

M E M O R A N D U M

December 1, 2025

TO: Government Operations & Fiscal Policy (GO) Committee

FROM: Christine Wellons, Chief Legislative Attorney

SUBJECT: Expedited Bill 32-25, Employees' Retirement System - Survivor Benefits - Death During Line of Duty (the "HERO Act")

PURPOSE: Worksession – recommendation expected

Expected Attendees

Ashley Robinson, Battalion Chief, Montgomery County Fire and Rescue Services (MCFRS)

Dorcus Howard Richards, MCFRS

Jeffrey Buddle, President, Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, AFL-CIO, CLC (IAFF)

Jennifer Harling or George Lacy, Office of Labor Relations (OLR)

Shantée Jackson, Office of Management and Budget (OMB)

Yan Yan, CPA, Chief, Financial Services Division, Montgomery County Employee Retirement Plans (ERS)

Carol Jones, Retirement Service Manager, ERS

Expedited Bill 32-25, Employees' Retirement System - Survivor Benefits - Death During Line of Duty (the "HERO Act"), was introduced on October 21, 2025. The Lead Sponsors are Councilmembers Glass and Katz. The Co-Sponsors are Council President Stewart and Councilmembers Friedson, Balcombe, Fani-González, Luedtke, Albornoz, Mink, and Sayles. A public hearing on the bill was held on November 18.

Expedited Bill 32-25 would:

- (1) increase death benefits to spouses of Group G members whose deaths are service-connected; and
- (2) generally amend the law regarding the employees' retirement system, including pension benefits and other benefits available to survivors upon service-connected deaths.

BACKGROUND

The main purposes of the bill are to:

- maintain existing survivor benefit options for spouses and children of career firefighters (Group G members) who are killed in the line of duty, while adding an option for the spouse to receive a pension as if the member had at least 20 years of credited service;
- ensure that benefits are received expeditiously following a line of duty death; and
- reaffirm the County's commitment to honoring the critical work of the County's first responders and public safety officials.

BILL SPECIFICS

Under Chapter 33, Article III {Employees' Retirement System} of the County Code, a surviving spouse or child of a member of Group G who died during the line of duty is entitled to benefits "as if the member had been receiving a service-connected disability pension on the date of the member's death and had selected a joint and survivor pension option of 100 percent of the amount payable to the member." Alternatively, if the member died after becoming eligible to vest or retire, the surviving spouse or child is eligible to receive "a benefit equal to the yearly amount of benefits that would have been payable if the member had vested or retired immediately before death and had elected a 100-percent joint and survivor pension option."

Expedited Bill 32-25 would expand upon the existing death benefits so that the surviving spouse would have the ability to select between three options:

- the benefits the spouse would have received if the member had been receiving a service-connected disability pension on the date of the member's death and had selected a joint and survivor pension option of 100 percent of the amount payable to the member;
- the benefits the spouse would have received if the member had terminated employment on the day before the date of death with exactly twenty years of credited service and had elected a 100 percent joint and survivor pension option; or
- if the member died after becoming eligible to vest or retire, the benefits that would have been payable if the member had vested or retired immediately before death and had elected a 100-percent joint and survivor pension option.

The benefit selected by the surviving spouse would become payable upon the date the Group G member died. In addition, the benefit would be required to be paid beginning on the first of the month following the date the Group G member died.

The death benefits available through the retirement system under the County Code are in addition to death benefits available to surviving spouses and children under collectively bargained agreements. *See, e.g.*, Sections 20.10 {Lump Sum Death Benefit} and 20.11 {Line of Duty Death Benefit} of the Agreement Between Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664, AFL-CIO and Montgomery County Government/Montgomery County, Maryland for the Years July 1, 2024 Through June 30, 2026 (available at [IAFF-CBA-2024-2026-Final.pdf](#)).

SUMMARY OF IMPACT STATEMENTS

Racial Equity and Social Justice Impact. “The Office of Legislative Oversight (OLO) anticipates Expedited Bill 32-25 would have a minimal impact on RESJ in the County. While White community members would disproportionately benefit from the proposed changes to death benefits, any increases in death benefits resulting from this Bill would likely be trivial since it is rare for firefighters to die in the line of duty.”

Climate Assessment. “The Office of Legislative Oversight (OLO) anticipates Expedited Bill 32-25 will have no impact on the County’s contribution to addressing climate change as it is proposing changes to a retirement system for certain County employees.”

Fiscal Impact. According to the Office of Management and Budget (OMB), “Current death benefit provisions for surviving spouses of Group G members offer two options payable under the plan. The bill will have an impact on the benefit recipient based on the benefit election, but the difference in impact of those choices on the Montgomery County ERS is anticipated to be minimal for each option. No impact on County revenues is expected.”

Economic Impact. “The Office of Legislative Oversight (OLO) anticipates that Expedited Bill 32-25 would have an insignificant impact on economic conditions in the County, as measured by the Council’s priority economic indicators. The Bill would increase death benefits to spouses of Group G members who die during the line of duty. Because it is rare for firefighters to die in the line of duty, any increases in death benefits that result from this Bill would likely be minimal in terms of their economic impacts.”

SUMMARY OF PUBLIC TESTIMONY

Chief Smedley testified in support of the bill. He stated that the legislation not only supports employees, but it also supports their families. He thanked IAFF for their support and partnership. He stated that the County Executive supports the bill.

Mr. Bruch, on behalf of the HEROES non-profit organization, testified in support of the bill to redress challenges faced by the widow of Lt. Christopher Higgins after his line-of-duty death in service of the County. Ms. Laird, on behalf of Phoenix Advocates, testified in support of the bill to ensure that family members receive critical benefits without bureaucratic delay.

Numerous firefighters, including Captain Kitner, Captain Schultz, Captain Cook, and Lt. Moore, testified in support of the bill. Captain Kitner testified that navigating requests from the Office of Human Resources after Lt. Higgins’s death was overwhelming; Ms. Higgins waited six months to receive the benefits Lt. Higgins had earned.

ISSUES FOR THE COMMITTEE'S CONSIDERATION

1. Amendments Recommended by the County Executive

The County Executive has recommended several amendments to Expedited Bill 32-25. The amendments are described in detail at © 30.

