BALTIMORE COUNTY.

(B) A MEMBER MAY ELECT TO PARTICIPATE IN THE DROP PROGRAM IF
THE MEMBER HAS 33 YEARS OR MORE OF QUALIFYING SERVICE AND SELECTS
THE DROP PROVIDED FOR IN THIS SECTION.

(C) SUBJECT TO THE TIME LIMITATIONS IN SUBSECTION (D) OF THIS
SECTION, A MEMBER MAY SELECT THE FOLLOWING DROP PERIOD:

(1) THREE YEARS IF THE MEMBER HAS 33 YEARS OR MORE OF
QUALIFYING SERVICE.

(D) RETIREMENTS UNDER THE DROP PROGRAM MAY BEGIN ON OR AFTER
JULY 1, 2040 FOR THE 3-YEAR DROP PERIOD.

(E) A DROP ACCOUNT FOR A MEMBER SHALL BE ESTABLISHED AS OF THE
MEMBER'S RETIREMENT AND ELECTION TO PARTICIPATE IN THE DROP
PROGRAM, AND SHALL CONSIST OF THE FOLLOWING:

(1) THE MEMBER'S DROP ALLOWANCE FOR THE 3-YEAR PERIOD
ADJUSTED IN ACCORDANCE WITH SUBSECTIONS (G), (H), AND (I) OF THIS
SECTION;

1 (2) CONTRIBUTIONS TO THE RETIREMENT SYSTEM MADE BY A
2 MEMBER DURING THE DROP PERIOD; AND

3 (3) FIVE PERCENT INTEREST EARNED ON BOTH THE MEMBER'S
4 DROP ALLOWANCE AND THE MEMBER'S CONTRIBUTIONS DURING THE DROP
5 PERIOD, BASED ON THE COUNTY'S ADMINISTRATIVE PROCEDURES CURRENTLY
6 USED TO DETERMINE THE MEMBER'S ACCUMULATED CONTRIBUTIONS.

7 (F) A MEMBER MAY CHOOSE TO:

8 (1) RECEIVE THE DROP ACCOUNT ACCUMULATION IN A SINGLE
9 LUMP SUM; OR

10 (2) ROLL OVER THE DROP ACCOUNT ACCUMULATION INTO AN
11 ELIGIBLE RETIREMENT PLAN AS DEFINED IN § 402(C)(8)(B) OF THE INTERNAL
12 REVENUE CODE.

13 (G) ON THE DATE THAT A POST-RETIREMENT INCREASE IS GRANTED
14 UNDER § 5-1-235 OF THIS TITLE THAT IS AT LEAST 12 MONTHS AFTER THE
15 BEGINNING DATE OF THE DROP PERIOD, DROP ALLOWANCES CREDITED TO THE
16 DROP ACCOUNT AND PAID ON ACTUAL RETIREMENT SHALL BE INCREASED FOR
17 RETIREMENT SYSTEM COST-OF-LIVING ADJUSTMENTS AS IF THE MEMBER HAD
18 RETIRED AT THE BEGINNING OF THE DROP PERIOD.

19 (H) FOR THE PURPOSE OF CALCULATING THE MEMBER'S DROP AND
20 RETIREMENT ALLOWANCES UNDER THIS SECTION, AVERAGE FINAL
21 COMPENSATION SHALL BE:

22 (1) BASED UPON THE MEMBER'S DROP SERVICE; AND

23 (2) DETERMINED AS IF THE MEMBER HAD RETIRED AT THE

BEGINNING OF THE DROP PERIOD.

(I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DROP ALLOWANCE SHALL BE 70% OF THE MEMBER'S AVERAGE FINAL COMPENSATION FOR 30 YEARS DROP SERVICE PLUS ADDITIONAL ACCRUALS IN ACCORDANCE WITH § 5-1-217 OF THIS TITLE.

(J) IN ADDITION TO THE PROCEEDS OF THE DROP ACCOUNT, A MEMBER WHO RETIRES UNDER THE DROP PROGRAM WILL RECEIVE AN ANNUALIZED RETIREMENT ALLOWANCE, PAID MONTHLY, EQUAL TO THE MEMBER'S ANNUAL DROP ALLOWANCE, ADJUSTED AS PROVIDED FOR IN SUBSECTION (K) OF THIS SECTION.

