

# ENROLLED

## COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

### LEGISLATIVE SESSION, 2022

#### EMERGENCY LEGISLATIVE BILL 2022-09

INTRODUCED: July 5, 2022

Introduced by: The President of the Council at the request of the Acting County Executive

AN EMERGENCY ACT TO AMEND THE WICOMICO COUNTY PERSONNEL MANUAL, CHAPTER 10 – EMPLOYEE BENEFITS, SECTION 1013 DEATH BENEFIT, TO ALLOW FAMILY MEMBERS OF AN EMPLOYEE KILLED IN THE LINE OF DUTY TO RETAIN HEALTH INSURANCE COVERAGE.

WHEREAS, the Acting County Executive and the Human Resources Department recommends changes to the Personnel Manual to permit family members of an employee who is killed in the line of duty to retain health insurance coverage; and

WHEREAS, continuation of health insurance coverage for the family of a County employee recently killed in the line of duty is time sensitive, and requires emergency legislation for health insurance coverage to continue without a coverage gap; and

WHEREAS, the Director of Human Resources and Acting County Executive have proposed the amendment of the Personnel Manual, Chapter 10 – Employee Benefits, Section 1013 Death Benefit to permit family members of an employee who is killed in the line of duty to retain health insurance coverage; and

WHEREAS, the County Council endorses the amendment to Chapter 10 – Employee Benefits, Section 1013 Death Benefit of the Wicomico County Personnel Manual.

SECTION I: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that the Personnel Manual, Chapter 10 – Employee Benefits is hereby amended as follows:

#### **Chapter 10**

#### **Employee Benefits**

1013 Death Benefit. When an employee dies, the following benefits may be available:

- (a) Compensation. The following may be paid to the beneficiary designated by the deceased. In the event the employee has not designated a beneficiary, or the beneficiary named is deceased, payment may be made to the estate of the deceased.

- (1) Pay. All salary due plus payment for any accumulated annual leave, holiday leave, compensatory time and earned sick leave benefits.
  - (2) Life Insurance. ~~All life insurance with the County in force at the time of death.~~
  - (3) (2) Death Benefit. One year's annual salary if:
    - Death occurred while actively employed or while on a reported, approved qualified leave of absence for which the employee applied for credit before the leave began; AND
    - the employee had one year of Eligible Service; OR
    - the employee died in the performance of duty.
- (b) Health Insurance. Surviving spouses and/or eligible dependents of a deceased employee may retain their current health insurance coverage as follows:
- (1) Deceased Employee Eligible for Retirement. If the deceased employee was ~~not~~ eligible for retirement and continuation of benefits per Chapter 26, the spouse and/or eligible dependents may retain their health insurance under the same conditions that the deceased employee could have retained the health insurance had they retired.
  - (2) Deceased Employee Not Eligible for Retirement. If the deceased employee was not eligible for retirement and continuation of benefits per Chapter 26, the spouse and/or eligible dependents, if eligible, may retain their health insurance under the appropriate and applicable state and federal laws, i.e., COBRA.
  - (3) LINE OF DUTY - DECEASED EMPLOYEE NOT ELIGIBLE FOR RETIREMENT. IF THE DECEASED EMPLOYEE THAT WAS KILLED IN THE LINE OF DUTY (ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT) WAS NOT ELIGIBLE FOR RETIREMENT AND CONTINUATION OF BENEFITS PER CHAPTER 26, THE SURVIVING SPOUSE AND/OR ELIGIBLE DEPENDENTS MAY RETAIN WICOMICO COUNTY HEALTH INSURANCE COVERAGE UNDER THE SAME CONDITIONS THAT THE DECEASED EMPLOYEE COULD HAVE RETAINED HEALTH INSURANCE HAD THE EMPLOYEE BEEN ELIGIBLE TO RETIRE, UNTIL THE EARLIER OF: 1) THE SPOUSE AND/OR ELIGIBLE DEPENDENTS HAVE A QUALIFYING LIFE EVENT, MAKING THEM ELIGIBLE FOR COVERAGE ELSEWHERE, 2) DEPENDENTS ARE NO LONGER ELIGIBLE, OR 3) MEDICARE COVERAGE IS MANDATORY. THE ELIGIBLE FAMILY MEMBERS (SPOUSE AND/OR DEPENDENTS) MUST HAVE BEEN ACTIVELY COVERED UNDER THE EMPLOYEE'S HEALTH INSURANCE

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

 (SEAL)  
By: Laura Hurley, Council Administrator

Explanation:

~~Strikeout indicates matters deleted from existing law.~~

CAPITALS INDICATE MATTERS ADDED TO EXISTING LAW.

~~CAPITAL STRIKEOUT INDICATES MATTERS STRICKEN FROM BILL BY AMENDMENT.~~

Underlining indicates amendments to Bill

COUNTY COUNCIL  
OF  
WICOMICO COUNTY, MARYLAND

2022 Legislative Session

Legislative Day No. 14

**LEGISLATIVE BILL NO. 2022-09**


**INTRODUCED BY:** President of the Council at the request of the Acting County Executive

**Bill No. 2022-09:** AN EMERGENCY ACT TO AMEND THE WICOMICO COUNTY PERSONNEL MANUAL, CHAPTER 10 – EMPLOYEE BENEFITS, SECTION 1013 DEATH BENEFIT, TO ALLOW FAMILY MEMBERS OF AN EMPLOYEE KILLED IN THE LINE OF DUTY TO RETAIN HEALTH INSURANCE COVERAGE.

Introduced and read first time on July 5, 2022. Ordered posted and public hearing scheduled for July 26, 2022 at 10:00 a.m.

  
\_\_\_\_\_  
Laura Hurley, Council Administrator

**PUBLIC HEARING:** Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on July 26, 2022.

  
\_\_\_\_\_  
Laura Hurley, Council Administrator

**CERTIFICATION:** The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 26<sup>th</sup> day of July, 2022.

  
\_\_\_\_\_  
Laura Hurley, Council Administrator

Presented to the Acting County Executive for approval this 26<sup>th</sup> day of July at 11:00 a.m. (5 days §411)

  
\_\_\_\_\_  
Laura Hurley, Council Administrator

**BY THE ACTING COUNTY EXECUTIVE:**

  
\_\_\_\_\_  
Acting County Executive

APPROVED

Date: 7/26/2022  
(21 days §411)

VETOED

Date: \_\_\_\_\_

**BY THE COUNCIL:**

Option One: This Bill, having been approved by the Acting County Executive and returned to the Council, becomes law on July 26, 2022 and effective on: July 26, 2022.  
(60 days §311) (Emergency Legislation)

Option Two: This Bill, having received neither the approval nor the disapproval of the Acting County Executive with 21 days of its presentation, stands enacted on \_\_\_\_\_ and becomes effective on \_\_\_\_\_.  
(60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on \_\_\_\_\_ and becomes effective on \_\_\_\_\_. (Charter Section 305)

**ENROLLMENT:** Legislative Bill No. 2022-09 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

  
\_\_\_\_\_  
Laura Hurley, Council Administrator

PRIOR TO THE EMPLOYEE'S DEATH. EXCEPTION: AN ELIGIBLE SURVIVING SPOUSE MAY ADD NEWBORN DEPENDENTS OF THE DECEASED EMPLOYEE. THE ELIGIBLE SPOUSE AND/OR DEPENDENTS WILL PAY THE SAME PREMIUM RATE THAT WOULD HAVE BEEN REQUIRED OF ANY OTHER ELIGIBLE RETIREE PLAN MEMBER. IT IS THE SPOUSE AND/OR DEPENDENTS RESPONSIBILITY TO NOTIFY THE HUMAN RESOURCES DEPARTMENT OF ANY STATUS CHANGES THAT MAY AFFECT THEIR BENEFITS, SUCH AS: QUALIFYING LIFE EVENTS, CHANGE IN ADDRESS, DEPENDENT CHANGES, BENEFICIARY CHANGES, ETC. THE COUNTY MAY TERMINATE HEALTH INSURANCE BENEFITS IF TIMELY PREMIUM PAYMENTS ARE NOT MADE TO THE COUNTY.

SECTION II: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that the Personnel Manual is hereby amended to include the changes recited in Chapter 10- Employee Benefits above.

SECTION III: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, based upon the certification by the Acting County Executive, stated above, that an emergency exists that is more particularly described by the Acting County Executive, as stated above, wherefore this Legislative Bill is passed as an emergency measure necessary for the immediate preservation of public health, safety and welfare which requires immediate action in the public interest, and subject to the laws of Maryland, the Wicomico County Charter, and the Wicomico County Code relating to budgetary and fiscal procedures.

SECTION IV: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION THAT this bill shall be known as Emergency Legislative Bill No. 2022-09 and shall become effective immediately after its final passage.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 16<sup>th</sup> day of July, 2022.

ATTEST:

COUNTY COUNCIL OF  
WICOMICO COUNTY, MARYLAND

  
\_\_\_\_\_  
Laura Hurley, Council Administrator

 (SEAL)  
\_\_\_\_\_  
John T. Cannon, Council President