

Introduced	<u>7/2/18</u>
Public Hearing	<u>7/16/18</u>
Council Action	<u>7/27/18</u>
Executive Action	<u>8/16/18</u>
Effective Date	<u>10/6/18</u>

County Council of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 10

Bill No. 57-2018

Introduced by: Jon Weinstein

AN ACT providing for credit in the Howard County Police and Fire Employees' Retirement Plan for pre-employment military service in certain situations; specifying the conditions and forms of proof; and generally relating to Howard County police and fire pension plans.

Introduced and read first time July 2, 2018. Ordered posted and hearing scheduled.
 By order Jessica Feldmark
 Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on July 16, 2018.
 By order Jessica Feldmark
 Jessica Feldmark, Administrator

This Bill was read the third time on July 27, 2018 and Passed , Passed with amendments _____, Failed _____.
 By order Jessica Feldmark
 Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 30th day of July, 2018 at 11 a.m./p.m.
 By order Jessica Feldmark
 Jessica Feldmark, Administrator

Approved by the County Executive Aug 6, 2018
Allan H. Kittleman
 Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard*
2 *County Code is amended as follows:*

3 *By amending:*

4 *Title 1. Human Resources.*

5 *Subtitle 4A. - Police and Fire Employees' Retirement Plan*

6 *Article IIA. - Credited Service*

7 *Sec. 1.406A. - Definitions. Subsection (ab)*

8 *Sec. 1.414A. - Leaves of absence.*

9 *By adding:*

10 *Title 1. Human Resources.*

11 *Subtitle 4A. - Police and Fire Employees' Retirement Plan*

12 *Article IIA. - Credited Service*

13 *Sec. 1.415A. - Credit for Pre-Employment Military Service.*

14
15 **Title 1. Human Resources.**

16 **SUBTITLE 4A. - POLICE AND FIRE EMPLOYEES' RETIREMENT PLAN**

17 **ARTICLE IIA. - CREDITED SERVICE**

18 **Sec. 1.406A. - Definitions.**

19 (ab) Military service means active military duty in the Armed Forces of the United States,
20 including [[initial]] training and call-ups to active Federal duty with the National Guard or
21 Military Reserve.

22 **Sec. 1.414A. - Leaves of absence.**

23 (a) Temporary Absence is Not a Termination of Employment. A participant shall not cease to
24 be a covered employee even though his or her employment is interrupted by a temporary absence
25 from active service, extending for not more than 24 months, under conditions which are not
26 treated by the County as a termination of employment. The performance of an hour of service
27 after a leave of absence has commenced will constitute an expiration of the leave of absence.

28 (b) Credit for Service During Unpaid Leave of Absence for Military Service. Notwithstanding
29 the foregoing, the participant will not receive credit for service during an unpaid leave of absence
30 for military service, except to the extent required by the Uniformed Services Employment and
31 Reemployment Rights Act of 1994 and the State Personnel and Pensions Article, title 38, of the
32 Annotated Code of Maryland. To the extent required by the Heroes Earnings Assistance and
33 Relief Tax Act of 2008, if a participant fails to again become an employee as a result of his death

1 while in military service on or after July 1, 2007, the participant shall be entitled to eligibility
2 service for such military service.

3 (c) Expiration of Leave of Absence. If any participant on leave of absence fails to answer an
4 inquiry by the County as to the status of the leave of absence, or if the County is not notified of
5 the death of disability of such participant, and the County has no actual knowledge thereof, the
6 County may determine that the leave of absence had or has expired.

7 (d) Crediting of Service During Paid Leaves of Absence. Service with respect to a leave of
8 absence will be credited pursuant to the following:

9 (1) Paid leaves of absence will constitute continuation of employment.

10 (2) Service will be credited for the customary period of work during a paid leave of absence,
11 and section 1.426A contributions will continue to be made.