Amendments #1 through #3. Council staff believes that the Executive's recommended amendments #1 through #3 provide important clarifications. Specifically, the amendments suggest important clarifications regarding the timing of benefits, the determination of credited service, and the availability of benefits to dependents other than spouses.

The specific recommendations are:

1. Timing of benefits: Amend lines 51-52 to read: "must be paid at the beginning of the first month following the date the surviving spouse makes an election of benefits and the County has received all required documentation."

2. Clarification of credited service: Amend lines 35-39 to read: "the benefit the spouse would have received if the member had terminated employment on the day before the date of death with exactly 20 years of total credited service, as described in Sec. 33-41, and had elected a 100 percent joint and survivor pension option."

3. Consider whether to add beneficiaries other than spouses: Sections (b)(4)(A) and (4)(B) reference only spouses, while other sections of the existing law include children. Should children or other dependents be entitled to the enhanced benefits when there is no surviving spouse?

Amendment #4. With respect to the Executive's proposed amendment #4 {Definition of Line of Duty Benefits}, Council staff notes that the bill would not alter the existing criteria for a line of duty death benefit. The same standard that currently applies to determining whether a line of duty death has occurred.

The existing standard is that the benefit is available if "the employing department, a beneficiary, or another person submits satisfactory proof to the Chief Administrative Officer that the member's death:

- (i) resulted from injuries the employee received in the line of duty or was directly attributable to the inherent hazards of the duties the employee performed; and
- (ii) was not due to the employee's willful negligence."

The Committee might wish to ask Executive staff to expand upon whether it is necessary to clarify the existing standard, and to share any specific recommendations regarding changes to the existing standard.

Amendment #5. Regarding the Executive's proposed amendment #5 {Relationship to Collectively Bargained Benefits}, Council staff agrees with the intent of the amendment and notes

that statutory death benefits already are supplementary to those contained in collective bargaining agreements (CBAs). The Committee might wish to ask the Office of Labor Relations (OLR) and IAFF to elaborate regarding whether the requested amendment is necessary.

If the Committee decides to move forward with the Executive's recommended Amendment #5, Council staff would propose the following text.

After line 83, insert the following.

Sec. 5. Construction. This Act must not be construed to: (1) offset, diminish, or alter death benefits provided under a collectively bargained agreement; or (2) reopen a collectively bargained agreement.

<u>This packet contains:</u>	<u>Circle #</u>
Expedited Bill 32-25	1
Climate Assessment	6
Racial Equity and Social Justice Impact Statement	8
Fiscal Impact Statement	10
Actuarial Analysis	12
Economic Impact Statement	24
Public Testimony	26
Amendments by the County Executive	27

Expedited Bill No. 32-25
Concerning: Employees' Retirement
System – Survivor Benefits – Death
During Line of Duty
Revised: 10/21/2025 Draft No. 2
Introduced: October 21, 2025
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Glass and Katz
Co-Sponsors: Council President Stewart and Councilmembers Friedson, Balcombe, Fani-González,
Luedtke, Albornoz, Mink, and Sayles

AN EXPEDITED ACT to:

- (1) increase death benefits to spouses of Group G members whose deaths are service-connected; and
- (2) generally amend the law regarding the employees' retirement system, including pension benefits and other benefits available to survivors upon service-connected deaths.

By amending

Chapter 33, Personnel and Human Resources
Section 33-46

Boldface	<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:

1 **Sec. 1. Section 33-46 is amended as follows:**

2 **33-46. Death benefits and designation of beneficiaries.**

3 * * *

4 (b) *Spouse's, or domestic partner's, and children's benefits of a member*
5 *whose death is service connected.*

6 * * *

7 (2) [The] Except as provided under paragraph (4) of this subsection
8 (b), the Chief Administrative Officer must pay death benefits to
9 the spouse or domestic partner and child of a Group F or G
10 member as if the member had been receiving a service-connected
11 disability pension on the date of the member's death and had
12 selected a joint and survivor pension option of 100 percent of the
13 amount payable to the member, if:

14 (A) the Group F or G member died while employed by the
15 County; and

16 (B) the employing department, a beneficiary, or another person
17 submits satisfactory proof to the Chief Administrative
18 Officer that the member's death:

19 (i) resulted from injuries the employee received in the
20 line of duty or was directly attributable to the
21 inherent hazards of the duties the employee
22 performed; and

23 (ii) was not due to the employee's willful negligence.

24 (3) [The] Except as provided under paragraph (4) of this subsection
25 (b), the Chief Administrative Officer must pay a benefit to the
26 spouse or domestic partner and children of a Group G member

who dies on or after July 1, 2004 under the conditions stated in [subsection] paragraph (2) of subsection (b) as if the member had died while receiving a service connected disability retirement benefit of at least 70 percent of the member's final earnings.

(4) Group G – Line of duty death benefits for surviving spouses.

(A) Within 60 days of the death of a Group G member under the conditions stated under paragraph (2) of subsection (b), the surviving spouse may elect to receive:

(i) the benefit the spouse would have received if the member had terminated employment on the day before the date of death with exactly 20 years of credited service and had elected a 100 percent joint and survivor pension option;

(ii) the benefit under paragraph (2) of this subsection (b); or

(iii) if the member died after becoming eligible to vest or retire, the benefit under subsection (e) of this section.

(B) The Chief Administrative Officer must process the spouse's election under subparagraph (A) of this paragraph immediately upon receipt of the election.

(C) The benefit under subparagraph (A) of this paragraph:

(i) becomes payable upon the date the Group G member died; and

(ii) must be paid beginning on the first of the month following the date the Group G member died.

* * *

(e) *Spouse's, or domestic partner's, and children's benefits when an active member eligible for vesting or retirement dies.*

(1) A surviving spouse, domestic partner, or child who is the designated beneficiary of a member who died after becoming eligible to vest or retire, may elect within 60 days after the member's death a benefit equal to the yearly amount of benefits that would have been payable if the member had vested or retired immediately before death and had elected a [100-percent] 100 percent joint and survivor pension option. The payments must begin on the member's normal retirement date if the member was eligible for vesting, or immediately if the member was eligible for retirement.

(2) If the designated beneficiary who would receive a death benefit under paragraph (1) dies before the death benefit payments begin and the member designated a contingent beneficiary, the death benefit under subsection (a) must be paid to the contingent beneficiary designated by the member (or to a person designated by the beneficiary if the member left no enforceable contingent beneficiary designation.)

