

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2008, Legislative Day No. 2

Bill No. 45-08

Mr. Kevin Kamenetz, Chairman
By Request of County Executive

By the County Council, May 5, 2008

A BILL
ENTITLED

Arbitration Award - Implementation - Optional Retirement Allowance

FOR the purpose of implementing an award granted in binding arbitration between the County

Administration and the exclusive representative of the bargaining unit for police
personnel on pay schedule IV of the County Classification and Compensation Plan;
authorizing certain police personnel to use a certain optional retirement allowance;
providing for termination of this Act; and generally relating to the Fiscal Year 2009
Current Expense Budget.

By adding

Section 5-1-231(a)(8) and (f)
Article 5. Pensions and Retirement
Title 1. Employees Retirement System
Subtitle 2. Retirement System
Baltimore County Code, 2003

WHEREAS, Article 4, Title 5, Subtitle 5 of the Baltimore County Code, 2003

(hereinafter “the Code”) requires the exclusive representative of the bargaining unit for police
personnel on pay schedule IV of the County Classification and Compensation Plan and the

County Administration to submit certain disputes about subject areas of bargaining to binding arbitration under certain circumstances; and

WHEREAS, certain subject areas of bargaining related to the formation of the Current Expense Budget for Fiscal Year 2009 were submitted to binding arbitration as required by the Code; and

WHEREAS, Section 4-5-505(f)(1)(iii)2. of the Code requires the arbitrator to “[a]dopt[] all of the final positions of either the County Administration or the exclusive representative”; and

WHEREAS, the arbitrator issued an opinion and award in which he adopted all of the final positions of the exclusive representative of police personnel; and

WHEREAS, Section 4-5-505(h)(3) of the Code provides “[i]n accordance with Article VII of the Charter, the County Executive shall submit to the County Council in a timely manner the provisions of the memorandum of understanding that require an appropriation of funds or the enactment of legislation”; now, therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 5-1-231(a)(8) and (f) are hereby added to Article 5.
3 Pensions and Retirement, Title 1. Employees Retirement System, Subtitle 2. Retirement System,
4 of the Baltimore County Code, 2003, as amended, to read as follows:
5 § 5-1-231.

6 (a) (8) OPTION 8. SUBJECT TO SUBSECTION (E) OF THIS SECTION, AN
7 EMPLOYEE WHO HAS AT LEAST 20 YEARS OF PENSION CREDIT MAY RETIRE WITH
8 THE OPTION OF HAVING 50% OF THE RETIRED MEMBER’S RETIREMENT
9 ALLOWANCE CONTINUED THROUGHOUT THE LIFE OF AND PAID TO THE
10 ORIGINAL BENEFICIARY UPON THE RETIRED MEMBER’S DEATH. THIS OPTION

1 SHALL BE PROVIDED AT NO COST TO THE EMPLOYEE.

2 (E) (1) THE REQUIREMENTS OF THIS SUBSECTION APPLY TO OPTION
3 8.

4 (2) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE
5 THE MEANINGS INDICATED.

6 (II) "EMPLOYEE" MEANS A SWORN BALTIMORE COUNTY
7 POLICE OFFICER IN ACTIVE SERVICE ON PAY SCHEDULE IV WHO WAS HIRED
8 BEFORE JULY 1, 2007.

9 (III) "ORIGINAL BENEFICIARY" MEANS THE EMPLOYEE'S
10 SPOUSE WHO IS DESIGNATED AT THE TIME OF THE EMPLOYEE'S RETIREMENT.

11 (IV) 1. "SUBSTITUTE BENEFICIARY" MEANS A NEW
12 BENEFICIARY DESIGNATED FOLLOWING THE DEATH OF OR DIVORCE FROM THE
13 ORIGINAL BENEFICIARY.

14 2. "SUBSTITUTE BENEFICIARY" IS NOT REQUIRED
15 TO BE THE SPOUSE OF THE RETIRED MEMBER.

16 (3) (I) SUBJECT TO THE LIMITATIONS IN SUBPARAGRAPH (III)
17 OF THIS PARAGRAPH AND AFTER NOTIFYING THE BOARD OF TRUSTEES OF A
18 DIVORCE OR DEATH, A RETIRED MEMBER WHO HAS SELECTED OPTION 8 IN
19 SUBSECTION (A) OF THIS SECTION MAY DESIGNATE A SUBSTITUTE BENEFICIARY
20 IF THE:

21 1. RETIRED MEMBER IS DIVORCED OR BECOMES
22 DIVORCED FROM THE ORIGINAL BENEFICIARY; OR

23 2. RETIRED MEMBER'S ORIGINAL BENEFICIARY IS

1 DECEASED OR BECOMES DECEASED.

2 (II) IF THE RETIRED MEMBER DESIGNATES A SUBSTITUTE
3 BENEFICIARY, THE RETIRED MEMBER MAY SELECT ANY OF THE OPTIONS 2, 3, 4,
4 5, AND 6 IN SUBSECTION (A) OF THIS SECTION.

5 (III) IF THE RETIRED MEMBER DESIGNATES A SUBSTITUTE
6 BENEFICIARY, THE RETIRED MEMBER'S RETIREMENT ALLOWANCE SHALL BE
7 RECOMPUTED AT THE TIME THE SUBSTITUTE BENEFICIARY IS DESIGNATED TO
8 PROVIDE A RETIREMENT ALLOWANCE THAT, COMBINED WITH THE SELECTED
9 ALLOWANCE FOR THE SUBSTITUTE BENEFICIARY, IS OF EQUIVALENT
10 ACTUARIAL VALUE WITHOUT SUBSIDY.

11 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall expire on June 30,
12 2009 without the necessity of further action by the County Council.

13 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by
14 the affirmative vote of five members of the County Council, shall take effect on July 1, 2008.