12 (3) An individual on a leave of absence for reasons of illness will be deemed to be on a paid
13 leave of absence so long as the individual's rate of pay is not reduced and so long as he or she is
14 paid directly by the County or through County-financed wage continuation insurance; but the
15 individual will not be considered to be on a paid leave of absence under circumstances where
16 payments are made solely for the purpose of complying with workers' compensation,
17 unemployment insurance or disability insurance laws.

18 (e) Crediting of Service During Unpaid Leave of Absence. A leave of absence where the
19 participant's rate of pay is reduced shall constitute an unpaid leave of absence. Service credit shall
20 not be granted for an unpaid leave of absence (other than for military service, as described below)
21 unless the participant continues to make regular contributions to the plan pursuant to section
22 1.427A, in accordance with such administrative procedures as are developed by the County.

23 [[(f) Credit for Pre-Employment Military Service. A participant shall receive credit for
24 additional years of eligibility service and years of creditable service to the extent of the
25 participant's military service, to a maximum of four years, if the participant:

26 (1) Has military service that precedes the participant's employment with the County and that
27 has not been recognized under section 1.416A; ,

28 (2) Is not entitled to a military pension from the United States Government (except for
29 benefits under a Reservist's Pension described in Chapter 1223 of the United States Code) or any
30 other foreign government on account of such service; and

31 (3) Has 20 years of eligibility service (determined without regard to the participant's military
32 service).]]

33
34 **Sec. 1.415A. – [[Reserved]] CREDIT FOR PRE-EMPLOYMENT MILITARY SERVICE.**

1 (A) IN GENERAL.

2 A PARTICIPANT SHALL RECEIVE CREDIT FOR ADDITIONAL YEARS OF ELIGIBILITY SERVICE AND
3 YEARS OF CREDITABLE SERVICE AS PROVIDED IN THIS SECTION.

4 (B) CREDIT FOR PRE-EMPLOYMENT MILITARY SERVICE.

5 A PARTICIPANT SHALL RECEIVE CREDIT FOR ADDITIONAL YEARS OF ELIGIBILITY SERVICE AND
6 YEARS OF CREDITABLE SERVICE TO THE EXTENT OF THE PARTICIPANT'S MILITARY SERVICE, TO A
7 MAXIMUM OF FOUR YEARS, IF THE PARTICIPANT:

8 (1) HAS MILITARY SERVICE THAT PRECEDES THE PARTICIPANT'S EMPLOYMENT WITH THE
9 COUNTY AND THAT HAS NOT BEEN RECOGNIZED UNDER SECTION 1.416A;

10 (2) IS NOT ENTITLED TO A MILITARY PENSION FROM THE UNITED STATES GOVERNMENT
11 (EXCEPT FOR BENEFITS UNDER A RESERVIST'S PENSION DESCRIBED IN CHAPTER 1223 OF THE
12 UNITED STATES CODE) OR ANY OTHER FOREIGN GOVERNMENT ON ACCOUNT OF SUCH SERVICE;
13 AND

14 (3) HAS 20 YEARS OF ELIGIBILITY SERVICE (DETERMINED WITHOUT REGARD TO THE
15 PARTICIPANT'S MILITARY SERVICE).

16 (C) CALCULATION.

17 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE CREDIT FOR ADDITIONAL MONTHS
18 OF ELIGIBILITY SERVICE AND CREDITABLE SERVICE EQUALS:

19 (I) THE NUMBER OF POINTS RECORDED ON A FORM SHOWING PROOF OF MILITARY SERVICE,
20 DIVIDED BY 28 UP TO MAXIMUM OF FORTY-EIGHT MONTHS; AND

21 (II) THE MONTHS OF ACTIVE DUTY MILITARY SERVICE UP TO A MAXIMUM OF FORTY-EIGHT
22 MONTHS.

23 (2) THE MAXIMUM CREDIT UNDER PARAGRAPH (1)(I) PLUS (II) IS 48 MONTHS TOTAL.

24 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that*
25 *this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on August 6, 2018.

Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2018.

Jessica Feldmark, Administrator to the County Council