

Expedited Bill No. 10-09  
Concerning: Personnel – Retirement  
Incentive Program 2009  
Revised: \_\_\_\_\_ Draft No. \_\_\_\_  
Introduced: March 24, 2009  
Expires: September 24, 2010  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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**AN ACT** to:

- (1) provide a retirement incentive program for certain members of the Employees' Retirement System; and
- (2) generally amend the law regarding the Employees' Retirement System.

By amending

Montgomery County Code  
Chapter 33, Personnel and Human Resources  
Sections 33-42

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*



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(2) Early retirement reduction. A participant's pension benefit must not be reduced for early retirement if the member is eligible for early retirement and within two years of meeting the criteria for normal retirement.

(3) Additional Retirement Benefit. In addition to a participant's pension benefit calculated under this Subsection, a member must be paid an additional \$40,000 retirement benefit. The member must elect to receive the additional \$40,000 retirement benefit as:

(A) a lump sum on August 1, 2009:

(i) to the member;

(ii) as a direct rollover to an eligible retirement plan (as defined in the Internal Revenue Code); or

(iii) a combination of (i) and (ii); or

(B) 12 equal monthly payments beginning on August 1, 2009:

(i) to the member;

(ii) as a direct rollover to an eligible retirement plan (as defined in the Internal Revenue Code); or

(iii) a combination of (i) and (ii); or

(C) an additional retirement benefit paid over the member's lifetime in the pension option elected by the member under Section 33-44 beginning on August 1, 2009.

(4) Group E Benefit. The benefit for a Group E member in the integrated retirement plan must be calculated by substituting 1.65% for 1.25% in §33-43(b)(2)(C)(ii).

55           (5) Cost of Living. Cost of living adjustments do not apply to this  
56           benefit. A cost of living adjustment under §33-44(c) must not  
57           include the \$40,000 additional retirement benefit.

58           (6) Approval. The Chief Administrative Officer must approve a  
59           request to participate in the program from a member employed  
60           in the Executive Branch. The Council Staff Director must  
61           approve a request to participate from a member employed in the  
62           Legislative Branch. If more than 30% of members eligible to  
63           participate in the Executive Branch either Countywide or by  
64           department apply to participate in the program, the Chief  
65           Administrative Officer may limit the number of participants,  
66           either on a Countywide or department basis. If more than 30%  
67           of members eligible to participate in the Legislative Branch  
68           apply to participate in the program, the Council Staff Director  
69           may limit the number of participants. The Chief Administrative  
70           Officer and the Council Staff Director must base any limits on  
71           the number of participants on years of service with the County.  
72           Years of service with the County must not include service with  
73           a participating agency, purchased service or sick leave.

74           (8) Survivor Benefit. If a participant elects to receive the additional  
75           retirement benefit under §33-42(k)(3)(B) and the member dies  
76           before receiving all 12 monthly payments, the remaining  
77           payments must not be paid.

## 78           **Sec. 2. Effective Date.**

79           The Council declares that this legislation is necessary for the immediate  
80           protection of the public interest. This Act takes effect on the date on which it  
81           becomes law.

82 *Approved:*

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Philip M. Andrews, President, County Council

Date

85 *Approved:*

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Isiah Leggett, County Executive

Date

87 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date