

Expedited Bill No. 18 -10
Concerning: Personnel – Retirement –
Furlough–Imputed Compensation
Revised: April 8, 2010 Draft No. 1
Introduced: April 13, 2010
Enacted: May 20, 2010
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) amend the definition of regular earnings under the employees' retirement system and the retirement savings plan to include certain imputed compensation not received due to a furlough; and
- (2) generally amend the law regarding the employees' retirement system and the retirement savings plan.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-35, 33-113 and 33-128

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:

Sec. 1. Sections 33-35, 33-113 and 33-128 are amended as follows:

33-35. Definitions

In this Article, the following words and phrases have the following meanings:

* * *

Regular earnings: Except as otherwise provided, gross pay for actual hours worked, including paid leave, but not including overtime. Regular earnings for a Group A, E, or H member who is employed on July 1, 2009 and participates in the integrated or optional plan must include amounts as if the member had received an increase of 4.5% in the member's gross pay as of July 1, 2009, except for the purpose of calculating a member's contribution under Section 33-39. Regular earnings for a Group F member who is employed on July 1, 2009 and participates in the integrated or optional plan must include amounts as if the member had received an increase of 4.25% in the member's gross pay as of July 1, 2009, except for the purpose of calculating a member's contribution under Section 33-39. Regular earnings for a Group G member who is employed on July 1, 2009 and participates in the integrated or optional plan must include amounts as if the member had received an increase of 4% in the member's gross pay as of July 1, 2009, except for the purpose of calculating a member's contribution under Section 33-39. If a member is required to take any furlough, as defined in personnel regulations adopted under Section 33-7(b), regular earnings must include any amount the member would have received if the member had not been required to take any furlough. Regular earnings for an elected official is gross pay for services rendered to the County. Regular earnings must not exceed the limit under Internal Revenue Code Section 401(a)(17), as adjusted by the Internal Revenue Service. Gross pay must be used to determine benefits even if the County implements a pick-up plan under Section 414 of the Internal Revenue Code. Gross pay must be

used to determine benefits even if a member has agreed to a reduction in earnings under:

- (a) the County's deferred compensation plan under Section 457 of the Internal Revenue Code; or
- (b) any statutory fringe benefit program sponsored by the County and permitted by the Internal Revenue Code.

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33-113. Definitions.

In this Division the following words and phrases have the following meanings:

* * *

- (p) *Regular earnings* means gross pay for actual hours worked, including paid leave, but not including [exclusive of] overtime, without reduction for participant contributions that are picked up under Section 33-116(a), or contributions to any County deferred compensation plan or statutory fringe benefit program. If a participant is required to take any furlough, as defined in personnel regulations under Section 33-7(b), regular earnings must include any amount the participant would have received if the participant had not been required to take any furlough.

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33-128. Definitions.

In this Division, the following words and phrases have the following meanings:

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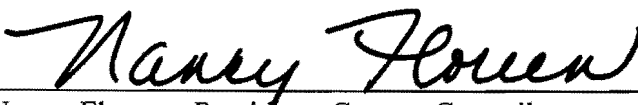
Final earnings means the annual average of the regular salary of an employee less any shift pay differential for the 18-month period immediately before the disability

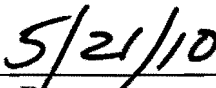
or any period of 18 consecutive months, whichever is greater. If a participant is required to take any furlough, as defined in personnel regulations adopted under Section 33-7(b), final earnings must include any amount the participant would have received if the participant had not been required to take any furlough.

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Sec. 2. Effective Date. The Council declares that this Act is necessary for the immediate protection of the public interest. This Act takes effect on July 1, 2010.

Approved:


 Nancy Floreen, President, County Council


 Date

Approved:

 Isiah Leggett, County Executive

 Date

This is a correct copy of Council action.

 Linda M. Lauer, Clerk of the Council

 Date