

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2023, Legislative Day No. 10

Bill No. 34-23

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

By the County Council, May 1, 2023

A BILL
ENTITLED

AN ACT concerning

Employees' Retirement System

FOR the purpose of establishing provisions relating to the pensions of correctional officers on Pay Schedule I-C; allowing such officers an option to elect the Option 7 benefit, a 50% spousal benefit; eliminating the requirement that all county employees must pass a physical examination to become eligible to join the Employees' Retirement System; modifying a Special Personnel Rule to correct an obsolete reference to "official physicians for the county employees' retirement system"; authorizing certain beneficiaries to return to active service if the beneficiary is employed by the board of education under certain circumstances; and generally relating to the Employees' Retirement System.

BY repealing and re-enacting, with amendments

Section 4-8-102, Special Rule 12.03.F
Article 4 – Human Resources

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.

Title 8 – The Personnel Rules
Baltimore County Code, 2015

BY repealing and re-enacting, with amendments

Sections 5-1-203(1), (2), (4), (5)(ii)3., (6)(i)3., and (7)(ii)3., ~~and~~ 5-1-231(a)(7),
and 5-1-236(d)
Article 5 – Pensions and Retirement
Title 1 – Employees’ Retirement System
Subtitle 2 – Retirement System
Baltimore County Code, 2015

BY adding

Sections 5-1-203(11)(vi)3., (12)(v)3., and (12)(vi)3.
Article 5 – Pensions and Retirement
Title 1 – Employees’ Retirement System
Subtitle 2 – Retirement System
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:

3

4 ARTICLE 4 – HUMAN RESOURCES

5 Title 8 – The Personnel Rules

6

7 § 4-8-102.

8 Special Rule 12.03.

9 F. [Physicians who regularly examine employees as official physicians for the
10 county employees’ retirement system] A PHYSICIAN OR PHYSICIANS APPROVED BY THE
11 ADMINISTRATIVE OFFICER shall determine the physical ability of the employee to continue
12 working or to return to work. If it is determined by the examining physicians that the employee

1 will never be able to return to work, he shall be required to apply for physical retirement under
2 the appropriate retirement plan.

3
4 ARTICLE 5 – PENSIONS AND RETIREMENT

5 Title 1 – Employees’ Retirement System

6 Subtitle 2 – Retirement System

7
8 § 5-1-203.

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

10 (1) (i) Any person who shall become an employee after June 30, 1971 but before
11 January 1, 2014, may become a member of the Retirement System at any time within the first
12 two (2) years of the person's employment, but if the employee has not previously joined must
13 become a member at the end of that period as a condition of employment; provided such person
14 shall pass a physical examination satisfactory to the Board of Trustees.

15 (ii) Any person who shall become an employee on or after January 1, 2014 but
16 before July 1, 2022 shall become a member of the Retirement System within 60 days after
17 employment as a condition of employment provided such person shall pass a physical
18 examination satisfactory to the Board of Trustees.

19 (iii) Any person who becomes an employee on or after July 1, 2022 BUT
20 BEFORE JULY 1, 2023 shall become and remain a member of the Retirement System as a
21 condition of employment, provided such person shall pass a physical examination satisfactory to
22 the Board of Trustees.

23 (IV) ANY PERSON WHO BECOMES AN EMPLOYEE ON OR AFTER JULY

1 1, 2023 SHALL BECOME A MEMBER OF THE RETIREMENT SYSTEM AS A
2 CONDITION OF EMPLOYMENT, BUT WITH NO REQUIREMENT TO PASS A
3 PHYSICAL EXAMINATION.

4 [(iv)] (V) Any person who has attained the age of fifty-five (55) years at the
5 person's date of employment shall have the option of not joining the System. This option of not
6 joining the System applies to all employees except sworn members of the police and fire
7 departments.

8 [(v)] (VI) Any person hired before July 1, 2022 who had opted not to join the
9 System and who has attained the age of fifty-five (55) years upon becoming a merit system
10 employee shall have the option of not joining the System.

11 [(vi)] (VII) Notwithstanding any contrary provisions of this paragraph, special
12 provisions shall apply to county employees occupying certain nonmerit appointed positions as
13 described in paragraph (7) of this section.