(K) (1) THE RETIREMENT ALLOWANCES PROVIDED UNDER THIS SECTION SHALL BE EQUAL TO THE DROP ALLOWANCE, INCREASED FOR APPLICABLE RETIREMENT SYSTEM COST-OF-LIVING ADJUSTMENT, AND SUBJECT TO REDUCTION BASED UPON THE OPTION SELECTED BY THE RETIRING MEMBER UNDER § 5-1-231 OF THIS TITLE.

(2) THE REDUCTION UNDER § 5-1-231 OF THIS TITLE SHALL BE BASED ON THE AGES OF THE MEMBER AND THE DESIGNATED BENEFICIARY, IF ANY, ON THE ACTUAL RETIREMENT DATE.

§ 5-1-308. DEFERRED RETIREMENT OPTION PROGRAM - POLICE HIRED ON OR AFTER JULY 1, 2007.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

1 (2) "DROP ALLOWANCE" MEANS THE ANNUAL PENSION
2 CONTRIBUTED TO THE DROP ACCOUNT FOR EACH FULL YEAR OF THE DROP
3 PERIOD.

4 (3) "DROP PERIOD" MEANS THE 3-YEAR PERIOD OF TIME IN
5 ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION FOR PARTICIPATION IN
6 THE DROP PROGRAM.

7 (4) "DROP PROGRAM" MEANS THE DEFERRED RETIREMENT OPTION
8 PROGRAM FOR MEMBERS.

9 (5) "DROP SERVICE" MEANS THE PERIOD OF QUALIFYING SERVICE,
10 MINUS THE LENGTH OF THE DROP PERIOD.

11 (6) (I) "MEMBER" MEANS A GROUP 4 MEMBER IN ACTIVE
12 SERVICE WHO IS ON PAY SCHEDULE IV OR PAY SCHEDULE VII OF THE COUNTY
13 CLASSIFICATION AND COMPENSATION PLAN.

14 (II) "MEMBER" DOES NOT INCLUDE A GROUP 4 MEMBER WHO
15 BEGAN SERVICE PRIOR TO JULY 1, 2007.

16 (7) (I) "QUALIFYING SERVICE" MEANS:
17 1. MEMBERSHIP SERVICE ON PAY SCHEDULE IV OR PAY
18 SCHEDULE VII;
19 2. RETIREMENT SYSTEM MEMBERSHIP CREDIT FOR
20 ACCUMULATED UNUSED SICK LEAVE; AND
21 3. CREDITABLE MILITARY SERVICE.

22 (II) "QUALIFYING SERVICE" DOES NOT INCLUDE:
23 1. OTHER JURISDICTIONAL SERVICE OUTSIDE

1 BALTIMORE COUNTY; OR

2 2. TRANSFER SERVICE WITHIN BALTIMORE COUNTY.

3 (B) A MEMBER MAY ELECT TO PARTICIPATE IN THE DROP PROGRAM IF
4 THE MEMBER HAS 28 YEARS OR MORE OF QUALIFYING SERVICE AND SELECTS
5 THE DROP PROVIDED FOR IN THIS SECTION.

6 (C) SUBJECT TO THE TIME LIMITATION IN SUBSECTION (D) OF THIS
7 SECTION, A MEMBER MAY SELECT THE FOLLOWING DROP PERIOD:

8 (1) 3 YEARS IF THE MEMBER HAS 28 YEARS OR MORE OF
9 QUALIFYING SERVICE;

10 (D) RETIREMENTS UNDER THE DROP PROGRAM MAY BEGIN ON OR AFTER
11 JULY 1, 2035 FOR THE 3-YEAR DROP PERIOD.

