AN EXPEDITED ACT to:

(1) require the County to pay a Group G member who retires on a service-connected disability retirement between June 26, 2002, and June 30, 2007 a pension based on average final earnings if it results in a greater benefit than final earnings in cases where the greater benefit under 33-43 resulted in the benefit calculated under 33-42;

(2) require the County to pay a Group F member who retires on a service-connected disability pension on or after June 26, 2002 a pension based on average final earnings if it results in a greater benefit than final earnings in cases where the greater benefit under 33-43 resulted in the benefit calculated under 33-42; and

(3) generally amend the law regarding disability retirement.

By amending
Montgomery County Code
Chapter 33, Personnel and Human Resources
Section 33-43
Sec. 1. Section 33-43 is amended as follows:

33-43. Disability Retirement

* * *

(i) Amount of pension at service-connected disability retirement.

* * *

(2) The County must pay a Group G member who retires on a service-connected disability retirement an annual pension calculated under Section 33-42(b)(1), except that the County must substitute final earnings for average final earnings. However, if this benefit calculation is greater than any other benefit under this subsection, the County must pay a Group G member who retires on a service-connected disability retirement between June 26, 2002, and June 30, 2007, a pension based on the member’s average final earnings if that member’s average final earnings result in a greater benefit than final earnings.

* * *

(7) The County must pay a Group F member who retires on a service-connected disability retirement on or after June 26, 2002, an annual pension calculated under subsection (i) (1). However, if the greater benefit results from the calculation under Section 33-42(b)(1), the County must pay a Group F member a pension based on the member’s average final earnings if that member’s average final earnings result in a greater benefit than final earnings.

Sec. 2. Expedited Effective Date.
The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date when it becomes law.

Approved:

Michael J. Knapp, President, County Council
19 Mar 08

Approved:

Isiah Leggett, County Executive
28 Mar 08

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council
March 28, 2008