

ADDENDUM

Agenda Item #7B
December 9, 2025
Action

MEMORANDUM

December 5, 2025

TO: County Council

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: Action – roll call vote expected

Councilmembers Luedtke, Katz, and Glass plan to propose the following additional amendment to the bill. The amendment would include within the bill's provisions Group F (sworn police officers) of the ERS. A "Dear Colleague" letter explaining the amendment is attached.

Amend lines 4-58 to read as follows.

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

* * *

(2) [The] Except as provided under paragraph (4) of this subsection (b), the Chief Administrative Officer must pay death benefits to the spouse or domestic partner and child of a Group F or G member 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, if:

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

- (B) 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.
- (3) [The] Except as provided under paragraph (4) of this subsection (b), the Chief Administrative Officer must pay a benefit to the spouse or domestic partner and children of a Group G member who dies on or after July 1, 2004, or of a Group F member who dies on or after January 1, 2025, 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 F or G – Line of duty death benefits for surviving spouses or domestic partners and children.
- (A) Within 60 days of the death of a Group F or G member under the conditions stated under paragraph (2) of subsection (b), the surviving spouse or domestic partner and children may elect to receive:
- (i) upon the death of a Group F member, the benefit the spouse or domestic partner and children would have received if the member had terminated employment on the day before the date of death with exactly 25 years of total credited service, as described in Section 33-41, and had elected a 100 percent joint and survivor pension option;
 - (ii) upon the death of a Group G member, the benefit the spouse or domestic partner and children 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 Section 33-41, and had elected a 100 percent joint and survivor pension option;

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

[(iii)] (iv) 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 F or G member died; and
- (ii) must be paid beginning on the first of the month following the date the [[Group G member died]] County receives the election of benefit under subparagraph (A) of this paragraph.

* * *

This addendum contains:

Dear Colleague Letter by Councilmembers Luedtke, Katz, and Glass
Amendment by Councilmembers Luedtke, Katz, and Glass

Circle #

A1

A3



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

December 4, 2025

To: Council Colleagues

From: Councilmember Dawn Luedtke
Councilmember Evan Glass
Councilmember Sidney Katz

Subject: Proposed Amendment to Bill 32-25E - Employees' Retirement System - Survivor Benefits - Death During Line of Duty (the "HERO Act")

Colleagues,

Thank you to all colleagues who are supporting Bill 32-25E - Employees' Retirement System - Survivor Benefits - Death During Line of Duty (the "HERO Act"). We continue to fully support approval of this legislation and action at our December 9 Council session.

As discussed at today's Government Operations and Fiscal Policy Committee, we have been working to ensure these increased benefits to loved ones of those who perish in the line of duty are extended to sheriff's deputies and correctional officers also in the County's Employees' Retirement System. Each of these members of our public safety community face real dangers and safety hazards in their work protecting and serving our County.

Achieving parity in how we approach this issue across our public safety ecosystem is important, and the attached amendment would accomplish this for Montgomery County FOP Lodge 35 police officer members ("Group F"). While the MOU establishing these changes was not completed in time to move this amendment at today's committee worksession, we now understand all parties have agreed to it. We intend to move this amendment during Tuesday's scheduled Council action on the bill.

We continue to work with our labor partners at UFCW Local 1994 MCGEO and the County's Office of Labor Relations to prepare the changes necessary to extend these benefits to UFCW-represented sheriff's deputies and correctional officers. We intend to codify these improvements in legislation separately.

We respectfully request the Council adopt the attached amendment regarding FOP and Group F at Tuesday's Council action to ensure that police officers who face life-threatening risks in the line of duty are treated with fairness and dignity, and that their surviving spouses and dependents receive equal and appropriate protection under County law.

Thank you for your consideration of this proposed amendment.

Cc: Christine Wellons, Chief Legislative Attorney
Jennifer Harling, Chief Labor Relations Officer, Montgomery County

**Expedited Bill No. 32-25, Employees' Retirement System –
Survivor Benefits – Death During Line of Duty**

Amendment by Councilmembers Luedtke, Katz, and Glass

Purpose: Include Group F Members (Police Officers)

Amend lines 4-58 to read as follows.

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

* * *

- (2) [The] Except as provided under paragraph (4) of this subsection (b), the Chief Administrative Officer must pay death benefits to the spouse or domestic partner and child of a Group F or G member 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, if:

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

(B) 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.

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

dies on or after July 1, 2004, or of a Group F member who dies on or after January 1, 2025, 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 F or G – Line of duty death benefits for surviving spouses or domestic partners and children.

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

(i) upon the death of a Group F member, the benefit the spouse or domestic partner and children would have received if the member had terminated employment on the day before the date of death with exactly 25 years of total credited service, as described in Section 33-41, and had elected a 100 percent joint and survivor pension option;

(ii) upon the death of a Group G member, the benefit the spouse or domestic partner and children 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 Section 33-41, and had elected a 100 percent joint and survivor pension option;

~~[(ii)]~~ (iii) the benefit under paragraph (2) of this subsection (b); or

(A4)

~~[(iii)]~~ (iv) 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 F or G
member died; and

(ii) must be paid beginning on the first of the month
following the date the [[Group G member died]]
County receives the election of benefit under
subparagraph (A) of this paragraph.

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