14 (2) In this section, FOR ANY PERSON WHO SHALL BECOME AN EMPLOYEE
15 AFTER JUNE 30, 1971 BUT BEFORE JULY 1, 2023, the Board of Trustees shall accept, for
16 entry into the Retirement System, the results of the post-offer/pre-employment physical
17 examination conducted by Baltimore County's currently contracted medical provider for
18 applicant physical examinations.

19 (4) (I) Membership in the Retirement System shall be open to permanent employees
20 of the regular Fire and Police Departments of the county beginning October 1, 1959, and any
21 such employee becoming a member shall be considered an employee within the meaning of this
22 title. Any person who becomes an employee of such Fire or Police Department on or after such
23 date shall become a member of the Retirement System as a condition of employment; [provided

1 such person shall pass a physical examination satisfactory to the Board;] and such employee
2 shall not be entitled to coverage under the existing provisions for pensions for firemen,
3 policemen, and their widows under Section 4 of Bill 32-03 nor required to contribute thereunder.
4 Any person who is an employee of either of such departments on September 30, 1959, may,
5 within a period of six (6) months thereafter, elect to become a member of the Retirement System;
6 provided the person shall file with the Board of Trustees on a form prescribed by the Board a
7 notice of the person's election to be included in the membership and a duly executed waiver of
8 all present and prospective benefits which would otherwise inure to the person on account of the
9 person's coverage under the existing provisions for pensions for firemen, policemen, and their
10 widows under Section 4 of Bill 32-03.

11 (II) No fireman or policeman becoming a member of this System shall receive
12 credit for service rendered prior to October 1, 1959; except that any fireman or policeman in
13 service on September 30, 1959, becoming a member within six (6) months thereafter, shall
14 receive prior service credit for all service rendered prior to January 1, 1945, and may elect to pay
15 to the system by a single payment or by an increased rate of contribution, as may be approved by
16 the Board of Trustees, the contributions with interest which the fireman or policeman would
17 have paid had the fireman or policeman been a member between January 1, 1945, and the date of
18 enrollment in the Retirement System as membership service, less such amounts that have been
19 paid during such period into the Retirement Systems from which the fireman or policeman is
20 being transferred. Any such member not electing to pay for such membership service shall
21 receive credit as prior service for fifty (50) percent of such service.

22 (5) (ii) 3. Any person who becomes an officer or employee of a county agency
23 on or after July 1, 2022 shall become and remain a member of the Retirement System as a

1 condition of employment, provided [such officer or employee shall pass a physical examination
2 approved by the Board.] THAT ANY SUCH PERSON WHO BECOMES AN OFFICER OR
3 EMPLOYEE ON OR AFTER JULY 1, 2022 BUT BEFORE JULY 1, 2023 SHALL PASS A
4 PHYSICAL EXAMINATION APPROVED BY THE BOARD.

5 (6) (i) 3. Any person who enters the regular part-time employment of the
6 employer on or after July 1, 2022 shall become and remain a member of the Retirement System
7 as a condition of employment, provided THAT ANY such person WHO ENTERS REGULAR
8 PART-TIME EMPLOYMENT ON OR AFTER JULY 1, 2022 BUT BEFORE JULY 1, 2023
9 shall pass a physical examination satisfactory to the Board of Trustees.

10 (7) (ii) 3. Any person who falls within the special employment category who
11 joins county service on or after July 1, 2022 shall become and remain a member of the
12 Retirement System as a condition of employment, provided THAT ANY such person WHO
13 JOINS COUNTY SERVICE ON OR AFTER JULY 1, 2022 BUT BEFORE JULY 1, 2023 shall
14 pass a physical examination satisfactory to the Board of Trustees.

15 (11) (vi) 3. BEGINNING JULY 1, 2023, THE RATE OF CONTRIBUTION FOR
16 A MEMBER IS 9.5 PERCENT.

17 (12) (v) 3. BEGINNING JULY 1, 2023, THE RATE OF CONTRIBUTION FOR
18 CORRECTIONAL OFFICERS ON PAY SCHEDULE I-C WHO BEGAN SERVICE ON OR
19 AFTER JULY 1, 2011 SHALL BE 11 PERCENT.

20 (vi) 3. BEGINNING JULY 1, 2023, THE RATE OF CONTRIBUTION FOR
21 A MEMBER IS 9.5 PERCENT.