* * *

Sec. 2. Short Title. This Act may be cited as the HERO Act.

Sec. 3. Effective Date. The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

78 **Sec. 4. Retroactivity.** Section 33-46(b)(4), as amended by this Act, must
79 apply retroactively to the death of a member occurring on or after January 1, 2025. A
80 surviving spouse of a member who died on or after January 1, 2025 and before the
81 effective date of this Act may make their election of a benefit under Section 33-
82 46(b)(4) within 60 days after the effective date of this Act. The benefit under this
83 Section 3 becomes payable upon the date the member died.

Climate Assessment

Office of Legislative Oversight

EXPEDITED BILL 32-25: EMPLOYEES' RETIREMENT SYSTEM – SURVIVOR BENEFITS – DEATH DURING LINE OF DUTY (THE “HERO ACT”)

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Expedited Bill 32-25 will have no impact on the County's contribution to addressing climate change as it is proposing changes to a retirement system for certain County employees.

BACKGROUND AND PURPOSE OF EXPEDITED BILL 32-25

Currently, a surviving spouse or child of a Group G member County employee who died in the line of duty is entitled to benefits. Group G employees include paid firefighters, fire officers, and rescue service personnel.¹

Expedited Bill 32-25 would establish a third option for death benefits, in addition to the current two options, to spouses and children of a Group G member who died in the line of duty, as follows:

“The benefits the spouse would have received if the member had terminated employment on the day before the date of death with exactly twenty years of credited service and had elected a 100% joint and survivor pension option.”²

The Bill would also establish that any of the three options selected would be payable upon the date of death of the Group G member and it would be required to be paid beginning on the first of the month following the date of death.³

Expedited Bill 32-25, Employees' Retirement System – Survivor Benefits – Death During Line of Duty (the “HERO Act”) was introduced by the County Council on October 21, 2025.⁴

ANTICIPATED IMPACTS

As the bill is proposing changes to a retirement system for certain County employees, OLO anticipates Expedited Bill 32-25 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptive capacity.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.⁵ OLO does not offer recommendations or amendments as Expedited Bill 32-25 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptive capacity.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptive capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ [Summary Description for Sworn Fire Personnel in Retirement Group G, Montgomery County Employee Retirement Plans, August 2023.](#)

² [Introduction Staff Report for Expedited Bill 32-25, Montgomery County Council, October 21, 2025.](#)

³ [Councilmembers Evan Glass and Sidney Katz Introduce the HERO Act, Press Release, Montgomery County Government, October 21, 2025.](#)

⁴ [Ibid.](#)

⁵ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

EXPEDITED BILL 32-25: EMPLOYEES' RETIREMENT SYSTEM - SURVIVOR BENEFITS - DEATH DURING LINE OF DUTY (THE "HERO ACT")

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Expedited Bill 32-25 would have a minimal impact on RESJ in the County. While White community members would disproportionately benefit from the proposed changes to death benefits, any increases in death benefits resulting from this Bill would likely be trivial since it is rare for firefighters to die in the line of duty.

PURPOSE OF RESJ IMPACT STATEMENTS

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF EXPEDITED BILL 32-25

Currently, a surviving spouse or child of a Group G member County employee who died in the line of duty is entitled to death benefits.³ Group G employees include paid firefighters, fire officers, and rescue service personnel.⁴

Surviving family members currently have two options available for death benefits. Expedited Bill 32-25 would establish a third option that would offer "[t]he benefits the spouse would have received if the member had terminated employment on the day before the date of death with exactly twenty years of credited service and had elected a 100% joint and survivor pension option." The Bill would also:^{5,6}

- Establish that any of the options selected would be payable upon the date of death of the Group G member; and
- Require benefit payments to begin on the first of the month following the date of death.

The Council introduced Expedited Bill 32-25 on October 21, 2025.

This RESJIS builds on the one for Bill 9-24, Group G Pension – Social Security Integration.⁷ Please read this RESJIS for background on fire personnel and racial equity.

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 32-25 on RESJ in the County, OLO recommends consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

RESJ Impact Statement

Expedited Bill 32-25

Bill 32-25 would primarily benefit MCFRS personnel and their families by:

- Providing an additional option for death benefits; and
- Expediting the payment of death benefits following a death in the line of duty.

As noted in the RESJIS for Bill 9-24, local data suggests White people are overrepresented among MCFRS personnel, while BIPOC are underrepresented.⁸ Therefore, White community members would disproportionately benefit from the proposed changes to death benefits. However, since it is rare for firefighters to die in the line of duty,⁹ any increases in death benefits that result from this Bill would likely be trivial. Therefore, OLO anticipates Bill 32-25 would have a minimal impact on RESJ in the County.

RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.¹⁰ OLO anticipates Bill 32-25 would have a minimal impact on RESJ in the County. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

¹ Definition of racial equity and social justice adopted from [Marlysa Gamblin et al., "Applying Racial Equity to U.S. Federal Nutrition Programs," Bread for the World](#) and [Racial Equity Tools](#).

² Ibid.

³ [Introduction Staff Report for Expedited Bill 32-25, Montgomery County Council, Introduced October 21, 2025](#).

⁴ ["Summary Description for Sworn Fire Personnel in Retirement Group G," Montgomery County Employee Retirement Plans, August 2023](#).

⁵ Introduction Staff Report for Expedited Bill 32-25.

⁶ ["Councilmembers Evan Glass and Sidney Katz Introduce the HERO Act," Press Release, Montgomery County Council, October 21, 2025](#).

⁷ [RESJIS for Bill 9-24, Office of Legislative Oversight, April 26, 2024](#).

⁸ Ibid, pg. 2.

⁹ According to the Maryland Fire-Rescue Service Memorial, seven firefighters in Montgomery County have died in the line of duty over the last 25 years. Refer to [Montgomery County, Maryland Fire-Rescue Service Memorial](#).

¹⁰ [Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council](#).

Fiscal Impact Statement

Office of Management and Budget

Bill 32-25

Employees' Retirement System - Survivor Benefits - Death During Line of Duty (the "HERO Act")

Bill Summary

Expedited Bill 32-25 expands existing death benefits to spouses of Group G members of the Montgomery County Employees' Retirement System (ERS) whose deaths are service-connected, adding an option for a surviving spouse to receive a pension as if the member had exactly 20 years of credited service. The bill also specifies the timing for election of a benefit option and benefit payments. The actions of the bill would apply retroactively to the death of a member occurring on or after January 1, 2025.