12 (E) A DROP ACCOUNT FOR A MEMBER SHALL BE ESTABLISHED AS OF THE
13 MEMBER'S RETIREMENT AND ELECTION TO PARTICIPATE IN THE DROP
14 PROGRAM, AND SHALL CONSIST OF THE FOLLOWING:

15 (1) THE MEMBER'S DROP ALLOWANCE FOR THE 3-YEAR PERIOD
16 ADJUSTED IN ACCORDANCE WITH SUBSECTIONS (G), (H), AND (I) OF THIS
17 SECTION;

18 (2) CONTRIBUTIONS TO THE RETIREMENT SYSTEM MADE BY A
19 MEMBER DURING THE DROP PERIOD; AND

20 (3) FIVE (5) PERCENT INTEREST EARNED ON BOTH THE MEMBER'S
21 DROP ALLOWANCE AND THE MEMBER'S CONTRIBUTIONS DURING THE DROP
22 PERIOD, BASED ON THE COUNTY'S ADMINISTRATIVE PROCEDURES CURRENTLY
23 USED TO DETERMINE THE MEMBER'S ACCUMULATED CONTRIBUTIONS.

1 (F) A MEMBER MAY CHOOSE TO:

2 (1) RECEIVE THE DROP ACCOUNT ACCUMULATION IN A SINGLE
3 LUMP SUM; OR

4 (2) ROLL OVER THE DROP ACCOUNT ACCUMULATION INTO AN
5 ELIGIBLE RETIREMENT PLAN AS DEFINED IN § 402(C)(8)(B) OF THE INTERNAL
6 REVENUE CODE.

7 (G) ON THE DATE THAT A POST-RETIREMENT INCREASE IS GRANTED
8 UNDER § 5-1-235 OF THIS TITLE THAT IS AT LEAST 12 MONTHS AFTER THE
9 BEGINNING DATE OF THE DROP PERIOD, DROP ALLOWANCES CREDITED TO THE
10 DROP ACCOUNT AND PAID ON ACTUAL RETIREMENT SHALL BE INCREASED FOR
11 RETIREMENT SYSTEM COST-OF-LIVING ADJUSTMENTS AS IF THE MEMBER HAD
12 RETIRED AT THE BEGINNING OF THE DROP PERIOD.

13 (H) FOR THE PURPOSE OF CALCULATING THE MEMBER'S DROP AND
14 RETIREMENT ALLOWANCES UNDER THIS SECTION, AVERAGE FINAL
15 COMPENSATION SHALL BE:

16 (1) BASED UPON THE MEMBER'S DROP SERVICE; AND
17 (2) DETERMINED AS IF THE MEMBER HAD RETIRED AT THE
18 BEGINNING OF THE DROP PERIOD.

19 (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DROP
20 ALLOWANCE SHALL BE 60% OF THE MEMBER'S AVERAGE FINAL COMPENSATION
21 FOR 25 YEARS DROP SERVICE PLUS ADDITIONAL ACCRUALS IN ACCORDANCE
22 WITH § 5-1-216 OF THIS TITLE.

23 (J) IN ADDITION TO THE PROCEEDS OF THE DROP ACCOUNT, A MEMBER

1 WHO RETIRES UNDER THE DROP PROGRAM WILL RECEIVE AN ANNUALIZED
2 RETIREMENT ALLOWANCE, PAID MONTHLY, EQUAL TO THE MEMBER'S ANNUAL
3 DROP ALLOWANCE, ADJUSTED AS PROVIDED FOR IN SUBSECTION (K) OF THIS
4 SECTION.

5 (K) (1) THE RETIREMENT ALLOWANCES PROVIDED UNDER THIS
6 SECTION SHALL BE EQUAL TO THE DROP ALLOWANCE, INCREASED FOR
7 APPLICABLE RETIREMENT SYSTEM COST-OF-LIVING ADJUSTMENT, AND SUBJECT
8 TO REDUCTION BASED UPON THE OPTION SELECTED BY THE RETIRING MEMBER
9 UNDER § 5-1-231 OF THIS TITLE.

10 (2) THE REDUCTION UNDER § 5-1-231 OF THIS TITLE SHALL BE
11 BASED ON THE AGES OF THE MEMBER AND THE DESIGNATED BENEFICIARY, IF
12 ANY, ON THE ACTUAL RETIREMENT DATE.

13
14 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
15 the affirmative vote of five members of the County Council, shall take effect on July 1, 2022.



LEGISLATION DETAIL

LEGISLATION

DISPOSITION

ENACTED

EFFECTIVE

AMENDMENTS

ROLL CALL - LEGISLATION

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Quirk
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Bevins
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Quirk
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Bevins
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Quirk
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Bevins
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Quirk
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Bevins
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell