

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2007, Legislative Day No. 11

Bill No. 48-07

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

By the County Council, May 24, 2007

A BILL
ENTITLED

AN ACT concerning

Employees Retirement System - Uniformed Personnel

FOR the purpose of altering the allowance for service retirement for certain members of the Employees Retirement System; increasing the benefit accrual rate for certain members; establishing a deferred retirement option program for certain members; amending the deferred retirement option program for certain members; defining certain terms; providing for the application of this Act; providing for a contingency; altering law regarding the Fire Chief and Chief of Police; and generally relating to the Employees Retirement System.

By adding

Section 5-1-304
Title 1. Employees Retirement System
Article 5. Pensions and Retirement
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Sections 5-1-216(c), 5-1-217(b), 5-1-218(b), 5-1-219(b), 5-1-222, 5-1-230(a)(as amended by Bill 42-07), 5-1-302(a)(6) and (i), and 5-1-303(a)(6) and (i)
Title 1. Employees Retirement System
Article 5. Pensions and Retirement
Baltimore County Code, 2003

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.

1 SECTION 1. BE IT ENACTED, BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 5-1-304 are added to Title 1. Employees Retirement System,
3 Article 5. Pensions and Retirement, of the Baltimore County Code, 2003, as amended, to read as
4 follows:

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

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

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

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

15 (4) “DROP PROGRAM” MEANS THE DEFERRED RETIREMENT OPTION
16 PROGRAM FOR MEMBERS.

17 (5) “DROP SERVICE” MEANS:

18 (I) QUALIFYING SERVICE;

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

22 (III) MINUS THE LENGTH OF THE DROP PERIOD SELECTED BY
23 A MEMBER.

24 (6)(I) “MEMBER” MEANS A MEMBER AS DEFINED IS §§ 5-1-218(A) AND
25 5-1-219(A) OF THIS TITLE.

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

28 (7) (I) “QUALIFYING SERVICE” MEANS:

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

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

3 3. CREDITABLE MILITARY SERVICE.

4 (II) "QUALIFYING SERVICE" DOES NOT INCLUDE OTHER
5 JURISDICTIONAL SERVICE OUTSIDE BALTIMORE COUNTY.

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

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

11 (1) 3 YEARS IF THE MEMBER HAS 27 YEARS OF QUALIFYING
12 SERVICE;

13 (2) 3, 3 ½, OR 4 YEARS IF THE MEMBER HAS 28 YEARS OR MORE OF
14 QUALIFYING SERVICE; OR

15 (3) 3, 3 ½, 4, 4 ½, OR 5 YEARS IF THE MEMBER HAS 29 YEARS OR MORE
16 OF QUALIFYING SERVICE.

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

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

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

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

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

24 (1) THE MEMBER'S DROP ALLOWANCE FOR EACH YEAR AND
25 PRORATED HALF YEAR, IF APPLICABLE, OF THE DROP PERIOD SELECTED BY THE
26 RETIRING MEMBER ADJUSTED IN ACCORDANCE WITH SUBSECTIONS (G), (H), AND
27 (I) OF THIS SECTION;

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

1 (3) 5% INTEREST EARNED ON BOTH THE MEMBER'S DROP
2 ALLOWANCE AND THE MEMBER'S CONTRIBUTIONS DURING THE DROP PERIOD,
3 BASED ON THE ADMINISTRATIVE PROCEDURES CURRENTLY USED TO DETERMINE
4 THE MEMBER'S ACCUMULATED CONTRIBUTIONS.

5 (F) A MEMBER MAY CHOOSE TO:

6 (1) RECEIVE THE DROP ACCOUNT ACCUMULATION IN A SINGLE
7 LUMP SUM; OR

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

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

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

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

18 (2) DETERMINED AS IF THE MEMBER HAD RETIRED AT THE
19 BEGINNING OF THE DROP PERIOD.

20 (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DROP
21 ALLOWANCE SHALL BE 64% OF THE MEMBER'S AVERAGE FINAL COMPENSATION
22 FOR 24 YEARS DROP SERVICE PLUS 2% FOR EACH FULL YEAR OF DROP SERVICE
23 OVER 24 YEARS.

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

29 (K) (1) THE RETIREMENT ALLOWANCES PROVIDED UNDER THIS
30 SECTION SHALL BE EQUAL TO THE DROP ALLOWANCE, INCREASED FOR

1 APPLICABLE RETIREMENT SYSTEM COST OF LIVING ADJUSTMENT, AND SUBJECT TO
2 REDUCTION BASED UPON THE OPTION SELECTED BY THE RETIRING MEMBER
3 UNDER §5-1-231 OF THIS TITLE.

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

7
8 SECTION 2. AND BE IT FURTHER ENACTED, that Sections 5-1-216(c), 5-1-217(b), 5-1-
9 218(b), 5-1-219(b), 5-1-222, 5-1-230(a)(as amended in Bill 42-07), 5-1-302(a)(6) and (i), and 5-1-
10 303(a)(6) and (i) of Title 1. Employees Retirement System, of Article 5. Pensions and Retirement,
11 of the Baltimore County Code, 2003, as amended, are hereby repealed and reenacted, with
12 amendments, to read as follows:

13 § 5-1-216. ALLOWANCE FOR SERVICE RETIREMENT--POLICE.

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

20 1. IF THE MEMBER WAS IN SERVICE BEFORE JULY 1, 2007, HAVE
21 ATTAINED THE AGE OF FIFTY-FIVE (55) OR a minimum of twenty (20) years of creditable
22 [service] SERVICE; OR

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

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

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

3 § 5-1-217. ALLOWANCE FOR SERVICE RETIREMENT--FIRE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 [(3)] (4) Effective from July 1, 1994 through and including April 30, 1996, in
21 order to fund the improved benefit provided in this section, all members on pay schedule V shall pay
22 an additional contribution, based on actuarial studies, which may be periodically adjusted but may
23 not exceed two and ninety-five hundredths (2.95) percent of salary.

24 [(4)] (5) Effective May 1, 1996, the additional contribution of all members on
25 pay schedule V shall not exceed one and ninety-five hundredths (1.95) percent of salary.

26 [(5)] (6) In order to be eligible to receive the improved benefits provided under
27 subsection (b) of this section, a member on pay schedule VIII, from July 1, 1994 through and
28 including June 30, 1995, shall pay an additional contribution, based on actuarial studies, which may
29 be periodically adjusted but may not exceed four and seventy-five hundredths (4.75) percent of
30 salary.

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

3 [(7)] (8) Effective May 1, 1996, the additional contribution of all members on
4 pay schedule VIII shall not exceed one and ninety-five hundredths (1.95) percent of salary.

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

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

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

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

18 1. TWENTY-FIVE (25) YEARS OF CREDITABLE SERVICE
19 REGARDLESS OF AGE; OR

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

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

28 § 5-1-219. SAME--SWORN MEMBERS OF THE SHERIFF'S OFFICE.

29 (b) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, [A]
30 A member who retires on or after July 1, 2000, shall be entitled to receive a service retirement

1 allowance ~~irrespective of age~~ at the time of retirement, consisting of an annuity and a pension which
2 together will provide a minimum benefit of fifty (50) percent of average final compensation plus
3 [one (1)] TWO (2) percent for each year of creditable service in excess of twenty (20) years,
4 provided such member shall have REACHED A MINIMUM OF SIXTY-FIVE (65) YEARS OF
5 AGE AND FIVE (5) YEARS OF CREDITABLE SERVICE OR a minimum of twenty (20) years
6 creditable service, as defined in subsection (c) of this section.

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

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

11 1. TWENTY-FIVE (25) YEARS OF CREDITABLE SERVICE
12 REGARDLESS OF AGE; OR

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

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

20 § 5-1-222. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT.

21 (A) Upon retirement for ordinary disability, a member shall receive an ordinary disability
22 retirement allowance which shall consist of:

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

25 (2) A pension which, together with the member's annuity, shall provide a total
26 allowance equal to one-sixtieth (1/60) of the member's average final compensation in the case of
27 a Group 3 member who was a member on December 31, 1960, and did not elect to make the
28 increased contributions in accordance with § 5-1-253 of this title, one fifty-fifth (1/55) of the
29 member's average final compensation in the case of a Group 3 member who either was a member
30 on December 31, 1960, and elected to make such increased contributions or became a member on

1 or after January 1, 1961, and one-fortieth (1/40) of the member's average final compensation in the
2 case of a Group 3 member who at retirement is an appointed department head and retires on or after
3 July 1, 1971, multiplied by the number of years of the member's creditable service; and in the case
4 of a Group 4 member, equal to ONE-FORTIETH (1/40) OF THE MEMBER'S AVERAGE FINAL
5 COMPENSATION MULTIPLIED BY THE NUMBER OF YEARS OF THE MEMBER'S
6 CREDITABLE SERVICE NOT IN EXCESS OF TWENTY (20) AND one-fiftieth (1/50) of the
7 member's average final compensation multiplied by the number of years of the member's creditable
8 service [not] in excess of [twenty-five (25)] TWENTY (20) [and one fifty-fifth (1/55) of the
9 member's average final compensation multiplied by the number of years of the member's creditable
10 service in excess of twenty-five (25)].

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

14 § 5-1-230. RETURN OF ACCUMULATED CONTRIBUTIONS AND TERMINATION
15 BENEFIT.

16 (a)(1) This subsection applies to a member who began service before July 1, 2007.

17 (2) Should a member cease to be an employee except by death or by retirement under the
18 provision of this subtitle, the member shall be paid the amount of the member's accumulated
19 contributions. Anything in this subtitle to the contrary notwithstanding, any current member who
20 has completed five (5) or more years of membership service at the time the member's service is
21 terminated or any member who has completed at least one (1) four-year term as the County
22 Executive may elect to receive, in lieu of the return of the member's accumulated contributions, a
23 deferred retirement allowance to commence at the age of sixty (60) if the member is a member in
24 Group [3 and] 3, at the age of fifty-five (55) if the member is a member in Group 4, AND AT AGE
25 SIXTY (60) IF THE MEMBER IS A MEMBER AS DEFINED IN § 5-1-217(A) OF THIS
26 SUBTITLE AND THE MEMBER'S SERVICE WAS TERMINATED ON OR AFTER JULY 1,
27 2007, which shall consist of an annuity provided by the member's accumulated contributions with
28 interest to attainment of said commencement age and a pension equal to the pension computed in
29 accordance with § 5-1-214 of this subtitle on the basis of the member's creditable service and
30 average final compensation at the date the member's service is terminated.

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

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

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

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

10 § 5-1-303. DEFERRED RETIREMENT OPTION PROGRAM -- POLICE.

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

13 (II) "MEMBER" DOES NOT INCLUDE A GROUP 4 MEMBER WHO BEGINS
14 SERVICE AFTER JULY 1, 2007.

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

19
20 SECTION 3. AND BE IT FURTHER ENACTED, that not later than June 18, 2007, the
21 exclusive representatives of members on Pay Schedules I and XIII of the Classification and
22 Compensation Plan may certify to the Labor Commissioner that the employees on those Pay
23 Schedules have determined, in accordance with their own rules of procedure, to amend their
24 agreements with the county administration to provide that in addition to the normal service
25 retirement ages as established in §§ 5-1-218(b)(1) and 5-1-219(b)(1) of the Baltimore County Code,
26 2003 as enacted in Section 2 of this Act, members who were in service as correctional officers or
27 deputy sheriffs, as applicable, before the effective date of this Act shall be allowed to retire upon
28 reaching sixty (60) years of age with five (5) years of creditable service. Further, those members
29 who retire with less than 20 years of creditable service shall receive a retirement allowance that shall
30 be equal to one fifty-fifth (1/55) of the member's average final compensation multiplied by the

1 number of years of the member's creditable service earned before July 1, 2007 plus one-seventieth
2 (1/70) of the member's average final compensation multiplied by the number of years of the
3 member's creditable service earned on or after July 1, 2007. Without regard to the age of retirement,
4 years of creditable service attributable to military service, transfer service and sick leave shall be
5 calculated at the rate of one fifty-fifth (1/55) of the member's average final compensation. If the
6 Labor Commissioner receives the certification, the Labor Commissioner shall forward the
7 certification to the County Attorney or the County Attorney's designee who shall instruct the
8 publisher of the Baltimore County Code, 2003 to make changes to the above-named sections (and
9 any other sections as necessary) in conformance with the decision of the members, with notes
10 appropriate to be shown in the Code explaining the changes. It is the intention of this Section that
11 the amendment suggested by this Section will not negatively effect the ability of a member to
12 participate in the deferred retirement option program enacted in Section 1 of this Act.

13 SECTION 4. AND BE IT FURTHER ENACTED, that notwithstanding any other provision
14 of law, a current member who is appointed Fire Chief or Chief of Police after May 24, 2007 may
15 opt to receive the service retirement allowance provided for under Section 5-1-216 or Section 5-1-
16 217 of the Baltimore County Code, 2003, as applicable, rather than the service retirement allowance
17 provided for under Section 5-1-214(a)(2) of the Code. A Fire Chief or Chief of Police who chooses
18 to receive the service retirement allowance provided for under Section 5-1-216 or Section 5-1-217
19 of the Code, as applicable, is also eligible to participate in the applicable deferred retirement option
20 program provided for under Article 5, Title 1, Subtitle 3 of the Code.

21 SECTION 4 5. AND BE IT FURTHER ENACTED, that this Act, having been passed by the
22 affirmative vote of five (5) members of the County Council, shall take effect July 1, 2007.