Fiscal Impact Summary

Current death benefit provisions for surviving spouses of Group G members offer two options payable under the plan. The bill will have an impact on the benefit recipient based on the benefit election, but the difference in impact of those choices on the Montgomery County ERS is anticipated to be minimal for each option. No impact on County revenues is expected.

Fiscal Year	2026	2027	2028	2029	2030	2031	Total
Personnel Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Operating Expenses	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Revenues	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Impact	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00	

Fiscal Impact Analysis

The bill increases benefit provisions to surviving spouses of Group G members and specifies when benefit election may be made and would become payable. The bill also adds a requirement for when the benefit must be paid. The resulting changes in death benefits are estimated to have little to no financial impact to the Montgomery County ERS.

Staff Impact

The bill is not expected to impact staff time or duties.

Actuarial Analysis

Actuarial analysis was performed in order to estimate the fiscal impact of the change. The actuaries measured the cost impact to the Montgomery County ERS with impacts calculated as of July 1, 2025 (the effective date of the most recent actuarial valuation) for FY26 contributions.

See attached actuarial analysis performed by Gabriel, Roeder, Smith & Company (GRS).

Information Technology Impact

The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

Other Information



Later actions that may impact revenue or expenditures if future spending is projected

The bill does not authorize future spending.

Ranges of revenue or expenditures that are uncertain or difficult to project

The expenditure estimates for FY26 and beyond are subject to actuarial valuations performed for each budget year. Changes to underlying actuarial assumptions could have an impact on the accuracy of the initial estimates.

Contributors

Shantee Jackson, Office of Management and Budget
Yan Yan, Montgomery County Employee Retirement Plans





November 7, 2025

Mr. David Crow
Acting Executive Director
Montgomery County Employee Retirement Plans
Rockville, Maryland 20850

Subject: Estimated Financial Impact of Expedited Bill 32-25, Employees' Retirement System – Survivor Benefits – Death During Line of Duty (the "HERO Act") – Group G

Dear Mr. Crow:

As requested, we have reviewed the potential cost impact to the Montgomery County Employees' Retirement System (ERS) of proposal to change benefit provisions for survivors of current and future Group G members.

Based on the line of duty death plan provisions, we estimate Expedited Bill 32-25 will result in a minimal (to no cost) impact to Group G of the Montgomery County ERS.

Expedited Bill 32-25 would expand upon the existing death benefits so that the surviving spouse would have the ability to select between three options:

1. The benefits the spouse would have received if the member had been receiving a service-connected disability pension on the date of the member's death and had selected a joint and survivor pension option of 100% of the amount payable to the member;
2. The benefits the spouse would have received if the member had terminated employment on the day before the date of death with exactly twenty years of credited service and had elected a 100% joint and survivor pension option; or
3. If the member died after becoming eligible to vest or retire, the benefits that would have been payable if the member had vested or retired immediately before death and had elected a 100% joint and survivor pension option.

It is our understanding that options 1 and 3 are current benefit provisions of Group G. (See a summary of current benefit provisions in the Appendix.)

Under option 1, the benefit would be equal to 70% of the member's **final earnings**, reduced for the 100% joint and survivor option. We understand that **there is not** a benefit reduction at age 70 (the integration age for retirement benefits under the plan) for service-connected disability benefits.

Under option 3, the benefit would be equal to a percentage of the member's **average final earnings** based on the plan formula, reduced for the 100% joint and survivor option. Average final earnings is equal to the highest average of regular annual earnings for a consecutive 36-month period. **There is** a benefit reduction at age 70 (the integration age for retirement benefits under the plan) for retirement benefits.

There are two aspects of the benefits under option 1 that are more favorable than options 2 and 3:

1. The benefits under option 1 are based on final earnings (which we expect is higher than average final earnings over a 36-month period); and
2. We understand that the benefits under option 1 do not reduce at age 70, comparable to under options 2 and 3 that would reduce at age 70.

Following is a summary of the benefit accrual rates applicable for retirement benefits payable before and after the integration age of 70 and for pay up to and in excess of the Social Security Covered Compensation amount.

		Pre-Age 70	Post-Age 70		
Group	Years of Service	Rates	Up to SSCC	Reduction	In Excess of SSCC
Group G	Up to 25	2.60%	1.71875%	33.89%	2.60%
Group G	25-31	1.25%	0.859375%	31.25%	1.25%
Group G	Sick Leave	5.00%	3.43750%	31.25%	5.00%

The survivor of a member with more than 25 years of service at the date of life of duty death may initially receive a higher benefit under option 3 than option 1.

Following is a summary of the percentage of average final earnings that would be used to calculate the member's benefit (before application of the joint and survivor factor) under option 3. A member's accrued benefit would be equal to 70% of average final earnings (which may be lower than final earnings under option 1) with a) a little over 23 years of service and two years of sick leave credit, b) 25 years of service and one year of sick leave credit, or c) with 29 years and no sick leave credit. In addition, the benefit would be lower beginning at age 70 under option 3.

		Percentage of Average Final Earnings	
Years	Sick Leave Years	Pre-Age 70	Post-Age 70
23	2	69.8%	46.4%
25	1	70.0%	46.4%
27	0	67.5%	44.7%
29	0	70.0%	46.4%
30	0	71.3%	47.3%
31	0	72.5%	48.1%
31	2	82.5%	55.0%

Based on the benefit provisions of the benefits provided to surviving spouses of members who die in the line of duty, we believe that option 1 will provide higher benefits over a survivor's lifetime than the other benefits in most cases. Higher benefits could be paid under option 3 if the member has accrued more than 20 years of service (and years of sick leave credit) and the benefits received before the integration age are high enough to offset the lower amounts paid after the integration age.

In the actuarial valuation, we assume that Group G members will accrue 0.025 years of sick leave credit for each year of credited service. Therefore, we assume that members retire with less than one year of sick leave credit. The sick leave credit assumption was based on reviewing plan experience as part of the experience study covering the period July 1, 2018 through July 1, 2023.

There is a low incidence rate for line of duty death benefits for firefighters. Based on information from the U.S. Fire Administration, there were 72 firefighters in the United States who died in 2024 while on duty (33 career firefighters, 32 volunteer firefighters, 5 wildland firefighters and 2 part time firefighters). <https://www.usfa.fema.gov/statistics/reports/firefighters-departments/firefighter-fatalities.html>.

GRS estimates little to no financial impact to the Montgomery County ERS as a result of line of duty survivor benefits under Expedited Bill 32-25 for the following reasons:

1. Option 1 benefits are currently payable under the plan and are expected to provide the higher survivor benefits in most cases;
2. We believe that option 3 benefits are also currently available under the plan; and
3. There is a low incidence rate of line of duty deaths.

The actuarial accrued liability as of July 1, 2025 for Group G of the Montgomery County Employee's Retirement System is about \$1.38 billion.

Exhibit I summarizes key actuarial assumptions used for Group G in the July 1, 2025 actuarial valuation. The Appendix summarizes the key benefit provisions of Group G of the Montgomery County Employee's Retirement System.

Considerations and Disclosures

The analysis was performed at the request of Montgomery County ("County") and is intended for use by the County and those designated by the County. This analysis may be provided to parties other than the County only in its entirety and only with the permission of the County.

If any of the provisions, underlying data or assumptions used in this analysis appear to be incorrect or unreasonable, please let us know as soon as possible so we can update the analysis.

Future actuarial measurements may differ significantly from the current measurements presented in this cost analysis due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; and changes in plan provisions, contribution amounts or applicable law.



To the best of our knowledge, the information contained in this analysis is accurate and fairly presents the actuarial position of the Montgomery County Employees' Retirement System as of the valuation date. All calculations have been made in conformity with generally accepted actuarial principles and practices, and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

Amy Williams and Alex Rivera are Members of the American Academy of Actuaries (MAAA) and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein.

This report should not be relied on for any purpose other than the purpose stated.

The signing actuaries are independent of the plan sponsor.

Please let us know if you have any questions or would like to discuss the results of this analysis further.

Respectfully submitted,

Gabriel, Roeder, Smith & Company



Amy Williams, ASA, EA, MAAA, FCA
Senior Consultant



Alex Rivera, FSA, EA, MAAA, FCA
Senior Consultant

**July 1, 2025 Actuarial Valuation Assumptions
Applicable to Group G**

The assumed rate of price inflation is 2.50%.

The assumed COLA is as follows:

	Assumed COLA
100% of CPI, benefit attributable to pre-7/1/2011 service	2.50%
60% of CPI, benefit attributable to pre-7/1/2011 service	1.50%
100% of CPI up to 3%, 60% of change in excess of 3%*, benefit attributable to pre-7/1/2011 service	2.45%
100% of CPI**, benefit attributable to service on or after 7/1/2011	2.20%

Assumed COLA for Group G members (for total benefit) is assumed to be 2.45%.

**Capped at 7.50%.*

***Capped at 2.50%.*

The following groups have a COLA equal to 60% of the increase in CPI:

- Unrepresented Non-Public Safety Enrolled 7/1/78 and after-retired before 11/1/01
- Certain Sheriffs and Inspectors Enrolled 7/1/78 and after-retired prior to 11/1/01
- Represented Non-Public Safety Enrolled 7/1/78 and after-retired prior to 11/1/01
- Sheriffs/Corrections Enrolled 7/1/78 and after-retired prior to 11/1/01
- Fire Enrolled 7/1/78 and after-retired prior to 3/1/00
- Police Enrolled 7/1/78 and after-retired prior to 3/1/00

The assumed rate of investment return used was 7.50%, net of expenses, annually.

The mortality assumptions are as follows:

To provide a margin for future mortality improvements, generational mortality improvements from 2010 using projection scale MP-2021 was used.

Type	Assumption
Post-retirement non-disabled	Pub-2010 Healthy Retiree Mortality Table (for Safety Employees), sex distinct
Post-retirement disabled	Pub-2010 Disabled Retiree Mortality Table (for Safety Employees), sex distinct
Pre-retirement non-service connected	Pub-2010 Employee Mortality Table (for Safety Employees), sex distinct
Pre-retirement service connected	15% of the rates from the Pub-2010 Employee Mortality Table (for Safety Employees), sex distinct



Benefit Provisions as of July 1, 2025

1. Social Security Wage Base

For any particular year, the maximum amount of earnings creditable for benefit computation purposes under the Old Age, Survivors and Disabilities Insurance Program established by the Federal Social Security Act.

Year	Social Security Taxable Wage Base	Year	Social Security Taxable Wage Base
2011	\$106,800	2021	\$142,800
2012	\$110,100	2022	\$147,000
2013	\$113,700	2023	\$160,200
2014	\$117,000	2024	\$168,600
2015	\$118,500	2025	\$176,100
2016	\$118,500		
2017	\$127,200		
2018	\$128,400		
2019	\$132,900		
2020	\$137,700		

2. Social Security Maximum Compensation Level

The maximum dollar amount of earnings upon which Social Security benefits are based, assuming:
 (1) an employee's annual compensation is at least as great as the taxable wage base each year, for a 35-year period through the year in which the employee attains Social Security Retirement Age,
 (2) the employee remained in covered employment during each calendar year, (3) the taxable wage base stays level from date of retirement to Social Security Retirement Age.

Following are the 2025 Covered Compensation levels published by the Internal Revenue Service for select ages.

Calendar Year of Birth	Calendar Year of Social Security Retirement Age	2022 Covered Compensation Table II
1955	2022	\$91,884
1956	2023	95,172
1957	2024	98,616
1958	2025	102,180
1959	2026	105,684

3. Social Security Retirement Age

Age 65 for employees born prior to January 1, 1938.

Age 66 for employees born on or after January 1, 1938, and prior to January 1, 1955.

Age 67 for employees born on or after January 1, 1955.



4. Regular Earnings

Gross pay for actual hours worked, excluding overtime.

Imputed Compensation for FY2010 only (effective July 1, 2009):

- Regular earnings for a Group G member who is employed on July 1, 2009, includes amounts as if the member had received an increase of 4.00 percent in the member's gross pay as of July 1, 2009, except for the purpose of calculating a member's contribution.

5. Average Final Earnings

For members enrolled on or before June 30, 1978, average final earnings are equal to the regular earnings for the 12-month period immediately preceding retirement, or any consecutive 12-month period, if greater.

For members enrolled on or after July 1, 1978, average final earnings are equal to the average of regular annual earnings for the 36-month period immediately preceding retirement, or any consecutive 36-month period, if greater.

6. Benefits

A. Normal Retirement Date:

Age and Service Requirement:

Group G: Age 55 and 15 years of credited service, or any age with 20 years of credited service (effective July 1, 2007; previously age 55 and 15 years of credited service, or any age with 25 years of credited service).

B. Benefit Amount:

1. Optional non-integrated plan:

Group G: 2.5% of average final earnings for each of the first 20 years of credited service, plus 2% of average final earnings for each year of credited service after 20 years up to a maximum of 31 years, plus sick leave credits (effective July 1, 2007; previously 2% of average final earnings for each of the first 20 years of credited service, plus 3% of average final earnings for each year of credited service from 21st year through 24th year, plus 8% of average final earnings for the 25th year of credited service, plus 2% of average final earnings for each year of credited service after 25 years up to a maximum of 31 years, plus sick leave credits).

2. Integrated plans:

a. From date of retirement to Social Security Retirement Age:

Group G: 2.6% of average final earnings for each of the first 25 years of credited service, plus 1.25% of average final earnings for each year of credited service more than 25 years up to a maximum of 31 years, plus sick leave credits. Effective February 6, 2023, the benefit multiplier for sick leave credits is 5.0%. (Prior to August 7, 2023 and after June 30, 2007: 2.5% of average final earnings for each of the first 20 years of credited service, plus 2% of average final earnings for each year of credited service after 20 years up to a maximum of 31 years, plus sick leave credits.)

b. From attainment of Social Security Retirement Age:

Group G: 1.7875% of average final earnings up to Social Security maximum covered compensation and 2.6% of average final earnings above Social Security maximum covered compensation for each of the first 25 years of credited service, plus 0.859375% of average final earnings up to Social Security maximum covered compensation and 1.25% of average final earnings above Social Security maximum covered compensation more than 25 years up to a maximum of 31 years. Effective February 6, 2023, the benefit multiplier for sick leave credits is 3.4375%. (Prior to August 7, 2023: 1.71875% of average final earnings up to Social Security maximum covered compensation and 2.5% of average final earnings above Social Security maximum covered compensation for each of the first 20 years of credited service, plus 1.375% of average final earnings up to Social Security maximum covered compensation and 2% of average final earnings above Social Security maximum covered compensation for each year of credited service after 20 years up to a maximum of 31 years, plus sick leave credits.)

7. Disability Pension

A. Non-service-connected disability retirement:

Age and service requirement: Five years of credited service.

Amount: The greater of the accrued benefit under 11(B) or 33⅓% of final earnings.

B. Service-connected disability retirement:

Age and service requirement: None

Benefit amount:

1. For total incapacity: The greater of the accrued benefit under 11(B) or 66⅔% of final earnings.

2. For Group G members: Benefits described in (1.) above are modified as follows:

- The minimum benefit is 70% of final earnings if the member meets the definition of Social Security disability.



- The minimum benefit is 52½% of final earnings if the member is disabled but does not qualify for the 70% minimum benefit above. The Chief Administrative Officer of the County may offer a disabled member an alternative position with the County with a 5% pay increase in lieu of this disability benefit.
- Certain causes of disability are automatically deemed to be service-connected.

Effective July 1, 2012, the service-connected benefit amount is modified as follows:

- Total incapacity: The minimum benefit is 70% of final earnings if the Disability Review Panel approves. If the member has been granted Social Security disability benefits, the Disability Review Panel must recommend total incapacity status if the Social Security award is based primarily on the impairment for which plan benefits are paid.
- Partial incapacity: The minimum benefit is 52½% of final earnings if the member is disabled but does not qualify for the 70% minimum benefit above.
- Group G: The Chief Administrative Officer of the County may offer a disabled member an alternative position with the County with a 5% pay increase in lieu of this disability benefit.

8. Death Benefits

A. Non service-connected:

Eligibility: None.

Benefit amount:

1. Return of member contributions with interest;
plus
2. 50% of average final earnings if the member was a member of the Employees' Retirement System on or before December 31, 1966, and was a Maryland State plan member on August 15, 1965.
or
3. Alternate death benefits listed under (C.) below.

B. Service-connected:

Eligibility requirement: None

Benefit amount:

1. The spouse* will receive a benefit equal to 25% of the member's final earnings, with a minimum of \$250.00 per month. The child will receive a benefit equal to 5% of the member's final earnings with a minimum of \$50.00 per month to age 21 or life if disabled;
plus



2. 50% of average final earnings if the member was a member of the Employees' Retirement System on or before December 31, 1966, and was a Maryland State plan member on August 15, 1965;
or
3. Alternate death benefits listed under (C.) below.
4. For Group F and Group G members: If the member dies while performing duties for the County, the plan will pay death benefits to the spouse or domestic partner and child as if they were receiving a service-connected disability at the 70% minimum benefit level at the time of death and had elected the 100% joint and survivor option.

C. Alternative death benefits:

Eligibility: Member was eligible for vesting or retirement.

Benefit amount:

1. Spouse* or child may elect to receive the amount that would have been paid had the member elected to receive a 100% joint and survivor pension; plus
2. 50% of average final earnings if the member was a member of the Employees' Retirement System on or before December 31, 1966, and was a Maryland State plan member at August 15, 1965.

** Domestic partners who meet the requirements for domestic partnership are also eligible.*

9. Post-Retirement Increases

Optional non-integrated plan: Annual adjustment to the benefit equal to 100% of the change in Consumer Price Index for the Washington Metro Area for years and months of credited service before July 1, 2011. For years and months of credited service after June 30, 2011, any adjustment will not exceed 2.5%.

Optional integrated plan: Annual adjustment to the benefit equal to 100% of the change in Consumer Price Index for the Washington Metro Area for years and months of credited service before July 1, 2011. For years and months of credited service after June 30, 2011, any adjustment will not exceed 2.5%.

