

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2011, Legislative Day No. 15

Bill No. 67-11

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Mr. John Olszewski, Sr., Chairman  
By Request of County Executive

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By the County Council, September 19, 2011

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A BILL  
ENTITLED

AN ACT concerning

Employees Retirement System - Retirement Incentive Program

FOR the purpose of providing for a limited retirement incentive option for members of the retirement system other than certain health, social welfare and public safety employees; identifying an additional job classification that may not participate; authorizing a certain calculation of creditable service; authorizing the Administrative Officer to promulgate certain guidelines; eliminating certain early retirement penalties under certain circumstances; prohibiting additional years from being added to a deferred retirement option program period; providing conditions for approval of the retirement of a member under this Act, including the elimination of employee positions; requiring certain retirees to discontinue working by a certain date; requiring certain retirees to exhaust certain leave; providing a certain application deadline; and generally providing for a retirement incentive option.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

BY adding

Section 5-1-214.1  
Article 5. Pensions and Retirement  
Baltimore County Code, 2003

WHEREAS, the continuing economic crisis is expected to put pressure on county finances for the foreseeable future; and

WHEREAS, the county has been well-prepared for the crisis by not increasing the number of county employees on payroll since the last severe crisis well over a decade ago; and

WHEREAS, the county's Fiscal Year 2012 budget included the elimination of over 180 employee positions; and

WHEREAS, the county has taken steps to respond to the current crisis by slowing down hiring and not providing for employee cost-of-living allowances in the last several budget cycles; and

WHEREAS, the county has already taken significant initial steps to assure the future of the retirement system and to provide for post-retirement health care; and

WHEREAS, the county deems it necessary to offer a retirement incentive to employees other than certain health, social welfare and public safety employees in order to further reduce the number of county employees on payroll and further deems that such retirement incentive should be granted only on the condition that a position be eliminated for each retiree; now, therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,  
2 MARYLAND, that Section 5-1-214.1 is hereby added to Article 5. Pensions and Retirement, of the  
3 Baltimore County Code, 2003, as amended, to read as follows:

4 5-1-214.1

5 (A) THIS SECTION DOES NOT APPLY TO:

6 (1) A SWORN MEMBER OF THE POLICE DEPARTMENT ON PAY SCHEDULE IV;

7 (2) A SWORN MEMBER OF THE FIRE DEPARTMENT ON PAY SCHEDULE V;

- 1 (3) A SWORN CORRECTIONAL OFFICER ON PAY SCHEDULE I-C OR VI;
- 2 (4) A SWORN DEPUTY SHERIFF ON PAY SCHEDULE VI OR XIII;
- 3 (5) 911 CENTER PERSONNEL ON PAY SCHEDULE I, VI, OR XII;
- 4 (6) A PUBLIC HEALTH NURSE;
- 5 (7) A SOCIAL WORKER; ~~AND~~
- 6 (8) AN APPOINTED DEPARTMENT HEAD APPOINTED UNDER AUTHORITY
- 7 CONTAINED IN ARTICLES IV AND V OF THE CHARTER AND ARTICLE 9 OF THE ~~CODE~~
- 8 CODE; AND
- 9 (9) BALTIMORE COUNTY PUBLIC SCHOOL NURSES, BUS DRIVERS, GROUNDS
- 10 WORKERS, BUILDING SERVICE WORKERS, AND CAFETERIA WORKERS, PERSON-IN-
- 11 CHARGE, ASSISTANT MANAGERS, AND MANAGERS.

12 (B)(1) THIS SECTION APPLIES TO A MEMBER WHO:

13 (I) WILL REACH NORMAL RETIREMENT AGE UNDER ANY APPLICABLE  
14 SECTION OF THIS TITLE ON OR BEFORE FEBRUARY 29, 2012; OR

15 (II) HAS NOT LESS THAN 20 YEARS OF CREDITABLE SERVICE ON OR  
16 BEFORE FEBRUARY 29, 2012 AND MAY RETIRE UNDER ANY APPLICABLE SECTION OF  
17 THIS TITLE.

18 (2) IN ACCORDANCE WITH THE FORMULA ESTABLISHED UNDER  
19 SUBSECTION (D)(2) OF THIS SECTION, AN ADDITIONAL 1.5 MONTHS MAY BE ADDED TO  
20 THE MEMBER'S TOTAL YEARS OF CREDITABLE SERVICE FOR ANY FRACTION OF A YEAR  
21 SERVED IN ORDER TO RENDER A MEMBER ELIGIBLE TO RETIRE UNDER PARAGRAPH  
22 (1)(II) OF THIS SUBSECTION SO LONG AS THE MEMBER HAS NOT LESS THAN 20 YEARS

1 OF CREDITABLE SERVICE ON OR BEFORE FEBRUARY 29, 2012 AND MAY RETIRE UNDER  
2 ANY APPLICABLE SECTION OF THIS TITLE.

3 (3) THE COUNTY ADMINISTRATIVE OFFICER MAY PROMULGATE GUIDELINES  
4 THAT THE COUNTY ADMINISTRATIVE OFFICER CONSIDERS NECESSARY TO IMPLEMENT  
5 THIS SECTION.

6 (C)(1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (2) "COUNTY AGENCY" HAS THE MEANING STATED IN § 5-1-203(5) OF THIS  
9 SUBTITLE.

10 (3) "CREDITABLE SERVICE" INCLUDES CREDIT FOR SICK LEAVE AND CREDIT  
11 FOR MILITARY SERVICE AS PROVIDED IN THIS TITLE.

12 (4) "DROP BENEFICIARY" MEANS A MEMBER WHO WILL BE ELIGIBLE TO  
13 RECEIVE A DROP BENEFIT FOR GENERAL COUNTY EMPLOYEES UNDER § 5-1-304 OF THIS  
14 TITLE ON JULY 1, 2012.

15 (D)(1) THERE IS A RETIREMENT INCENTIVE OPTION AS PROVIDED IN THIS  
16 SECTION.

17 (2) A MEMBER MAY RETIRE UNDER ANY RELEVANT SECTION OF THIS TITLE  
18 BEFORE THE MEMBER'S NORMAL SERVICE RETIREMENT AGE AS IT WOULD OTHERWISE  
19 BE CALCULATED UNDER THIS TITLE ON FEBRUARY 29, 2012 OR, FOR A DROP  
20 BENEFICIARY, ON JUNE 30, 2012 BY INCREASING THE MEMBER'S YEARS OF CREDITABLE  
21 SERVICE AN ADDITIONAL 1.5 MONTHS OF CREDITABLE SERVICE FOR EACH YEAR OF  
22 CREDITABLE SERVICE SERVED BY FEBRUARY 29, 2012 OR, JUNE 30, 2012, AS

1 APPLICABLE, UP TO A MAXIMUM OF THREE ADDITIONAL YEARS.

2 (E)(1)(I) A MEMBER'S RETIREMENT BENEFIT UNDER THIS SECTION SHALL BE  
3 CALCULATED AS PROVIDED UNDER THE RELEVANT SECTION OF THIS TITLE EXCEPT  
4 THAT IT SHALL BE INCREASED BY ADDING THE ACTUAL NUMBER OF THE MEMBER'S  
5 YEARS OF CREDITABLE SERVICE AND THE YEARS ADDED UNDER SUBSECTION (D)(2)  
6 OF THIS SECTION.

7 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, YEARS  
8 ADDED UNDER SUBSECTION (D)(2) OF THIS SECTION SHALL BE CALCULATED AT 1/55 OF  
9 AVERAGE FINAL COMPENSATION.

10 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS SECTION  
11 REPEALS ANY PENALTY THAT WOULD BE APPLIED UNDER ANY EARLY RETIREMENT  
12 PROVISION OF THIS TITLE FOR A MEMBER WHO RETIRES UNDER THIS SECTION.

13 (3) SUBSECTION (D)(2) OF THIS SECTION MAY NOT BE USED IN THE  
14 CALCULATION OF ANY DROP PERIOD UNDER SUBTITLE 3 OF THIS TITLE.

15 (F) THE MEMBER SHALL FILE AN APPLICATION FOR RETIREMENT UNDER THIS  
16 SECTION ON OR AFTER OCTOBER 30, 2011 AND NOT LATER THAN DECEMBER 30, 2011.

17 (G) A MEMBER MAY RETIRE UNDER THIS SECTION ONLY IF, AT THE SOLE  
18 DISCRETION OF THE COUNTY ADMINISTRATIVE OFFICER:

19 (1) THE MEMBER'S POSITION IS ELIMINATED FROM THE COUNTY PAYROLL  
20 OR THE PAYROLL OF THE RELEVANT COUNTY AGENCY; OR

21 (2) ANOTHER POSITION IN THE MEMBER'S AGENCY IS ELIMINATED FROM  
22 PAYROLL.

1 (H)(1)THIS SUBSECTION DOES NOT APPLY TO:

2 (I) A MEMBER WHO IS ELIGIBLE TO RETIRE UNDER THIS SECTION  
3 FROM A COUNTY AGENCY; OR

4 (II) A DROP BENEFICIARY.

5 (2) A MEMBER WHO RETIRES UNDER THIS SECTION SHALL DISCONTINUE  
6 WORKING FOR THE COUNTY NOT LATER THAN FEBRUARY 29, 2012.

7 (I) A MEMBER NAMED UNDER SUBSECTION (H)(1) OF THIS SECTION MAY REMAIN  
8 ON PAYROLL UNTIL JUNE 30, 2012, EXCEPT THAT A DROP BENEFICIARY SHALL  
9 EXHAUST ALL REMAINING COMPENSATION LEAVE TIME AND VACATION LEAVE TIME  
10 TO THE MAXIMUM EXTENT POSSIBLE.

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12 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having passed by the affirmative  
13 vote of five members of the County Council, shall take effect on October 30, 2011.