COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

(1) provide that a Group G member who incurs certain diseases is entitled to receive service-connected disability retirement benefits; and

(2) generally amend the law regarding disability retirement.

By amending
Montgomery County Code
Chapter 33, Personnel and Human Resources
Section 33-43

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The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 33-43(f) is amended as follows:

33-43. Disability retirement

* * *

(f) Service-connected disability retirement.

* * *

(3) A Group G member who has an occupational disease that is compensable under Section 9-503 of the Maryland Workers' Compensation Act or who incurs esophageal, lymphatic, testicular, brain, lung, bladder, or kidney cancer, multiple myeloma, melanoma, or any blood borne pathogen, is entitled to receive service-connected disability benefits if:

(A) the employee became a member of Group G on or after July 1, 1999, and did not use, or get terminated for using, tobacco products for any purpose either on-duty or off-duty while employed by the County as a Group G member; or

(B) the employee became a member of Group G before July 1, 1999 and:

(i) did not use tobacco products more than 3 times for any purpose while on-duty after June 30, 2000;

(ii) if a tobacco user, completed a tobacco-cessation program approved by the County; and

(iii) completed a cardiovascular fitness assessment and evaluation program established by the County (or by the County and the certified representative, for members of the Firefighter/Rescuer Bargaining Unit) and [make] made a good faith effort to
follow the health and fitness recommendations that resulted from the cardiovascular assessment.

* * *

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 July 1, 2008.

Approved:

Michael J. Knapp, President, County Council  26 Jun 08  Date

Isiah Leggett, County Executive  3 Jul 08  Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council  July 7, 2008  Date