Mandatory integrated plan:

- Participants who enrolled on or after July 1, 1978, and retired before November 1, 2001 – Annual adjustment to the benefit equal to 60% of CPI increase, limited to 5%. However, if over age 65 or disabled, then the maximum limit of 5% does not apply.
- Participants who enrolled on or after July 1, 1978, and retired on or after November 1, 2001 – Annual adjustment to the benefit equal to 100% of the change in Consumer Price Index for the Washington Metro Area up to 3%, plus 60% of any change in Consumer Price Index greater



than 3%, not to exceed a total of 7.5% for years and months of credited service before July 1, 2011. The maximum 7.5% does not apply to disability retirees or retirees over age 65 for years of service before July 1, 2011. For years and months of credited service after June 30, 2011, any adjustment will not exceed 2.5%.

Effective for the COLA increases granted to Group G members after December 31, 2023: Annual adjustment to the benefit equal to 100% of the change in Consumer Price Index for the Washington Metro Area up to 3%, plus 60% of any change in Consumer Price Index greater than 3%, not to exceed a total of 5% for all years and months of credited service.

Following are the recent COLA increases granted July 1.

COLA Granted July 1	100% of CPI, Pre-7/1/2011 Service	100% of CPI up to 3%, 60% of Change in Excess of 3%, Pre-7/1/2011 Service	100% of CPI, Capped at 2.5%, Post- 7/1/2011 Service	60% of CPI
2020	-0.088%	-0.088%	-0.088%	-0.053%
2021	3.797%	3.478%	2.500%	2.278%
2022	7.518%	5.711%	2.500%	4.511%
2023	3.053%	3.032%	2.500%	1.832%
2024	3.289%	3.174%	2.500%	1.974%
2025	1.867%	1.867%	1.867%	1.120%

Disability Benefits:

For a disability occurring after June 30, 2011, as determined by the Disability Review Panel, any post-retirement adjustment of the disability retirement benefit will not exceed 2.5%.

Sick Leave:

For purposes of applying any post-retirement adjustment, any sick leave will be credited as years and months of service as of the date of retirement. For participants who retire after July 1, 2011, any post-retirement adjustment will not exceed 2.5% on any sick leave credited as years and months of service.

DRSP Participants:

Effective July 1, 2011, any additional sick leave credited as years and months of service at DRSP exit is subject to the 2.5% post-retirement adjustment limit.

DROP Participants:

Effective July 1, 2011, any additional sick leave credited as years and months of service at DROP exit is subject to the 2.5% post-retirement adjustment limit.

Transferred Service:

For purposes of applying any post-retirement adjustment, any transferred service will be credited as years and months of service as of the date a properly completed application is filed with the Benefits Team. For applications to transfer service credit filed after June 30, 2011, any post-retirement adjustment will not exceed 2.5% on the transferred service.

Purchased Service:

For purposes of applying any post-retirement adjustment, any purchased service will be credited as years and months of service as of the date a properly completed application is filed with the Benefits Team. For applications to purchase service credit filed after June 30, 2011, any post-retirement adjustment will not exceed 2.5% on the purchased service.

Economic Impact Statement

Montgomery County, Maryland

Expedited Bill 32-25, Employees' Retirement System - Survivor Benefits - Death During Line of Duty (the "HERO Act")

Summary

The Office of Legislative Oversight (OLO) anticipates that Expedited Bill 32-25 would have an insignificant impact on economic conditions in the County, as measured by the Council's priority economic indicators. The Bill would increase death benefits to spouses of Group G members who die during the line of duty. Because it is rare for firefighters to die in the line of duty, any increases in death benefits that result from this Bill would likely be minimal in terms of their economic impacts.

Background and Purpose of Expedited Bill 32-25

Currently, a surviving spouse or child of a Group G member County employee who died in the line of duty is entitled to death benefits.¹ Group G employees include paid firefighters, fire officers, and rescue service personnel.²

Surviving family members currently have two options available for death benefits. Expedited Bill 32-25 would establish a third option that would offer "[t]he benefits the spouse would have received if the member had terminated employment on the day before the date of death with exactly twenty years of credited service and had elected a 100% joint and survivor pension option." The Bill would also:^{3,4}

- Establish that any of the options selected would be payable upon the date of death of the Group G member; and
- Require benefit payments to begin on the first of the month following the date of death.

The Council introduced Expedited Bill 32-25 on October 21, 2025. The Council introduced Expedited Bill 32-25 on October 21, 2025.⁵

Information Sources, Methodologies, and Assumptions

As required by 2-81B of the Montgomery County Code, this Economic Impact Statement evaluates the impacts of Bill 32-25 on residents and private organizations, using the Council's priority economic indicators as the measure. In doing so, it examines whether the Bill would have a net positive or negative impact on overall economic conditions in the County.⁶

¹ [Introduction Staff Report for Expedited Bill 32-25, Montgomery County Council, Introduced October 21, 2025.](#)

² ["Summary Description for Sworn Fire Personnel in Retirement Group G," Montgomery County Employee Retirement Plans, August 2023.](#)

³ Introduction Staff Report for Expedited Bill 32-25.

⁴ ["Councilmembers Evan Glass and Sidney Katz Introduce the HERO Act," Press Release, Montgomery County Council, October 21, 2025.](#)

⁵ [Ibid.](#)

⁶ Montgomery County Code, ["Sec. 2-81B, Economic Impact Statements."](#)

The Bill would increase death benefits to spouses of Group G members who die during the line of duty. Because it is rare for firefighters to die in the line of duty,⁷ any increases in death benefits that result from this Bill would likely be minimal in terms of their economic impacts. Therefore, OLO concludes that the Bill would have an insignificant impact on the Council's priority economic indicators.

Variables

Not applicable

Impacts

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Residents

Not applicable

Businesses, Non-Profits, Other Private Organizations

Not applicable

Net Impact

Not applicable

Discussion Items

Not applicable

Caveats

Two caveats to the economic impact analysis conducted here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

Contributions

Stephen Roblin, PhD (OLO) prepared this report.

⁷ According to the Maryland Fire-Rescue Service Memorial, seven firefighters in Montgomery County have died in the line of duty over the last 25 years. Refer to [Montgomery County, Maryland Fire-Rescue Service Memorial](#).



Montgomery County Career Fire Fighters Association, Local 1664
International Association of Fire Fighters, AFL-CIO, CLC
932 Hungerford Drive Suite 33A
Rockville, Maryland 20850

FAVORABLE TESTIMONY

Montgomery County Expedited Bill 32-25

Employees' Retirement System – Survivor Benefits – Death During Line of Duty (HERO Act)

On behalf of the members of the Montgomery County Career Fire Fighters Association - IAFF Local 1664, it is a privilege to provide this testimony in strong and unequivocal support of Expedited Bill 32-25, the HERO Act.

This legislation is not simply a policy update—it is a moral responsibility. Expedited Bill 32-25 strengthens existing law by increasing survivor benefits for Group G fire fighters and eliminating the unnecessary and painful delays that families currently face when a loved one is killed in the line of duty. These changes address shortcomings that have, unnecessarily, placed additional burdens on families at the very moment they are least able to bear them.

Every day, Montgomery County fire fighters walk into burning buildings, respond to violent or unpredictable emergencies, and willingly face dangers most people will never encounter. They do this without hesitation and without knowing whether they will return home at the end of their shift. These risks are not abstract—they are real, constant, and accepted as part of their service to the community.

When a fire fighter is killed in the line of duty, their family's world collapses in an instant. A spouse loses their partner. Children lose the parent they depended on for comfort, guidance, and stability. And at a time defined by heartbreak and shock, these families should not be forced to navigate administrative delays or worry about whether they will have the financial means to remain in their home, support their children, or maintain any sense of normalcy.

Yet under current law, that is exactly the hardship many families endure. The HERO Act changes this. It ensures that survivor benefits reflect the true sacrifice of our members and that families receive timely, dependable support—not months later, but when they need it most.

Expedited Bill 32-25 makes our system more compassionate and more aligned with the values Montgomery County holds for its public servants. It is a promise that if a fire fighter gives everything in service to this community, the County will stand firmly with their family in the darkest moments imaginable.

Our members respond to every call with courage, professionalism, and an unwavering commitment to protecting others. They deserve to know that if tragedy strikes, their loved ones will not be left alone to struggle through grief, uncertainty, and financial instability.

For these reasons, our members strongly urge the Council to pass Expedited Bill 32-25 without hesitation.

Submitted by: Jeffrey Buddle, President, IAFF Local 1664




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

November 20, 2025

TO: Council President Kate Stewart, Chair, Government Operations and
Fiscal Policy Committee
Councilmember Sidney Katz, Chair, Public Safety Committee
Councilmember Evan Glass, Sponsor, Expedited Bill 32-25

FROM: Marc Elrich, County Executive 

SUBJECT: Comments regarding Bill 32-25, Employees' Retirement System - Survivor
Benefits - Death During Line (HERO Act)

I am writing to express my strong support for Expedited Bill 32-25, the HERO Act, which enhances survivor benefits for the families of Group G members who die in the line of duty. This legislation represents an important step forward in recognizing the extraordinary sacrifices made by our firefighters and rescue personnel, and ensures that their families receive enhanced financial security during the most difficult times.

The bill creates three new benefit options for surviving spouses, providing greater flexibility to meet the diverse needs of survivor families. Importantly, the legislation is intended to apply retroactively to line-of-duty deaths occurring on or after January 1, 2025, ensuring that the family of the firefighter who died earlier this year will benefit from these enhanced protections.

I strongly support the intent and substance of this bill; however, several County departments have identified technical or operational concerns that should be addressed through amendments to ensure smooth implementation and consistent application. I recommend the following amendments:

1. Timing of Benefit Payments

Lines 51-52 currently state that benefits "must be paid beginning of the first month following the date the Group G member died." This language appears to conflict with lines 32-34, which allow

the surviving spouse 60 days to elect a benefit option. Additionally, operational issues may arise because documents needed to establish eligibility—such as autopsy reports and death certificates—often come from the State and can take over a month to obtain.

Recommendation: Amend lines 51-52 to read: "must be paid at the beginning of the first month following the date the surviving spouse makes an election of benefits and the County has received all required documentation."

2. Definition of "Exactly 20 Years of Credited Service"

Lines 35-39 refer to "exactly 20 years of credit service," but it is unclear whether this includes additional credits such as unused sick leave, military service, transferred service, or purchased service. Clarification is needed to ensure consistent application of the benefit.

Recommendation: Amend lines 35-39 to read: "the benefit the spouse would have received if the member had terminated employment on the day before the date of death with exactly 20 years of total credited service, as described in Sec. 33-41, and had elected a 100 percent joint and survivor pension option."

3. Benefits for Dependents Other Than Spouses

Sections (b)(4)(A) and (4)(B) reference only spouses, while other sections of the bill include children. It should be clarified whether children or other dependents are entitled to these enhanced benefits when there is no surviving spouse.

4. Definition of Line-of-Duty Deaths

The bill's provision for line-of-duty death benefits—language stating that death must result from "injuries received in the line of duty or be directly attributable to the inherent hazards of the duties performed"—should clarify whether it applies exclusively to acute, on-duty incidents, or whether it also extends to deaths resulting from presumptive occupational diseases covered under Maryland Public Safety Article §9-503, such as certain cancers or cardiac conditions.

5. Relationship to Collectively Bargained Benefits

To avoid future disputes and ensure clarity for implementation, the Office of Labor Relations recommends adding language to clarify that Employees Retirement System survivor benefits are

in addition to collectively bargained benefits and are not intended to offset or reduce contractual death benefits. A legislative intent statement should also acknowledge that the bill does not alter or reopen any collective bargaining agreement provisions, nor does it diminish negotiated benefits.

These amendments will provide operational clarity and ensure that the enhanced survivor benefits can be administered consistently and effectively. With these clarifications, the County's Employees Retirement System and relevant departments can efficiently process benefits to serve surviving families.

I look forward to working with the Council to enact these critical protections for the families of our fallen heroes.

cc: Cecily Thorne, Chief of Staff to the Council President, Montgomery County Council
Craig Howard, Executive Director, Montgomery County Council
Christine Wellons Chief Legislative Attorney, Montgomery County Council
Richard S. Madaleno, Chief Administrative Officer
Earl Stoddard, Assistant Chief Administrative Officer
Tricia Swanson, Director of Strategic Partnerships
Chief Corey Smedley, Fire and Rescue Services
Jennifer Harling, Director, Office of Labor Relations
Michael Coveyou, Director, Department of Finance
Erin Ashbarry, Division Chief, Office of the County Attorney