

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 5

### Bill No. 12 -2013

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the Howard County Employees' Retirement Plan pursuant to the Heroes Earnings Assistance and Relief Tax Act of 2008; amending certain definitions; amending certain death benefits, disability benefits, and differential wage provisions for pension plan participants with military service; and generally relating to the Howard County Employees' Retirement Plan.

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Introduced and read first time \_\_\_\_\_, 2013. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Stephen LeGendre, 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 \_\_\_\_\_, 2013.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

This Bill was read the third time on \_\_\_\_\_, 2013 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_ day of \_\_\_\_\_, 2013 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2013

\_\_\_\_\_  
Ken Ulman, 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  
4 *By amending:*

5 1. *Title 1- Human Resources*

6 *Section 1.406(aj) "Definitions"*

7  
8 2. *Title 1 –Human Resources*

9 *Section 1.417(e) "Conditions for transfer of credited service"*

10  
11 3. *Title 1 – Human Resources*

12 *Section 1.426(b) "Pick-up contributions"*

13  
14 4. *Title 1 – Human Resources*

15 *Section 1.431(e)(10) "Disability benefits"*

16  
17 5. *Title 1 – Human Resources*

18 *Section 1.439(c) and (e) "Death benefits"*

19  
20 **Title 1. Human Resources.**

21 **Subtitle 4. Retirement Plans.**

22 **Article 1. Generally.**

23  
24 **Section 1.406. Definitions.**

25 (aj) *Participant* means any covered individual who is currently benefitting under the plan,  
26 and, where appropriate according to the context of the plan, any former covered individual  
27 who is or may become (or whose beneficiaries may become) eligible to receive a benefit  
28 under the plan. EFFECTIVE JANUARY 1, 2009, PARTICIPANT INCLUDES A PERSON RECEIVING  
29 DIFFERENTIAL WAGE PAYMENTS AS DEFINED IN SECTION 3401(H) OF THE INTERNAL REVENUE

1 CODE.

2  
3 **Title 1. Human Resources.**

4 **Subtitle 4. Retirement Plans.**

5 **Article II. Credited Service.**

6  
7 **Section 1.417. Conditions for transfer of credited service.**

8 (e) *Credit for Military Service.* Any covered individual who provides the coordinator with  
9 sufficient evidence of the covered individual's military service shall receive service credit for  
10 such military service as follows:

11 (1) *Leave of Absence on Account of Military Service.* Notwithstanding section  
12 1.414, if a participant incurs a leave of absence on account of military service,  
13 the participant shall receive credit for years of eligibility service and years of  
14 creditable service for the period of such leave of absence to the extent  
15 required by the Uniformed Services Employment and Reemployment Rights  
16 Act of 1994 or any other Federal law (but without any requirement for such a  
17 participant to make participant contributions upon his or her reemployment  
18 for the period of his or her military service). IF A PARTICIPANT FAILS TO AGAIN  
19 BECOME AN EMPLOYEE AS A RESULT OF HIS DEATH WHILE IN MILITARY  
20 SERVICE ON OR AFTER JULY 1, 2007, THE PARTICIPANT SHALL BE ENTITLED TO  
21 ELIGIBILITY SERVICE FOR SUCH MILITARY SERVICE.

22 (2) *Military Service before Employment Commencement Date.*

23 (i) If a participant's military service precedes the participant's employment  
24 commencement date, the participant shall receive credit for years of  
25 eligibility service and years of creditable service to the extent of his or her  
26 pre-employment military service (to a maximum of four years) provided  
27 that the participant earns at least ten years of creditable service other than  
28 his or her military service.

29 (ii) However, if the participant has elected to receive credit for service under

1 the Maryland State Retirement Systems pursuant to subsection (d) of this  
2 section 1.417, the preceding sentence shall be applied by substituting a  
3 maximum of five years.

4 (3) *Reasons for Not Receiving Service Credit for Military Service.* A participant may  
5 not receive service credit for military service:

6 (i) If the military service has been previously recognized by the Maryland  
7 State Retirement Systems;

8 (ii) If the participant is entitled to receive a benefit (except for disability  
9 benefits, Social Security benefits, benefits under the National Railroad  
10 Retirement Act or benefits with respect to National Guard or Military  
11 Reserve service) from another retirement system on account of the military  
12 service; or

13 (iii) If the service was rendered for the Peace Corps or Volunteers in Service to  
14 America.

15  
16 **Title 1. Human Resources.**

17 **Subtitle 4. Retirement Plans.**

18 **Article 3. Trust Fund.**

19  
20 **Section 1.426. Pick-up contributions.**

21 Under limited circumstances described below, participant contributions and monies from other  
22 Government employers may be accepted by the plan.

23 (b) *Suspension of Contributions.*

24 (1) A participant's salary reduction contributions shall be automatically  
25 suspended for any payroll period during which the participant is not a  
26 covered individual or during which he or she is on a leave of absence[.];  
27 PROVIDED, HOWEVER, THAT A PARTICIPANT'S SALARY REDUCTION  
28 CONTRIBUTIONS SHALL BE CONTINUED FOR ANY PAYROLL PERIOD DURING  
29 WHICH THE PARTICIPANT IS RECEIVING DIFFERENTIAL WAGE PAYMENTS AS

1 DEFINED IN SECTION 3401(H) OF THE INTERNAL REVENUE CODE.

- 2 (2) The salary reduction contributions pursuant to subsection 1.426(a)(1)(ii) of a  
3 participant who is a participating corrections employee shall no longer be required  
4 for any period after which the participant has received credit for 20 years of  
5 creditable service, and the participant's salary reduction contributions pursuant to  
6 subsection 1.426(a)(1)(ii) shall be suspended as of the last day of the payroll  
7 period that includes such date.

8  
9 **Section 1.431. Disability Benefits.**

10 (e) *General Provisions Relating to Disability.*

- 11 (10) *Participant on leave of absence.* [[A participant on a leave of absence may  
12 qualify for disability benefits pursuant to this section 1.431.]] A  
13 PARTICIPANT WHO REACHES A TERMINATION DATE BY REASON OF A  
14 DISABILITY INCURRED WHILE THE PARTICIPANT IS ON A LEAVE OF ABSENCE,  
15 INCLUDING A LEAVE OF ABSENCE FOR MILITARY SERVICE, SHALL BE  
16 ELIGIBLE TO APPLY FOR ORDINARY DISABILITY BENEFITS UNDER SUBSECTION  
17 (A) OF THIS SECTION 1.431 BUT SHALL NOT BE ELIGIBLE TO APPLY OF LINE-  
18 OF-DUTY DISABILITY BENEFITS UNDER SUBSECTION (B) OF THIS SECTION  
19 1.431.

20  
21 **Title 1. Human Resources.**

22 **Subtitle 4. Retirement Plans.**

23 **Article IV. Death Benefits.**

24  
25 **Section 1.439. Death Benefits.**

26 (c) *Line of Duty Definition.* For purposes of this section 1.439, the term "line of duty" means  
27 death from an injury or illness which has been sustained as an active covered individual and  
28 which has been ruled compensable under the Maryland Workers' Compensation Act. *LINE*  
29 *OF DUTY* DOES NOT INCLUDE DEATH FROM AN INJURY OR ILLNESS WHICH HAS BEEN SUSTAINED

1 DURING MILITARY SERVICE.

2 (e) *Death While on Leave of Absence.* The beneficiary of a participant who dies while on a leave  
3 of absence [[for reasons other than military service]] (INCLUDING, EFFECTIVE JANUARY 1, 2007,  
4 PARTICIPANT WHO DIES WHILE ON A LEAVE OF ABSENCE FOR MILITARY SERVICE) shall be entitled  
5 to receive death benefits pursuant to this section 1.439.

6

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