

MONTGOMERY COUNTY CODE

(d) *Discontinued service retirement.*

(1) Any member whose employment has been terminated by an administrative action may elect a discontinued service pension if the member has at least 10 years of continuous service. Except for a Group G member, pension payments must begin on the member's early retirement date, or immediately if the member is eligible for early retirement. For a Group G member, pension payments must begin on the member's normal retirement date, or immediately if the member is eligible for normal retirement.

(2) A member who has been dismissed for cause or who has resigned is not eligible for a discontinued service pension.

(3) A member enrolled on or before June 30, 1978, and continuously enrolled thereafter, may substitute 10 or more years of credited service for the 10 or more years of continuous service requirement.

(4) The discontinued service retirement pension of a member who has been continuously enrolled in the retirement system since before July 1, 1978, is the amount of pension the member would have received under Section 33-42(b) for regular retirement, as modified as follows:

(A) substitute "final earnings" wherever the term "average final earnings" appears in the applicable formula under Section 33-42(b);

(B) add 5 percent of final earnings; and

(C) treat a member who submitted an application to transfer from the optional plan to the integrated plan before September 26, 1983, as if the member had remained in the optional plan.

(5) The discontinued service retirement pension of any other member is the amount of pension the member would have received under Section 33-42(b)(2) for regular retirement.

(e) *Discontinued service benefits of elected and appointed members.*

(1) If an elected or appointed member with 10 or more years of credited service, is not reappointed or reelected, the member may opt to:

(A) receive a pension immediately, if the member enrolled or reenrolled before January 22, 1974; or

(B) receive a pension at age 60, if the member enrolled or reenrolled on or after January 22, 1974.

(2) The pension for a member enrolled or reenrolled on or before September

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26, 1983, or who submitted an application to transfer from the optional plan to the integrated plan before September 26, 1983, is the pension the member would have received under Section 33-42(b) for regular retirement, except that:

(A) "final earnings" replaces "average final earnings" in the applicable formula in Section 33-42(b);

(B) a member who submitted an application to transfer from the optional plan to the integrated plan before September 26, 1983, must be treated as if the member had remained in the optional plan; and

(C) the monthly benefit must be at least \$300.00.

(3) The pension for a member enrolled or reenrolled after September 26, 1983, or a member who submits an application to transfer from the optional plan to the integrated plan after September 26, 1983, is the amount of pension the member would have received under Section 33-42(b)(2) for regular retirement, except that:

(A) "final earnings" replaces "average final earnings" in the applicable formula in Section 33-42(b); and

(B) the monthly benefit must be at least \$300.

(f) *[Exception.]* Section 33-45 does not apply to the elected officials' plan.

(g) *Limitation on the use of forfeitures.* Except as provided in section 33-40(c), any forfeitures arising through the termination of members who have not attained full vesting must not be used to increase the benefits of any other member in the retirement system. (Ord. No. 5-152; Ord. No. 6-195, § 1; 1971 L.M.C., ch. 39, § 6; 1972 L.M.C., ch. 19, § 10; 1974 L.M.C., ch. 31, § 13; 1974 L.M.C., ch. 59, § 6; 1978 L.M.C., ch. 44, § 1; 1980 L.M.C., ch. 11, § 1; 1984 L.M.C., ch. 11, § 1; 1987 L.M.C., ch. 27, § 8; 1987 L.M.C., ch. 44, § 3; 1989 L.M.C., ch. 45, § 1.; 1993 L.M.C., ch. 21, § 1; 1998 L.M.C., ch. 31, § 1; 1999 L.M.C., ch. 26, § 1; 2001 L.M.C., ch. 21, § 1; 2006 L.M.C., ch. 20, § 1; 2006 L.M.C., ch. 33, § 1; 2007 L.M.C., ch. 3, § 1.)

**Editor's note**—See County Attorney Opinion dated 5/9/91 explaining that discontinued service pension for administrative services coordinator based upon proposed abolishment of the position meets the intent of the retirement system law.