AN ACT to:

(1) allow members of the Police bargaining unit to elect trial retirement and return to a position in the Department of Police at an equivalent salary and grade when such a position becomes available;

(2) delete the provision that states that an employee who returns from trial retirement must be assigned to the Office of Personnel if the same or equivalent position is not immediately available;

(3) allow members of the Police bargaining unit to transfer to the retirement savings plan after earning the maximum retirement benefit under the optional or integrated plan; and

(2) generally amend the law regarding retirement for members of the Police bargaining unit.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-37, 33-38, and 33-115

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 33-37, 33-38, and 33-115 are amended, as follows:

33-37. Membership requirements and membership groups.

* * *

(f) Membership groups and eligibility. Any full-time or part-time employee is eligible for membership in the appropriate membership group outlined below if the employee meets all of the requirements for the group:

* * *


(A) [Any] A group F member who has reached elective early retirement date may retain membership in group F [in the event of transfer] if the member is transferred from the position [which] that qualified the member for group F membership.

(B) [Any] A group F member who is temporarily transferred from the position [which] that qualified the member for group F membership may retain membership in group F as long as the temporary transfer from the group F position does not exceed 3 years.

(C) Notwithstanding the foregoing provisions in group F, [any] an employee who is eligible for membership in group F must participate in the retirement savings plan under Article VIII if the employee:

[(A)] (i) (a) begins, or returns to, County service on or after October 1, 1994 (except as provided in the last sentence of subsection (e)(2));
[(ii)] (b) is not represented by an employee organization; and

[(iii)] (c) does not occupy a bargaining unit position; or

[(B) (i)]

(ii) (a) begins County service on or after October 1, 1994; and

[(ii)] (b) is subject to the terms of a collective bargaining agreement between the County and an employee organization [which] that requires the employee to participate in the retirement savings plan.

* * *

(D) A group F member who is a member of the Police Bargaining Unit may transfer to the retirement savings plan under Article VIII if the employee has accumulated enough credited service to obtain the maximum retirement benefit under the optional or integrated plan.

33-38. Normal retirement date, mandatory retirement date, early retirement date, and trial retirement.

* * *

(f) Trial retirement.

(1) A trial retirement under this subsection is not available to:

* * *

[(a)]

(A) a member required to retire under subsection (c);

[(b)]
(B) an elected official;

(C) a non-merit appointed official;

(D) a member covered under a collective bargaining agreement, except for a member of the Police Bargaining Unit;

(E) a non-County Government employee; or

(F) a member who participates in a retirement incentive program.

* * *

(A) [When] After the member notifies the Chief Administrative Officer [is notified] that the member intends to return to County service, the Chief Administrative Officer must return the member to:

(i) the position the member held before retirement, if it is still available, or;

(ii) [to] a position with an equivalent salary and grade in the same or another office of the County government; or

(iii) if the member was a member of the Police Bargaining Unit, to a position in the Department of Police with an equivalent salary and grade, when such a position becomes available.
[(B) If the same or an equivalent position is not immediately available, the Chief Administrative Officer must temporarily assign the member to a special projects office in the office of personnel. An employee assigned to the special projects office must be available for detail assignment to any position within the County government while awaiting permanent reassignment.]

[(C)]

(B) The member may accept a position with a lower salary or grade, but is not required to do so.

[(D)]

(C) If the member does not accept an offer of the position that the member held before retirement or a position with an equivalent salary and grade, the member is considered to have permanently retired.

* * * *

33-115. Participant requirements and participant groups.

(a) Participant Requirements.

* * * *

(5) If a person transfers under paragraphs [(2)] [(3)] or [(3)] [(4)] to the retirement savings plan, all funds in the State of Maryland Retirement or Pension Systems attributable to the participation of the person must be transferred directly from the Board of Trustees of the State Retirement or Pension Systems to the Board.

* * *
(b) Participants groups and eligibility.

* * *

(2) Group II.

(A) Except as provided in the last sentence of Section 33-37(e)(2), any full-time or career part-time employee must participate in the retirement savings plan if the employee begins, or returns to, County service on or after October 1, 1994; and

[(A)] (i) (a) is not represented by an employee organization;
[(ii)] (b) does not occupy a bargaining unit position; and
[(iii)] (c) is a public safety employee; or

[(B)] (i)

(ii) (a) is a public safety employee; and
[(ii)] (b) is subject to the terms of a collective bargaining agreement between the County and an employee organization which requires the employee to participate in the retirement savings plan.

(B) A member of the Police Bargaining Unit may transfer to Group II of the retirement savings plan if the employee has accumulated enough credited service to obtain the maximum retirement benefit under the optional or integrated plan.

* * *

Approved:

Steven A. Silverman, President, County Council

1/30/04 Date
This is a correct copy of Council action.