22
23 § 5-1-231.

1 (a) (7) Subject to subsection (d) of this section, an employee who has completed at
2 least twenty-five (25) years of actual service as a sworn Baltimore County Police Officer, at least
3 twenty-five (25) years of actual service as a sworn Baltimore County firefighter, or any
4 combination of actual service as a sworn Baltimore County Police Officer and Baltimore County
5 Firefighter equaling twenty-five (25) years of actual service, or beginning on July 1, 2021, a
6 sworn Baltimore County Police Officer on pay schedule IV who has completed at least twenty-
7 five (25) years of creditable service, may retire with the option of having fifty (50) percent of the
8 retired member's retirement allowance continued throughout the life of and paid to the original
9 beneficiary upon the retired member's death. This option shall be provided at no cost to the
10 employee.

11 (I) EFFECTIVE JULY 1, 2026, A PAY SCHEDULE I-C
12 CORRECTIONAL OFFICER MEMBER WHO HAS COMPLETED AT LEAST TWENTY-
13 FIVE (25) YEARS OF CREDITABLE SERVICE WILL BE ENTITLED TO ELECT THE
14 OPTION 7 BENEFIT, PROVIDED THE MEMBER MEETS THE 36-MONTH
15 CONTRIBUTION REQUIREMENT TO PAY FOR THE OPTION 7 BENEFIT.

16 (II) A PAY SCHEDULE I-C CORRECTIONAL OFFICER MEMBER
17 WHO RETIRES BETWEEN JULY 1, 2023 AND JUNE 30, 2026 MAY PURCHASE THE
18 OPTION 7 BENEFIT BY PAYING A POST-TAX LUMP-SUM EQUIVALENT OF THE
19 ADDITIONAL 1% CONTRIBUTIONS FOR THE PERIOD OF TIME BETWEEN THEIR
20 RETIREMENT EFFECTIVE DATE AND JULY 1, 2026 BASED ON THE MEMBER'S BASE
21 SALARY AT THE TIME OF RETIREMENT. THE LUMP SUM PAYMENT MUST BE
22 MADE ON OR BEFORE THE MEMBER'S RETIREMENT EFFECTIVE DATE.

23 (III) A PAY SCHEDULE I-C CORRECTIONAL OFFICER MEMBER

1 WHO RETIRES ON OR AFTER JULY 1, 2023 AND SELECTS BOTH THE DROP AND THE
2 OPTION 7 BENEFIT MAY RECOUP SOME OF THE ADDITIONAL CONTRIBUTIONS
3 FOR THE OPTION 7 BENEFIT IN THE MEMBER’S DROP ACCOUNT. IN ORDER TO
4 MEET THE 36-MONTH CONTRIBUTION REQUIREMENT TO PAY FOR THE OPTION 7
5 BENEFIT, THOSE MEMBERS WHO SELECT BOTH THE DROP AND THE OPTION 7
6 BENEFIT MUST PAY A POST-TAX LUMP-SUM EQUIVALENT OF THE ADDITIONAL
7 1% CONTRIBUTIONS TO COVER THE PORTION OF THE 36-MONTH REQUIREMENT
8 THAT WAS INCLUDED IN THE MEMBER’S DROP BENEFIT. THE LUMP SUM
9 PAYMENT MUST BE MADE PRIOR TO THE MEMBER’S RETIREMENT EFFECTIVE
10 DATE AND WILL NOT BE INCLUDED IN THE MEMBER’S DROP ACCOUNT.

11
12 § 5-1-236.

13 (d) A beneficiary of a service retirement benefit under this subtitle who returns to active
14 service with the county may receive the service retirement benefit during the time in which the
15 beneficiary remains in the active service if the beneficiary is employed by the board of education
16 as:

17 (1) a school bus driver; OR

18 (2) A SAFETY MANAGER IN THE OFFICE OF SCHOOL SAFETY.

19
20 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
21 the affirmative vote of five members of the County Council, shall take effect on July 1, 2023.
22



LEGISLATION DETAIL

LEGISLATION _____

DISPOSITION _____

ENACTED _____

EFFECTIVE _____

AMENDMENTS _____

ROLL CALL - LEGISLATION

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Young
<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"/>	Councilman Ertel
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Young
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<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell