

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2012, Legislative Day No. 4

Bill No. 10-12

Mrs. Vicki Almond, Chairwoman
By Request of County Executive

By the County Council, February 21, 2012

A BILL
ENTITLED

AN ACT concerning

Employees' Retirement System - Average Final Compensation - Overtime

FOR the purpose of providing that average final compensation does not include compensation for any overtime hours earned on and after April 1, 2012 in accordance with any provision of law or Memorandum of Understanding; defining a certain term; and generally relating to the definition of average final compensation.

By repealing and reenacting with amendments

Sections 5-1-201(f) and 5-1-215(a)
Article 5. Pensions and retirement
Baltimore County Code, 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Sections 5-1-201(f) and 5-1-215(a), of Article 5. Pensions and
3 retirement, of the Baltimore County Code, 2003, as amended, are hereby repealed and reenacted,
4 with amendments to read as follows:

1 § 5-1-201.

2 (f)(1) “Average final compensation” means the average annual earnable compensation
3 of an employee during the three (3) consecutive years in the employee’s service as an employee
4 affording the highest such average or, if the employee has had less than three (3) years of service,
5 then the employee’s average annual earnable compensation during the total years of the
6 employee’s service.

7 (2) “AVERAGE FINAL COMPENSATION” DOES NOT INCLUDE ANY
8 COMPENSATION FOR OVERTIME HOURS EARNED ON AND AFTER APRIL 1, 2012 IN
9 ACCORDANCE WITH ANY PROVISION OF LAW OR MEMORANDUM OF
10 UNDERSTANDING.

11 § 5-1-215.

12 (a)(1) Notwithstanding anything to the contrary contained in this subtitle, the term
13 “average final compensation” as used throughout this subtitle shall mean, for current and future
14 Group 4 members who are also sworn personnel of the Fire Department and commencing
15 January 1, 1992, for current Group 3 members who are classified as supervisory, managerial and
16 confidential classified service merit system employees on pay schedule VI and elected officials,
17 appointed department heads and employees occupying nonmerit appointed positions, including
18 the persons listed in § 5-1-203(7) of this subtitle, for current employees on pay schedule I and
19 pay schedule III; and commencing June 30, 1992, for current members classified as supervisory,
20 managerial and confidential on pay schedule VII; and commencing on January 1, 1993, for
21 current and future members who are uniformed officers on pay schedule IV and for current
22 full-time members on pay schedules II, VI, XI, XII, and XIII the average earnable compensation

1 of such person during the twelve (12) consecutive full calendar months of service affording the
2 highest average, BUT NOT INCLUDING COMPENSATION FOR ANY OVERTIME HOURS
3 EARNED ON AND AFTER APRIL 1, 2012 IN ACCORDANCE WITH ANY PROVISION OF
4 LAW OR MEMORANDUM OF UNDERSTANDING, or if the person has had less than twelve
5 (12) months of service, then the member's annual earnable compensation projected over twelve
6 (12) months, BUT NOT INCLUDING COMPENSATION FOR ANY OVERTIME HOURS
7 EARNED ON AND AFTER APRIL 1, 2012 IN ACCORDANCE WITH ANY PROVISION OF
8 LAW OR MEMORANDUM OF UNDERSTANDING.

9 (2) (i) This paragraph does not apply to Group 4 members.

10 (ii) Paragraph (1) of this subsection does not apply to Group 3
11 members who begin service on or after July 1, 2007.

12

13 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having passed by the
14 affirmative vote of five members of the County Council, shall take effect April 1, 2012.