

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2007, Legislative Day No. 9

Bill No. 42-07

Mr. S.G. Samuel Moxley, Chairman
By Request of County Executive

By the County Council, May 7, 2007

A BILL
ENTITLED

AN ACT concerning

Employees Retirement ~~System~~ System - Future County Employees

FOR the purpose of altering the rate of regular contributions for certain members of the Employees Retirement System (hereinafter "members"); altering vesting requirements for certain members with conforming alterations regarding military service credit, allowance for ordinary disability, and return of accumulated contributions; ~~requiring certain new employees to meet certain requirements before joining the Employees Retirement System; requiring certain employees to submit information to the Medical Board and the Board of Trustees; establishing deferred retirement option programs for certain members; authorizing the Board of Trustees to deny disability benefits under certain circumstances;~~ altering the normal service retirement age for certain members; altering the allowance for service retirement for certain members; altering the calculation of certain members' average final compensation; ~~increasing the benefit accrual rate for certain members; altering the minimum years of service required of certain members for ordinary disability retirement; establishing certain authority and requirements for providing alternative employment for a member who has filed for ordinary disability benefits; requiring an employee to be in service a minimum number of days over a minimum period of time in order to qualify for ordinary disability retirement; excluding the use of "sick leave bank" time, its equivalent or other extraordinary leave time from a certain calculation; requiring the Board of Trustees to make certain determinations; altering the allowance on ordinary disability for certain members;~~ authorizing the County Executive to appoint a designee to the Board of Trustees; ~~defining a certain term;~~ providing for the application of this Act; clarifying certain law; repealing a certain provision; 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 reenacting, with amendments

Section 3-3-902(a)(2)
Title 3. Boards, Commissions, Committees, Panels, Foundations
Article 3. Administration
Baltimore County Code, 2003

By adding

~~Sections 5-1-203(9), 5-1-203.1, 5-1-203.2, 5-1-304, and 5-1-305~~ Section 5-1-203(9)
Title 1. Employees Retirement System
Article 5. Pensions and Retirement
Baltimore County Code, 2003

By repealing and reenacting, with amendments

~~Sections 5-1-206(b), 5-1-212(a), 5-1-213, 5-1-214, 5-1-215 5-1-215(a) and (b), 5-1-216(e), 5-1-217(b), 5-1-218(b), 5-1-219(b), 5-1-221, 5-1-222, 5-1-223, 5-1-230, 5-1-302(a)(6) and (i), and 5-1-303(a)(6) and (i) 5-1-259~~
Title 1. Employees Retirement System
Article 5. Pensions and Retirement
Baltimore County Code, 2003

BY repealing

Section 5-1-105
Article 5. Pensions and Retirement
Baltimore County Code 2003

SECTION 1. BE IT ENACTED, BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that ~~Sections 5-1-203(9), 5-1-203.1, 5-1-203.2, 5-1-304, and 5-1-305~~ are Section 5-1-203(9) is added to Title 1. Employees Retirement System, Article 5. Pensions and Retirement, of the Baltimore County Code, 2003, as amended, to read as follows:

§ 5-1-203. MEMBERSHIP--COMPOSITION.

(9)(I) THIS PARAGRAPH APPLIES TO A MEMBER WHO BEGINS SERVICE ON OR AFTER JULY 1, 2007.

(II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE RATE OF REGULAR CONTRIBUTIONS SHALL BE:

1. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH, SIX PERCENT (6%) OF ANNUAL SALARY FOR ALL MEMBERS;

2. SEVEN PERCENT (7%) OF ANNUAL SALARY FOR GROUP 4 MEMBERS, DEPUTY SHERIFFS, AND CORRECTIONAL OFFICERS; AND

3. NINE PERCENT (9%) OF ANNUAL SALARY FOR AN APPOINTED DEPARTMENT HEAD.

(III) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, MEMBERSHIP BENEFITS SHALL BE CONSIDERED VESTED AFTER THE MEMBER HAS COMPLETED A MINIMUM OF TEN (10) YEARS OF ~~CREDITABLE~~ MEMBERSHIP SERVICE.

~~§ 5-1-203.1. SAME MEDICAL REQUIREMENTS GENERAL COUNTY EMPLOYEES AND CERTAIN OTHERS.~~

~~(A) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL:~~

~~(1) ELECTED TO SERVE AS THE COUNTY EXECUTIVE OR A MEMBER OF THE COUNTY COUNCIL; OR~~

~~(2) EMPLOYED BY THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM.~~

~~(B)(1) WHEN AN INDIVIDUAL WHO IS NOT A MEMBER OF THE RETIREMENT SYSTEM IS OFFERED EMPLOYMENT BY THE EMPLOYER, THE INDIVIDUAL SHALL PASS THE PHYSICAL EXAMINATION REQUIRED UNDER § 5-1-203 OF THIS SUBTITLE AND SATISFY THE MEDICAL REQUIREMENTS FOR THE POSITION BEFORE THE INDIVIDUAL MAY BE ADMITTED TO THE RETIREMENT SYSTEM.~~

~~(2) — (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL WHO DOES NOT MEET THE MEDICAL REQUIREMENTS FOR THE POSITION MAY NOT PARTICIPATE IN THE RETIREMENT SYSTEM.~~

~~(II) MEDICAL EVALUATIONS PERFORMED UNDER THIS SECTION MAY BE USED BY THE OFFICE OF HUMAN RESOURCES TO DETERMINE WHETHER AN INDIVIDUAL IS ELIGIBLE TO SECURE EMPLOYMENT WITH THE COUNTY.~~

~~(C) ON EMPLOYMENT, IN ORDER TO BE ELIGIBLE FOR DISABILITY RETIREMENT BENEFITS UNDER § 5-1-221 OR § 5-1-223 OF THIS SUBTITLE, AN INDIVIDUAL SUBJECT TO THIS SECTION SHALL SUBMIT TO THE BOARD OF TRUSTEES OR THE BOARD'S DESIGNEE:~~

~~(1) ALL MEDICAL RECORDS OF THE INDIVIDUAL REQUIRED BY THE BOARD;~~

~~(2) ALL OTHER RECORDS OR INFORMATION ABOUT ANY WORKERS COMPENSATION CLAIM THE INDIVIDUAL HAS MADE AGAINST ANY PREVIOUS EMPLOYER; OR~~

~~(3) A SIGNED RELEASE AUTHORIZING THE BOARD OR ITS DESIGNEE TO OBTAIN THE RECORDS REQUIRED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.~~

~~(D) AN INDIVIDUAL WHO FAILS OR FAILED TO PROVIDE THE RECORDS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION OR WHO WILLFULLY PROVIDES OR PROVIDED FALSE INFORMATION UNDER THIS SECTION MAY, AT THE DISCRETION OF THE BOARD OF TRUSTEES, BE DENIED DISABILITY RETIREMENT BENEFITS UNDER § 5-1-221 OR § 5-1-223 OF THIS SUBTITLE.~~

~~(E) FOR EACH INDIVIDUAL OFFERED EMPLOYMENT BY THE EMPLOYER, THE OFFICE OF HUMAN RESOURCES SHALL FORWARD TO THE BOARD OF TRUSTEES:~~

~~(1) A FORMAL JOB DESCRIPTION, INCLUDING JOB SPECIFICATIONS FOR THE POSITION; AND~~

~~(2) A PHYSICAL CAPACITY EVALUATION FORM.~~

~~(F) FOR EACH APPLICANT TO THE RETIREMENT SYSTEM, THE BOARD OF TRUSTEES SHALL REVIEW THE INFORMATION REQUIRED UNDER SUBSECTIONS (B), (C), AND (E) OF THIS SECTION AND MAY ALLOW THE EMPLOYEE TO PARTICIPATE IN THE SYSTEM IF THE BOARD OF TRUSTEES DETERMINES THAT THE INDIVIDUAL:~~

~~(1) HAS PASSED THE PHYSICAL EXAMINATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION;~~

~~(2) HAS SUBMITTED THE RECORDS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND~~

~~(3) POSSESSES THE PHYSICAL CAPACITY TO FULFILL THE JOB SPECIFICATIONS AS PROVIDED UNDER SUBSECTION (E) OF THIS SECTION.~~

~~§ 5-1-203.2. SAME-SAME PUBLIC SCHOOL EMPLOYEES.~~

~~(A) THIS SECTION APPLIES TO EMPLOYEES OF THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM.~~

~~(B)(1) WHEN AN INDIVIDUAL WHO IS NOT A MEMBER OF THE RETIREMENT SYSTEM IS SELECTED FOR A POSITION WITH THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM, THE INDIVIDUAL SHALL PASS THE PHYSICAL EXAMINATION REQUIRED UNDER § 5-1-203 OF THIS SUBTITLE AND SHALL SATISFY THE MEDICAL REQUIREMENTS FOR THE POSITION BEFORE THE INDIVIDUAL MAY BE ADMITTED TO THE RETIREMENT SYSTEM.~~

~~(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL WHO DOES NOT MEET THE MEDICAL REQUIREMENTS FOR THE POSITION MAY NOT PARTICIPATE IN THE RETIREMENT SYSTEM.~~

~~(C) ON EMPLOYMENT, IN ORDER TO BE ELIGIBLE FOR DISABILITY RETIREMENT BENEFITS UNDER § 5-1-221 OR § 5-1-223 OF THIS SUBTITLE, AN INDIVIDUAL SUBJECT TO THIS SECTION SHALL SUBMIT TO THE BOARD OF TRUSTEES OR THE BOARD'S DESIGNEE:~~

~~(1) ALL MEDICAL RECORDS OF THE INDIVIDUAL REQUIRED BY THE BOARD;~~

~~(2) ALL OTHER RECORDS OR INFORMATION ABOUT ANY WORKERS COMPENSATION CLAIM THE INDIVIDUAL HAS MADE AGAINST ANY PREVIOUS EMPLOYER; OR~~

~~(3) A SIGNED RELEASE AUTHORIZING THE BOARD OR ITS DESIGNEE TO OBTAIN THE RECORDS REQUIRED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.~~

~~(D) AN INDIVIDUAL WHO FAILS OR FAILED TO PROVIDE THE RECORDS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION OR WHO WILLFULLY PROVIDES OR PROVIDED FALSE INFORMATION UNDER THIS SECTION MAY, AT THE DISCRETION OF THE BOARD OF TRUSTEES, BE DENIED DISABILITY RETIREMENT BENEFITS UNDER § 5-1-221 OR § 5-1-223 OF THIS SUBTITLE.~~

~~(E) FOR EACH INDIVIDUAL OFFERED EMPLOYMENT BY THE BALTIMORE COUNTY SCHOOL SYSTEM, THE SCHOOL SYSTEM SHALL FORWARD TO THE BOARD OF TRUSTEES:~~

~~(1) A FORMAL JOB DESCRIPTION, INCLUDING JOB SPECIFICATIONS FOR THE POSITION; AND~~

~~(2) A PHYSICAL CAPACITY EVALUATION FORM.~~

~~(F) FOR EACH APPLICANT TO THE RETIREMENT SYSTEM, THE BOARD OF TRUSTEES SHALL REVIEW THE INFORMATION REQUIRED UNDER SUBSECTIONS (B), (C), AND (E) OF THIS SECTION AND MAY ALLOW THE EMPLOYEE TO PARTICIPATE IN THE SYSTEM IF THE BOARD OF TRUSTEES DETERMINES THAT THE INDIVIDUAL:~~

~~(1) HAS PASSED THE PHYSICAL EXAMINATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION;~~

~~(2) HAS SUBMITTED THE RECORDS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND~~

~~(3) POSSESSES THE PHYSICAL CAPACITY TO FULFILL THE JOB SPECIFICATIONS AS PROVIDED UNDER SUBSECTION (E) OF THIS SECTION.~~

~~§ 5-1-304. DEFERRED RETIREMENT OPTION PROGRAM – CORRECTIONAL OFFICERS AND DEPUTY SHERIFFS.~~

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

~~(2) —“DROP ALLOWANCE” MEANS THE ANNUAL PENSION CONTRIBUTED TO THE DROP ACCOUNT FOR EACH FULL YEAR, AND PRORATED FOR EACH HALF YEAR, IF APPLICABLE, OF THE DROP PERIOD.~~

~~(3) —“DROP PERIOD” MEANS THE PERIOD OF TIME SELECTED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION FOR PARTICIPATION IN THE DROP PROGRAM.~~

~~(4) —“DROP PROGRAM” MEANS THE DEFERRED RETIREMENT OPTION PROGRAM FOR MEMBERS.~~

~~(5) —“DROP SERVICE” MEANS:~~

~~(I) —QUALIFYING SERVICE;~~

~~(II) —TRANSFER SERVICE WITHIN THE COUNTY GOVERNMENT SUBJECT TO RULES ADOPTED BY THE BOARD OF TRUSTEES UNDER § 5-1-301 OF THIS SUBTITLE; AND~~

~~(III) —MINUS THE LENGTH OF THE DROP PERIOD SELECTED BY A MEMBER.~~

~~(6)(I) —“MEMBER” MEANS A MEMBER AS DEFINED IN §§ 5-1-218(A) AND 5-1-219(A) OF THIS TITLE.~~

~~(II) —“MEMBER” DOES NOT INCLUDE A MEMBER WHO BEGINS SERVICE ON OR AFTER JULY 1, 2007.~~

~~(7) —(I) —“QUALIFYING SERVICE” MEANS:~~

~~1. —MEMBERSHIP SERVICE ON PAY SCHEDULE I OR XIII OF THE CLASSIFICATION AND COMPENSATION PLAN;~~

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

~~3. —CREDITABLE MILITARY SERVICE.~~

~~(II) —“QUALIFYING SERVICE” DOES NOT INCLUDE OTHER JURISDICTIONAL SERVICE OUTSIDE BALTIMORE COUNTY.~~

~~(B) — A MEMBER MAY ELECT TO PARTICIPATE IN THE DROP PROGRAM IF THE MEMBER HAS 27 YEARS OR MORE OF QUALIFYING SERVICE AND SELECTS A DROP PERIOD PROVIDED FOR IN THIS SECTION.~~

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

~~(1) — 3 YEARS IF THE MEMBER HAS 27 YEARS OF QUALIFYING SERVICE;~~

~~(2) — 3, 3 ½, OR 4 YEARS IF THE MEMBER HAS 28 YEARS OR MORE OF QUALIFYING SERVICE; OR~~

~~(3) — 3, 3 ½, 4, 4 ½, OR 5 YEARS IF THE MEMBER HAS 29 YEARS OR MORE OF QUALIFYING SERVICE.~~

~~(D) — RETIREMENTS UNDER THE DROP PROGRAM MAY BEGIN ON OR AFTER:~~

~~(1) — JULY 1, 2010 FOR NOT MORE THAN A 3 YEAR DROP PERIOD;~~

~~(2) — JULY 1, 2011 FOR NOT MORE THAN A 4 YEAR DROP PERIOD; OR~~

~~(3) — JULY 1, 2012 FOR UP TO A 5 YEAR DROP PERIOD.~~

~~(E) — A DROP ACCOUNT FOR A MEMBER SHALL BE ESTABLISHED ONLY 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 EACH YEAR AND PRORATED HALF YEAR, IF APPLICABLE, OF THE DROP PERIOD SELECTED BY THE RETIRING MEMBER ADJUSTED IN ACCORDANCE WITH SUBSECTIONS (G), (H), AND (I) OF THIS SECTION;~~

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

~~(3) — 5% INTEREST EARNED ON BOTH THE MEMBER'S DROP ALLOWANCE AND THE MEMBER'S CONTRIBUTIONS DURING THE DROP PERIOD, BASED ON THE ADMINISTRATIVE PROCEDURES CURRENTLY USED TO DETERMINE THE MEMBER'S ACCUMULATED CONTRIBUTIONS.~~

~~(F) — A MEMBER MAY CHOOSE TO:~~

~~(1) — RECEIVE THE DROP ACCOUNT ACCUMULATION IN A SINGLE LUMP SUM; OR~~

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

~~(G) — DROP ALLOWANCES CREDITED TO THE DROP ACCOUNT AND PAID ON ACTUAL RETIREMENT SHALL BE INCREASED FOR RETIREMENT SYSTEM COST OF LIVING ADJUSTMENTS AS IF THE MEMBER HAD RETIRED AT THE BEGINNING OF THE DROP PERIOD.~~

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

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

~~(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 64% OF THE MEMBER'S AVERAGE FINAL COMPENSATION FOR 24 YEARS DROP SERVICE PLUS 2% FOR EACH FULL YEAR OF DROP SERVICE OVER 24 YEARS.~~

~~(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.~~

~~§ 5-1-305. — DEFERRED RETIREMENT OPTION PROGRAM — GENERAL COUNTY EMPLOYEES.~~

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

~~(2) — “DROP ALLOWANCE” — MEANS THE ANNUAL PENSION CONTRIBUTED TO THE DROP ACCOUNT.~~

~~(3) — “DROP PERIOD” — MEANS THE PERIOD OF TIME THE MEMBER SERVES IN THE DROP PROGRAM.~~

~~(4) — “DROP PROGRAM” — MEANS THE DEFERRED RETIREMENT OPTION PROGRAM FOR MEMBERS.~~

~~(5) — “DROP SERVICE” — MEANS:~~

~~(I) — QUALIFYING SERVICE; AND~~

~~(II) — TRANSFER SERVICE WITHIN THE COUNTY GOVERNMENT SUBJECT TO RULES ADOPTED BY THE BOARD OF TRUSTEES UNDER § 5-1-301 OF THIS SUBTITLE.~~

~~(6)(I) — “MEMBER” — MEANS A GROUP 3 MEMBER IN ACTIVE SERVICE.~~

~~(II) — “MEMBER” — DOES NOT INCLUDE:~~

~~1. A GROUP 3 MEMBER WHO BEGINS SERVICE ON OR AFTER JULY 1, 2007;~~

~~2. AN ELECTED OFFICIAL;~~

~~3. A MEMBER AS DEFINED IN § 5-1-218 OR § 5-1-219 OF THIS TITLE; OR~~

~~4. AN APPOINTED DEPARTMENT HEAD.~~

~~(7) — (I) — “QUALIFYING SERVICE” — MEANS:~~

~~1. — MEMBERSHIP SERVICE;~~

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

~~3. — CREDITABLE MILITARY SERVICE.~~

~~(II) — “QUALIFYING SERVICE” DOES NOT INCLUDE OTHER JURISDICTIONAL SERVICE OUTSIDE BALTIMORE COUNTY.~~

~~(B) — A MEMBER MAY ELECT TO PARTICIPATE IN THE DROP PROGRAM IF THE MEMBER IS AT LEAST 55 YEARS OLD AND WHOSE YEARS OF QUALIFYING SERVICE WHEN ADDED TO THE MEMBER’S AGE EQUALS AT LEAST 85 (RULE OF 85).~~

~~(C)(1) A MEMBER MAY BE IN SERVICE FOR A DROP PERIOD OF NOT LESS THAN 5 YEARS AND NOT MORE THAN 10 YEARS.~~

~~(2) A MEMBER IS NOT REQUIRED TO COMMIT TO A FUTURE RETIREMENT DATE AT THE DATE OF ELECTION.~~

~~(3)(I) A MEMBER MAY OPT OUT OF THE DROP AT ANY TIME.~~

~~(II) IF THE MEMBER OPTS OUT OF THE DROP, THE MEMBER’S RETIREMENT BENEFIT SHALL BE TREATED AS IF THE MEMBER HAD NOT ELECTED TO ENTER THE DROP.~~

~~(4)(I) IF A MEMBER IN THE DROP DIES BEFORE COMPLETING 5 YEARS OF SERVICE IN THE DROP, THE MEMBER’S RETIREMENT BENEFIT SHALL BE TREATED AS IF THE MEMBER HAD NOT ELECTED TO ENTER THE DROP.~~

~~(II) IF A MEMBER IN THE DROP DIES AFTER COMPLETING AT LEAST 5 YEARS OF SERVICE IN THE DROP, THE MEMBER’S BENEFICIARY MAY:~~

~~1. RECEIVE THE DROP BENEFITS AS PROVIDED IN THIS SECTION; OR~~

~~2. BE TREATED AS IF THE MEMBER HAD NOT ELECTED TO ENTER THE DROP.~~

~~(D) — RETIREMENTS UNDER THE DROP PROGRAM MAY BEGIN ON OR AFTER JULY 1, 2012.~~

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

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

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

~~(3) A ONE-TIME CREDIT OF UNUSED SICK TIME EARNED WHILE IN THE DROP PROGRAM OVER THE MEMBER'S BENEFIT BASIS TIMES THE MEMBER'S AVERAGE FINAL COMPENSATION; AND~~

~~(4) — 5% INTEREST EARNED ON BOTH THE MEMBER'S DROP ALLOWANCE AND THE MEMBER'S ACCUMULATED CONTRIBUTIONS DURING THE DROP PERIOD, BASED ON THE ADMINISTRATIVE PROCEDURES CURRENTLY USED TO DETERMINE THE MEMBER'S ACCUMULATED CONTRIBUTIONS.~~

~~(F) — A MEMBER MAY CHOOSE TO:~~

~~(1) — RECEIVE THE DROP ACCOUNT ACCUMULATION IN A SINGLE LUMP SUM; OR~~

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

~~(G) — DROP ALLOWANCES CREDITED TO THE DROP ACCOUNT AND PAID ON ACTUAL RETIREMENT SHALL BE INCREASED FOR RETIREMENT SYSTEM COST OF LIVING ADJUSTMENTS.~~

~~(H) — FOR THE PURPOSE OF CALCULATING THE MEMBER'S DROP AND RETIREMENT ALLOWANCES UNDER THIS SECTION, AVERAGE FINAL COMPENSATION SHALL BE BASED UPON THE MEMBER'S DROP SERVICE.~~

~~(I) — 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 (J) OF THIS SECTION.~~

~~(J) — (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.~~

SECTION 2. AND BE IT FURTHER ENACTED, that Sections 5-1-206(b), ~~5-1-212(a)~~, 5-1-213, 5-1-214, ~~5-1-215~~ 5-1-215(a) and (b), ~~5-1-216(e)~~, ~~5-1-217(b)~~, ~~5-1-218(b)~~, ~~5-1-219(b)~~, 5-1-221, 5-1-222, ~~5-1-223~~, 5-1-230, ~~5-1-302(a)(6) and (i)~~, and ~~5-1-303(a)(6) and (i)~~ and 5-1-259 of Title 1. Employees Retirement System, of Article 5. Pensions and Retirement, of the Baltimore County Code, 2003, as amended, are hereby repealed and reenacted, with amendments, to read as follows:
§ 5-1-206. SAME--MEMBER ENTERING ARMED SERVICES; MILITARY SERVICE CREDIT.

(b) Notwithstanding any other provision of this section, credit for military service shall be granted to any member who has not met the conditions set forth in this section, upon the attainment by that member of five (5) years of creditable service OR TEN YEARS OF CREDITABLE SERVICE FOR A MEMBER WHO BEGAN SERVICE AFTER JULY 1, 2007, provided that the service credit so granted shall not exceed four (4) years. No such service credit shall be granted to a member if the member has received credit for a period of military service under any other retirement system for which retirement benefits have been or will be received by the member; provided that this exclusion shall not apply to any credit provided through old-age or

survivors insurance benefits under the Social Security Law, or the Railroad Retirement Act. Upon the member's attainment of five (5) years of creditable service OR TEN YEARS OF CREDITABLE SERVICE FOR A MEMBER WHO BEGAN SERVICE AFTER JULY 1, 2007, any current member of the system who, prior to attaining five (5) OR TEN [years] YEARS, AS APPLICABLE, of creditable service, had made up the member's contributions for the period of the member's service in the armed forces pursuant to the provisions of this section shall, within sixty (60) days of that date or the date on which the member first completes five (5) OR TEN [years] YEARS, AS APPLICABLE, of creditable service, whichever is later, receive a refund of said contributions, with interest thereon at a rate to be set by the Board of Trustees for the period from the date the make-up payment was made or the date the employee first completes five (5) OR TEN [years] YEARS of creditable service, as applicable. The county shall make all necessary contributions to the pension accumulation fund for the funding of military service credit upon the attainment of five (5) OR TEN [years] YEARS, AS APPLICABLE, of creditable service by any member so entitled to the credit.

~~§ 5-1-212. SAME AMOUNT.~~

~~(a) — (1) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of [a] membership service rendered by the member since the member last became a member, military service credited under § 5-1-206 of this subtitle, and if the member has a prior service certificate which is in full force and effect, the period of the service certified on the member's prior service certificate.~~

~~(2)(I) CREDITABLE SERVICE MAY NOT INCLUDE:~~

~~1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, ANY TIME SPENT IN ACCORDANCE WITH ANY ARRANGEMENT KNOWN AS A "SICK LEAVE BANK" OR ANY FUNCTIONAL EQUIVALENT OF A "SICK LEAVE BANK";~~

~~2. ANY TIME SPENT IN ACCORDANCE WITH ANY TYPE OF LEAVE WITHOUT PAY OR LEAVE THAT IS NOT AUTHORIZED UNDER ARTICLE 4, TITLE 8 OF THE CODE FOR MEMBERS SUBJECT TO ARTICLE 4, TITLE 8 OF THE CODE;
OR~~

~~3. ANY TIME SPENT IN ACCORDANCE WITH ANY TYPE OF LEAVE WITHOUT PAY OR LEAVE THAT IS NOT SIMILAR TO A LEAVE AUTHORIZED UNDER ARTICLE 4, TITLE 8 OF THE CODE FOR THOSE MEMBERS NOT OTHERWISE SUBJECT TO ARTICLE 4, TITLE 8 OF THE CODE.~~

~~(II) CREDITABLE SERVICE MAY INCLUDE ANY TIME SPENT IN ACCORDANCE WITH ANY ARRANGEMENT KNOWN AS A "SICK LEAVE BANK" OR ANY FUNCTIONAL EQUIVALENT OF A "SICK LEAVE BANK" THAT IS EQUAL TO THE NUMBER OF DAYS THAT THE EMPLOYEE HAS CONTRIBUTED TO THE SICK LEAVE BANK.~~

§ 5-1-213. NORMAL RETIREMENT AGE; RETIREMENT FOR SERVICE--GENERALLY.

(A) Commencing as of July 1, {1973,} 2007 the normal service retirement age for a member in Group 3 shall be the age of {sixty (60)} SIXTY FIVE (65) AND COMPLETION OF NOT LESS THAN FIVE (5) YEARS CREDITABLE SERVICE or the age at which the member completes thirty (30) years of creditable service, whichever is earlier. A member may retire before attaining the member's normal service retirement age provided that, if the member is in Group 3, the member has attained age fifty-five (55) and completed twenty (20) or more years of creditable service. A MEMBER WHO HAS REACHED AGE SIXTY (60) THROUGH SIXTY FIVE (65) ON OR BEFORE JUNE 30, 2007 MAY BE DEEMED TO HAVE REACHED NORMAL SERVICE RETIREMENT AGE IF THE MEMBER ALSO HAS COMPLETED FIVE (5) YEARS OR MORE OF CREDITABLE SERVICE.

(B)(1) THIS SUBSECTION APPLIES TO GROUP 3 MEMBERS WHO BEGIN SERVICE ON OR AFTER JULY 1, 2007.

(2) A GROUP 3 MEMBER IS ELIGIBLE FOR NORMAL SERVICE RETIREMENT AFTER 35 YEARS OF CREDITABLE SERVICE OR AT AGE SIXTY-SEVEN (67) AND COMPLETION OF TEN (10) YEARS OF CREDITABLE SERVICE.

§ 5-1-214. ALLOWANCE FOR SERVICE RETIREMENT.

(a) (1) [Commencing] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, COMMENCING as of July 1, 1973, upon retirement for service on or after the member's normal service retirement age, a Group 3 member who either was a member on December 31, 1960, and elected to make the increased contributions in accordance with § 5-1-253 of this subtitle or became a member on or after January 1, 1961, shall receive a service retirement allowance which shall consist of:

(i) An annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement; AND

(ii) A pension which, together with the member's annuity, shall provide a total allowance equal to one-fifty-fifth (1/55) of the member's average final compensation multiplied by the number of years of the member's creditable service.

(2) If, at retirement, said member has been an appointed department head for at least two (2) years, the member shall receive, in lieu of the service allowance set forth [above] ~~IN PARAGRAPH (1) OF THIS SUBSECTION~~, a service retirement allowance which shall consist of:

(i) An annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement;

(ii) A pension which, together with the member's annuity, shall provide a total allowance equal to one-fortieth ($1/40$) of the member's average final compensation multiplied by the number of years of the member's creditable service.

(b) (1) Except as provided in subparagraph (iii) of this paragraph, for a Group 4 member only, upon retirement for service on or after the member's normal service retirement age, a Group 4 member shall receive a service retirement allowance which shall consist of:

(i) An annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement.

(ii) A pension, which together with the member's annuity, shall provide a total allowance equal to one-fiftieth ($1/50$) of the member's average final compensation multiplied by the number of years of the member's creditable service not in excess of twenty-five (25) plus one-fifty-fifth ($1/55$) of the member's average final compensation multiplied by the number of years of the member's creditable service in excess of twenty-five (25).

(iii) The minimum benefit payable under subparagraphs (i) and (ii) of this paragraph shall be forty-two and one-half (42.5) percent of average final compensation, provided such Group 4 member has at least twenty (20) years of creditable service and has attained the member's normal service retirement age.

(2) Notwithstanding any other provision of this title, a Group 4 member who is rehired into the position of police officer pursuant to Special Rule 2.14 is not eligible to receive a service retirement allowance under this section based upon increased compensation received by the member in the position to which the member was rehired until the member has completed at least 5 years of creditable service in the rehired position.

(c) THE SUBSECTION DOES NOT APPLY TO GROUP 3 MEMBERS WHO BEGIN SERVICE ON OR AFTER JULY 1, 2007. Upon retirement for service before the member's normal service retirement age, a member shall receive an allowance which shall be a service retirement allowance commencing on the date on which the member would have attained the member's normal service retirement age had the member remained in service to said age. Such allowance shall be based on the member's creditable service and average final compensation at date of retirement in accordance with applicable paragraph above. If the member so elects, the allowance may become payable to the member commencing prior to said normal service retirement age and shall in that case be computed as the service retirement allowance payable at said normal service retirement age reduced by ~~{five-twelfths (5/12)}~~ ~~FIVE TWENTY FOURTHS (5/24)~~ of one (1) percent for each month by which the member's retirement date precedes the date on which the member would have attained said normal service retirement age.

(D)(1) THIS SUBSECTION APPLIES TO GROUP 3 MEMBERS WHO BEGIN SERVICE ON OR AFTER JULY 1, 2007.

(2) UPON RETIREMENT FOR SERVICE ON OR AFTER THE MEMBER'S NORMAL SERVICE RETIREMENT AGE, A GROUP 3 MEMBER SHALL RECEIVE A SERVICE RETIREMENT ALLOWANCE WHICH SHALL CONSIST OF:

(I) AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS AT THE TIME OF RETIREMENT; AND

(II) A PENSION WHICH, TOGETHER WITH THE MEMBER'S ANNUITY, SHALL PROVIDE A TOTAL ALLOWANCE EQUAL TO ONE-SEVENTIETH

(1/70) OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY THE NUMBER OF YEARS OF THE MEMBER'S CREDITABLE SERVICE.

§ 5-1-215. AVERAGE FINAL COMPENSATION.

(a)(1) Notwithstanding anything to the contrary contained in this subtitle, the term "average final compensation" as used throughout this subtitle shall mean, for current and future Group 4 members who are also sworn personnel of the Fire Department and commencing January 1, 1992, for current [and future] Group 3 members who are classified as supervisory, managerial and confidential classified service merit system employees on pay schedule VI and elected officials, appointed department heads and employees occupying nonmerit appointed positions, including the persons listed in § 5-1-203(7) of this subtitle, for current [and future] employees on pay schedule I and pay schedule III; and commencing June 30, 1992, for current [and future] members classified as supervisory, managerial and confidential on pay schedule VII; and commencing on January 1, 1993, for current and future members who are uniformed officers on pay schedule IV and for current [and future] FULL-TIME members on pay ~~schedule II~~ SCHEDULES II, VI, XI, XII, AND XIII the average earnable compensation of such person during the twelve (12) consecutive full calendar months of service affording the highest average, or if the person has had less than twelve (12) months of service, then the member's annual earnable compensation projected over twelve (12) months.

(2)(I) THIS PARAGRAPH DOES NOT APPLY TO GROUP 4 MEMBERS.

(II) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO GROUP 3 MEMBERS WHO BEGIN SERVICE ON OR AFTER JULY 1, 2007.

(b) In order to fund the increase in benefits resulting from the shortening of the average final compensation period from three (3) years to twelve (12) months, all members who are listed in subsection (a)(1) of this section shall pay, in addition to their normal contribution, an annual level percentage contribution as determined by the Board of Trustees. The additional contribution will be adjusted annually based upon the actuary's advice and taking into account the benefits paid (costs of additional marginal benefits of retirees), the contributions made by active members, and the assets needed to fund the benefits over time.

~~§ 5-1-216. ALLOWANCE FOR SERVICE RETIREMENT—POLICE.~~

~~(c)(1) A member who retires on or after July 1, 1995 shall be entitled to receive a service retirement allowance irrespective of age, consisting of an annuity and a pension which together will provide a minimum benefit of fifty (50) percent of average final compensation plus two (2) percent for each year of creditable service in excess of twenty (20) AND THREE (3) PERCENT FOR EACH YEAR OF CREDITABLE SERVICE IN EXCESS OF TWENTY-FIVE (25), provided such member [shall have] SHALL:~~

~~1. IF THE MEMBER WAS IN SERVICE BEFORE JULY 1, 2007, HAVE ATTAINED THE AGE OF SIXTY (60) YEARS WITH FIVE (5) YEARS OF CREDITABLE SERVICE OR a minimum of twenty (20) years of creditable [service] SERVICE; OR~~

~~2. IF THE MEMBER BEGINS SERVICE ON OR AFTER JULY 1, 2007, HAVE ATTAINED THE AGE OF SIXTY (60) YEARS WITH TEN (10) YEARS OF CREDITABLE SERVICE OR A MINIMUM OF TWENTY-FIVE (25) YEARS OF CREDITABLE SERVICE.~~

~~(2) THE THREE (3) PERCENT BENEFIT ACCRUAL RATE PROVIDED FOR IN THIS SUBSECTION DOES NOT APPLY TO ANY YEARS OF CREDITABLE SERVICE OVER TWENTY-FIVE (25) YEARS SERVED BEFORE JULY 1, 2007.~~

~~(3) THE BENEFIT PROVIDED FOR UNDER THIS SECTION MAY NOT BE GREATER THAN 100% OF THE MEMBER'S AVERAGE FINAL COMPENSATION.~~

~~§ 5-1-217. ALLOWANCE FOR SERVICE RETIREMENT—FIRE.~~

~~(b) — (1)(I) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A member who retires on or after January 1, 1999, shall be entitled to receive a service retirement allowance irrespective of age calculated in accordance with SUBPARAGRAPH (II) OF THIS paragraph [(2) of this subsection] upon the completion [of] OF:~~

~~1. [twenty five] TWENTY FIVE (25) years of creditable service REGARDLESS OF AGE;~~

~~2. [or twenty (20)] FIVE (5) years of creditable service and the attainment of age [fifty (50),] SIXTY (60); or~~

~~3. [has attained a] A minimum of [fifty five (55)] FIFTY (50) years of age [regardless of] AND TWENTY (20) years of CREDITABLE service.~~

~~[(2)] (II) — Effective January 1, 1999, the normal service retirement allowance shall consist of:~~

~~[(i)] 1. An annuity which shall be the actuarial equivalent of the member's accumulated contributions.~~

~~[(ii)] 2. A pension which, together with the member's annuity, shall provide a total allowance equal to one fortieth (1/40) of the member's average final compensation multiplied by the number of years of creditable service not to exceed twenty (20) years; plus, [one fiftieth (1/50)] TWO (2) PERCENT of the member's average final compensation multiplied by the years of creditable service in excess of twenty (20) AND THREE PERCENT OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY THE YEARS OF CREDITABLE SERVICE IN EXCESS OF THIRTY (30).~~

~~(2)(I) THIS PARAGRAPH APPLIES TO A MEMBER WHO BEGINS SERVICE ON OR AFTER JULY 1, 2007.~~

~~(II) A MEMBER IS ELIGIBLE FOR NORMAL SERVICE RETIREMENT BENEFITS UPON OF THE COMPLETION OF:~~

~~1. THIRTY (30) YEARS OF CREDITABLE SERVICE REGARDLESS OF AGE; OR~~

~~2. A MINIMUM OF SIXTY (60) YEARS OF AGE AND TEN (10) YEARS OF CREDITABLE SERVICE.~~

~~(III) THE NORMAL SERVICE RETIREMENT ALLOWANCE SHALL CONSIST OF:~~

~~1. — AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS.~~

~~2. — A PENSION WHICH, TOGETHER WITH THE MEMBER'S ANNUITY, SHALL PROVIDE A TOTAL ALLOWANCE EQUAL TO ONE FORTIETH (1/40) OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY THE NUMBER OF YEARS OF CREDITABLE SERVICE NOT TO EXCEED TWENTY (20) YEARS; PLUS, TWO (2) PERCENT OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY THE YEARS OF CREDITABLE SERVICE IN EXCESS OF TWENTY (20) AND THREE PERCENT OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY THE YEARS OF CREDITABLE SERVICE IN EXCESS OF THIRTY (30).~~

~~(3) THE THREE (3) PERCENT BENEFIT ACCRUAL RATE PROVIDED FOR IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION DOES NOT APPLY TO ANY YEARS OF CREDITABLE SERVICE OVER THIRTY (30) YEARS SERVED BEFORE JULY 1, 2007.~~

~~(4) THE BENEFIT PROVIDED FOR UNDER THIS SECTION MAY NOT BE GREATER THAN 100% OF THE MEMBER'S AVERAGE FINAL COMPENSATION.~~

~~[(3)] (4) — Effective from July 1, 1994 through and including April 30, 1996, in order to fund the improved benefit provided in this section, all members on pay schedule V shall pay an additional contribution, based on actuarial studies, which may be periodically adjusted but may not exceed two and ninety five hundredths (2.95) percent of salary.~~

~~[(4)] (5) — Effective May 1, 1996, the additional contribution of all members on pay schedule V shall not exceed one and ninety five hundredths (1.95) percent of salary.~~

~~[(5)] (6) — In order to be eligible to receive the improved benefits provided under subsection (b) of this section, a member on pay schedule VIII, from July 1, 1994 through and including June 30, 1995, shall pay an additional contribution, based on actuarial studies, which may be periodically adjusted but may not exceed four and seventy five hundredths (4.75) percent of salary.~~

~~[(6)] (7) — Effective July 1, 1995, the additional contribution of all members on pay schedule VIII shall not exceed two and ninety five hundredths (2.95) percent of salary.~~

~~[(7)] (8) — Effective May 1, 1996, the additional contribution of all members on pay schedule VIII shall not exceed one and ninety five hundredths (1.95) percent of salary.~~

~~§ 5-1-218. SAME—CORRECTIONAL OFFICERS.~~

~~(b) — (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, [A] A member as defined in subsection (a) of this section who retires on or after July 1, 1995, shall be entitled to receive a service retirement allowance irrespective of age, consisting of an annuity and a pension which together will provide a minimum benefit of fifty (50) percent of average final compensation plus [one (1)] TWO (2) percent for each year of creditable service in excess of twenty (20), provided such member shall have REACHED A MINIMUM OF SIXTY FIVE (65) YEARS OF AGE AND FIVE (5) YEARS OF CREDITABLE SERVICE OR a minimum of twenty (20) years creditable service.~~

~~(2)(I) THIS PARAGRAPH APPLIES TO MEMBERS WHO BEGIN SERVICE ON OR AFTER JULY 1, 2007.~~

~~(II) A MEMBER IS ELIGIBLE FOR NORMAL SERVICE RETIREMENT BENEFITS UPON OF THE COMPLETION OF:~~

~~1. TWENTY FIVE (25) YEARS OF CREDITABLE SERVICE REGARDLESS OF AGE; OR~~

~~2. A MINIMUM OF SIXTY SEVEN (67) YEARS OF AGE AND TEN (10) YEARS OF CREDITABLE SERVICE.~~

~~(III) A MEMBER AS DEFINED IN SUBSECTION (A) OF THIS SECTION WHO RETIRES SHALL BE ENTITLED TO RECEIVE A SERVICE RETIREMENT ALLOWANCE IRRESPECTIVE OF AGE, CONSISTING OF AN ANNUITY AND A PENSION WHICH TOGETHER WILL PROVIDE A MINIMUM BENEFIT OF FIFTY (50) PERCENT OF AVERAGE FINAL COMPENSATION PLUS TWO (2) PERCENT FOR EACH YEAR OF CREDITABLE SERVICE IN EXCESS OF TWENTY (20).~~

~~§ 5-1-219. SAME—SWORN MEMBERS OF THE SHERIFF'S OFFICE.~~

~~(b) — (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, [A] A member who retires on or after July 1, 2000, shall be entitled to receive a service retirement allowance irrespective of age at the time of retirement, consisting of an annuity and a pension which together will provide a minimum benefit of fifty (50) percent of average final compensation plus [one (1)] TWO (2) percent for each year of creditable service in excess of twenty (20) years, provided such member shall have REACHED A MINIMUM OF SIXTY FIVE (65) YEARS OF AGE AND FIVE (5) YEARS OF CREDITABLE SERVICE OR a minimum of twenty (20) years creditable service, as defined in subsection (c) of this section.~~

~~(2)(I) THIS PARAGRAPH APPLIES TO MEMBERS WHO BEGIN SERVICE ON OR AFTER JULY 1, 2007.~~

~~(II) A MEMBER IS ELIGIBLE FOR NORMAL SERVICE RETIREMENT BENEFITS UPON OF THE COMPLETION OF:~~

~~1. TWENTY FIVE (25) YEARS OF CREDITABLE SERVICE REGARDLESS OF AGE; OR~~

~~2. A MINIMUM OF SIXTY SEVEN (67) YEARS OF AGE AND TEN (10) YEARS OF CREDITABLE SERVICE.~~

~~(III) A MEMBER WHO RETIRES SHALL BE ENTITLED TO RECEIVE A SERVICE RETIREMENT ALLOWANCE IRRESPECTIVE OF AGE, CONSISTING OF AN ANNUITY AND A PENSION WHICH TOGETHER WILL PROVIDE A MINIMUM BENEFIT OF FIFTY (50) PERCENT OF AVERAGE FINAL COMPENSATION PLUS TWO (2) PERCENT FOR EACH YEAR OF CREDITABLE SERVICE IN EXCESS OF TWENTY (20).~~

§ 5-1-221. ORDINARY DISABILITY RETIREMENT BENEFIT.

~~(A) Upon the application of a member in service or of the employer, any member who has had five (5) or more years of creditable [service] SERVICE, OR TEN (10) OR MORE YEARS OF CREDITABLE SERVICE IF THE MEMBER BEGINS SERVICE ON OR AFTER JULY 1, 2007, AND WHO IS OTHERWISE ELIGIBLE TO PARTICIPATE IN THE DISABILITY RETIREMENT PROVISIONS OF THIS TITLE, may be retired by the Board of Trustees not less~~

than thirty (30) and not more than ninety (90) days next following the date of filing such [application, or] APPLICATION FOR an ordinary disability retirement allowance; provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

~~(B)(1) THIS SUBSECTION APPLIES ONLY TO GROUP 3 MEMBERS.~~

~~(2)(I) BEFORE APPROVING BENEFITS UNDER THIS SECTION, THE BOARD OF TRUSTEES MAY REQUIRE THE MEMBER TO UNDERGO ANY ASSESSMENT THE BOARD CONSIDERS NECESSARY TO DETERMINE THE ABILITY OF THE MEMBER TO PERFORM ALTERNATIVE COUNTY EMPLOYMENT.~~

~~(II) THE BOARD MAY CONSULT WITH THE OFFICE OF HUMAN RESOURCES TO DETERMINE THE AVAILABILITY OF ALTERNATIVE COUNTY EMPLOYMENT FOR THE MEMBER.~~

~~(3) IF THE BOARD OF TRUSTEES DETERMINES THAT THE MEMBER IS CAPABLE OF PERFORMING ALTERNATIVE COUNTY EMPLOYMENT AND THE MEMBER IS OFFERED ALTERNATIVE COUNTY EMPLOYMENT, WHICH ALTERNATIVE EMPLOYMENT SHALL INCLUDE COMPENSATION THAT IS GREATER THAN ANY RETIREMENT BENEFITS THE MEMBER WOULD OTHERWISE BE ENTITLED TO UNDER THIS SECTION, AND THE MEMBER REFUSES THE EMPLOYMENT, THE MEMBER WILL NOT BE ELIGIBLE FOR BENEFITS UNDER THIS SECTION.~~

~~(C)(1) A MEMBER WHO HAS NOT BEEN IN SERVICE AS AN EMPLOYEE PAID FOR BY THE EMPLOYER FOR AT LEAST 120 CALENDAR DAYS OF THE 180 CALENDAR DAYS IMMEDIATELY PRECEDING THE DATE THE MEMBER APPLIES FOR BENEFITS UNDER THIS SECTION IS NOT ELIGIBLE TO RECEIVE THE BENEFITS.~~

~~(2) A MEMBER MAY NOT COUNT TOWARD THE 120 DAYS REQUIRED UNDER THIS SECTION:~~

~~(I) ANY TIME SPENT IN ACCORDANCE WITH ANY ARRANGEMENT KNOWN AS A "SICK LEAVE BANK" OR ANY FUNCTIONAL EQUIVALENT OF A "SICK LEAVE BANK";~~

~~(II) ANY TYPE OF LEAVE WITHOUT PAY OR LEAVE THAT IS NOT AUTHORIZED UNDER ARTICLE 4, TITLE 8 OF THE CODE FOR MEMBERS SUBJECT TO ARTICLE 4, TITLE 8 OF THE CODE; OR~~

~~(III) ANY TYPE OF LEAVE WITHOUT PAY OR LEAVE THAT IS NOT SIMILAR TO A LEAVE AUTHORIZED UNDER ARTICLE 4, TITLE 8 OF THE CODE FOR THOSE MEMBERS NOT OTHERWISE SUBJECT TO ARTICLE 4, TITLE 8 OF THE CODE.~~

~~(D) THE BOARD OF TRUSTEES MAY:~~

~~(1) DETERMINE WHETHER A MEMBER IS A MEMBER IN SERVICE AT THE TIME THE MEMBER APPLIES FOR ANY BENEFITS UNDER THIS SECTION;~~

~~(2) DETERMINE WHETHER A MEMBER HAS BEEN IN SERVICE FOR THE AMOUNT OF TIME REQUIRED UNDER SUBSECTION (D) OF THIS SECTION; AND~~

~~(3) DETERMINE WHETHER ANY LEAVE AUTHORIZED FOR A MEMBER WHO IS NOT SUBJECT TO ARTICLE 4, TITLE 8 OF THE CODE IS SIMILAR TO A TYPE OF LEAVE THAT IS AUTHORIZED UNDER ARTICLE 4, TITLE 8 OF THE CODE.~~

~~(E) A MEMBER IS NOT ELIGIBLE FOR DISABILITY BENEFITS UNDER THIS SECTION IF THE MEMBER DID NOT PROVIDE THE INFORMATION REQUIRED UNDER § 5-1-203.2 OF THIS TITLE WITHIN TWO YEARS AFTER THE DATE THE MEMBER BEGAN EMPLOYMENT WITH THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM.~~

§ 5-1-222. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT.

~~(A)(1)~~ THIS SUBSECTION APPLIES TO A MEMBER WHO BEGAN SERVICE BEFORE JULY 1, 2007.

~~(2)~~ Upon retirement for ordinary disability, a member shall receive an ordinary disability retirement allowance which shall consist of:

~~{(1)}~~ ~~(I)~~ An annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement; and

~~{(2)}~~ ~~(II)~~ A pension which, together with the member's annuity, shall provide a total allowance equal to ~~{one-sixtieth (1/60) of the member's average final compensation in the case of a Group 3 member who was a member on December 31, 1960, and did not elect to make the increased contributions in accordance with § 5-1-253 of this title,}~~ one fifty-fifth (1/55) of the member's average final compensation in the case of a Group 3 member who either was a member on December 31, 1960, and elected to make such increased contributions or became a member on or after January 1, 1961, and one-fortieth (1/40) of the member's average final compensation in the case of a Group 3 member who at retirement is an appointed department head and retires on or after July 1, 1971, multiplied by the number of years of the member's creditable service; and in the case of a Group 4 member, equal to ~~ONE FORTIETH (1/40) OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY THE NUMBER OF YEARS OF THE MEMBER'S CREDITABLE SERVICE NOT IN EXCESS OF TWENTY (20) AND~~ one-fiftieth (1/50) of the member's average final compensation multiplied by the number of years of the member's creditable service ~~{not}~~ in excess of ~~{twenty-five (25)}~~ ~~TWENTY (20)~~ ~~{and one fifty-fifth (1/55) of the member's average final compensation multiplied by the number of years of the member's creditable service in excess of twenty-five (25)}~~.

~~(3)~~ The minimum retirement allowance shall be equal to one-quarter (1/4) of the member's average final compensation, increased by one fifty-fifth (1/55) of the member's average final compensation in the case of a Group 3 member, for each year of creditable service in excess of five (5) years to a maximum of one-third of the member's average final compensation.

~~(4)~~ In the case of a Group 4 member retiring on or after July 1, 1979, the minimum retirement allowance shall be equal to one-half ($\frac{1}{2}$) of the member's average final compensation.

~~(B)(1)(4)~~ THIS SUBSECTION APPLIES TO A MEMBER WHO BEGINS SERVICE ON OR AFTER JULY 1, 2007.

(2) UPON RETIREMENT FOR ORDINARY DISABILITY, A MEMBER SHALL RECEIVE AN ORDINARY DISABILITY RETIREMENT ALLOWANCE WHICH SHALL CONSIST OF:

(I) AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS AT THE TIME OF RETIREMENT; AND

(II) A PENSION WHICH, TOGETHER WITH THE MEMBER'S ANNUITY, SHALL PROVIDE A TOTAL ALLOWANCE EQUAL TO ONE-SEVENTIETH ($\frac{1}{70}$) OF THE MEMBER'S AVERAGE FINAL COMPENSATION IN THE CASE OF A GROUP 3 MEMBER, AND ONE-FORTIETH ($\frac{1}{40}$) OF THE MEMBER'S AVERAGE FINAL COMPENSATION IN THE CASE OF A GROUP 3 MEMBER WHO AT RETIREMENT IS AN APPOINTED DEPARTMENT HEAD MULTIPLIED BY THE NUMBER OF YEARS OF THE MEMBER'S CREDITABLE SERVICE; AND IN THE CASE OF A GROUP 4 MEMBER, EQUAL TO ONE-FORTIETH ($\frac{1}{40}$) OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY THE NUMBER OF YEARS OF THE MEMBER'S CREDITABLE SERVICE NOT IN EXCESS OF TWENTY (20) AND ONE-FIFTIETH ($\frac{1}{50}$) OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY THE NUMBER OF YEARS OF THE MEMBER'S CREDITABLE SERVICE IN EXCESS OF TWENTY (20).

(3) THE MINIMUM RETIREMENT ALLOWANCE SHALL BE EQUAL TO ONE-QUARTER (1/4) OF THE MEMBER'S AVERAGE FINAL COMPENSATION, INCREASED BY ONE-SEVENTIETH (1/70) OF THE MEMBER'S AVERAGE FINAL COMPENSATION IN THE CASE OF A GROUP 3 MEMBER, FOR EACH YEAR OF CREDITABLE SERVICE IN EXCESS OF TEN (10) YEARS TO A MAXIMUM OF ONE-THIRD OF THE MEMBER'S AVERAGE FINAL COMPENSATION.

~~(4) IN THE CASE OF A GROUP 4 MEMBER, THE MINIMUM RETIREMENT ALLOWANCE SHALL BE EQUAL TO ONE-HALF (1/2) OF THE MEMBER'S AVERAGE FINAL COMPENSATION.~~

(C) No ordinary disability retirement allowance payable to any member shall exceed the allowance which would otherwise be payable to the member were the member's service to continue until the attainment of the member's normal service retirement age.

~~§ 5-1-223. ACCIDENTAL DISABILITY BENEFIT.~~

~~Upon the application of a member in service or of the employer, any member who has been totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, without willful negligence on the member's part, AND WHO IS OTHERWISE ELIGIBLE TO PARTICIPATE IN THE DISABILITY RETIREMENT PROVISIONS OF THIS TITLE, shall be retired by the Board of Trustees; provided that the Medical Board shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. No beneficiary entitled to an accidental disability retirement allowance shall receive any allowance on account of ordinary disability.~~

§ 5-1-230. RETURN OF ACCUMULATED CONTRIBUTIONS AND TERMINATION BENEFIT.

(A)(1) THIS SUBSECTION APPLIES TO A MEMBER WHO BEGAN SERVICE BEFORE JULY 1, 2007.

(2) Should a member cease to be an employee except by death or by retirement under the provision of this subtitle, the member shall be paid the amount of the member's accumulated contributions. Anything in this subtitle to the contrary notwithstanding, any current member who has completed five (5) or more years of membership service at the time the member's service is terminated or any member who has completed at least one (1) four-year term as the County Executive may elect to receive, in lieu of the return of the member's accumulated contributions, a deferred retirement allowance to commence at the age of sixty (60) if the member is a member in Group 3 and at the age of fifty-five (55) if the member is a member in Group 4, which shall consist of an annuity provided by the member's accumulated contributions with interest to attainment of said commencement age and a pension equal to the pension computed in accordance with § 5-1-214 of this subtitle on the basis of the member's creditable service and average final compensation at the date the member's service is terminated.

(B)(1) THIS SUBSECTION APPLIES TO A MEMBER WHO BEGINS SERVICE ON OR AFTER JULY 1, 2007.

(2) SHOULD A MEMBER CEASE TO BE AN EMPLOYEE EXCEPT BY DEATH OR BY RETIREMENT UNDER THE PROVISION OF THIS SUBTITLE, THE MEMBER SHALL BE PAID THE AMOUNT OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS. ANYTHING IN THIS SUBTITLE TO THE CONTRARY NOTWITHSTANDING, ANY

CURRENT MEMBER WHO HAS COMPLETED TEN (10) OR MORE YEARS OF MEMBERSHIP SERVICE AT THE TIME THE MEMBER'S SERVICE IS TERMINATED OR ANY MEMBER WHO HAS COMPLETED AT LEAST ONE (1) FOUR-YEAR TERM AS THE COUNTY EXECUTIVE MAY ELECT TO RECEIVE, IN LIEU OF THE RETURN OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS, A DEFERRED RETIREMENT ALLOWANCE TO COMMENCE AT THE AGE OF SIXTY-SEVEN (67) IF THE MEMBER IS A MEMBER IN GROUP 3 AND AT THE AGE OF SIXTY (60) IF THE MEMBER IS A MEMBER IN GROUP 4, WHICH SHALL CONSIST OF AN ANNUITY PROVIDED BY THE MEMBER'S ACCUMULATED CONTRIBUTIONS WITH INTEREST TO ATTAINMENT OF SAID COMMENCEMENT AGE AND A PENSION EQUAL TO THE PENSION COMPUTED IN ACCORDANCE WITH § 5-1-214 OF THIS SUBTITLE ON THE BASIS OF THE MEMBER'S CREDITABLE SERVICE AND AVERAGE FINAL COMPENSATION AT THE DATE THE MEMBER'S SERVICE IS TERMINATED.

(C) If a member requests the return of the member's accumulated contributions or dies prior to the commencement of the member's allowance, the amount of the member's accumulated contributions with interest to the date of refund shall, as the case may be, be returned to the member or paid to such persons as the member shall have nominated by written designation, duly executed and filed with the Board of Trustees, otherwise to the member's estate, and no further benefit shall be due or become payable on account of the member's previous membership.

~~§ 5-1-302. DEFERRED RETIREMENT OPTION PROGRAM—FIRE.~~

~~(a)(6)(I) —“Member” means a Group 4 member in active service who is on pay schedule V or pay schedule VIII of the county classification and compensation plan.~~

~~(H) "MEMBER" DOES NOT INCLUDE A GROUP 4 MEMBER WHO BEGINS SERVICE AFTER JULY 1, 2007.~~

~~(i) — Notwithstanding any other provision of law, the DROP allowance shall be 74% of the member's average final compensation for 29 years DROP service plus [2% for each full year of DROP service over 29 years] ADDITIONAL ACCRUALS IN ACCORDANCE WITH SECTION 5-1-217 OF THIS TITLE.~~

~~§ 5-1-303. DEFERRED RETIREMENT OPTION PROGRAM — POLICE.~~

~~(a)(6)(I) — "Member" means a Group 4 member in active service who is on pay schedule IV or pay schedule VII of the county classification and compensation plan.~~

~~(H) "MEMBER" DOES NOT INCLUDE A GROUP 4 MEMBER WHO BEGINS SERVICE AFTER JULY 1, 2007.~~

~~(i) — Notwithstanding any other provision of law, the DROP allowance shall be 64% of the member's average final compensation for 24 years DROP service plus [2% for each full year of DROP service over 24 years] ADDITIONAL ACCRUALS IN ACCORDANCE WITH SECTION 5-1-216 OF THIS TITLE.~~

SECTION 3. AND BE IT FURTHER ENACTED, Section 3-3-902(a)(2), of Title 3. Boards, Commissions, Committees, Panels, Foundations, of Article 3. Administration, of the Baltimore County Code, 2003, as amended, is hereby repealed and reenacted, with amendments, to read as follows:

§ 3-3-902. MEMBERSHIP.

(a)(2) Of the eight trustees:

(i) The following five trustees shall serve ex officio:

1. The County Executive OR THE COUNTY EXECUTIVE'S DESIGNEE;
2. The Director of Budget and Finance;

3. The Director of Human Resources;
4. The Director of Public Works; and
5. The Chief of the Police Department;

(ii) Two must be members of the retirement system elected by the members of the retirement system; and

(iii) One must be a retired member of the retirement system elected by the retired members of the retirement system.

~~SECTION 4. AND BE IT FURTHER ENACTED, that the requirements of §§ 5-1-203.1, 5-1-203.2 and 5-1-221(h) of the Baltimore County Code, 2003 shall be construed to apply only to employees who begin employment with Baltimore County or the Baltimore County Public School System after the effective date of this Act.~~

§ 5-1-259. AMENDMENTS.

The county shall from time to time amend this subtitle in such manner as may be found to be advisable to meet changed conditions or, as in the light of experience, may be considered necessary. [No proposed amendments shall be finally approved until these shall have been presented at a meeting of the county at least thirty (30) days prior to the date on which final action is taken, and no amendment shall reduce the accrued benefit of any member which has been covered by a reserve held in the System, without the consent of the member thereto.]

SECTION 4. AND BE IT FURTHER ENACTED, that Section 5-1-105 of Article 5. Pensions and Retirement, Baltimore County Code 2003 be and it is hereby repealed.

SECTION 5. AND BE IT FURTHER ENACTED, that this Act does not apply to members of the Employees Retirement System on Pay Schedule II of the Classification and Compensation Plan.

SECTION 5 6. AND BE IT FURTHER ENACTED, that the amendments enacted to Sections 5-1-213 and 5-1-215 of the Baltimore County Code, 2003 do not apply, as applicable, to a County Executive, member of the County Council or an appointed department head, as defined in Section 5-1-201 of the Baltimore County Code, 2003, who was elected or appointed before the effective date of this Act.

SECTION 6 7. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five (5) members of the County Council, shall take effect ~~July 1,~~ June 6, 2007.