

Expedited Bill No. 33-21
Concerning: Personnel – Employee’s
Retirement System – Group E -
Amendments
Revised: July 21, 2021 Draft No. 1
Introduced: July 27, 2021
Enacted: December 14, 2021
Executive: December 27, 2021
Effective: December 27, 2021
Sunset Date: _____
Ch. 36, Laws of Mont. Co. 2021

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the Executive

AN EXPEDITED ACT to:

- (1) move resident supervisors in the Department of Correction and Rehabilitation from Group J to Group E;
- (2) permit resident supervisors to participate in the Deferred Retirement Option Plan for sworn deputy sheriffs and uniformed correctional officers;
- (3) clarify the application of credited service for employees who move from the GRIP to Group E; and
- (4) generally amend the retirement laws.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-37; 33-38A; 33-41; and 33-45

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:

28 exceed 3 years. Notwithstanding the foregoing provisions in
29 group E, any employee who is eligible for membership in group
30 E must participate in the guaranteed retirement income plan or
31 the retirement savings plan under Article VIII if the employee:

32 (A) (i) begins, or returns to, County service on or after
33 October 1, 1994 (except as provided in the last
34 sentence of subsection (e)(2));

35 (ii) is not represented by an employee organization; and

36 (iii) does not occupy a bargaining unit position; or

37 (B) (i) begins County service on or after October 1, 1994;
38 and

39 (ii) is subject to the terms of a collective bargaining
40 agreement between the County and an employee
41 organization which requires the employee to
42 participate in the guaranteed retirement income plan
43 or the retirement savings plan.

44 * * *

45 **Sec. 33-38A. Deferred Retirement Option Plans.**

46 * * *

47 (c) *DROP Plan for Sworn Deputy Sheriffs and Uniformed Correctional*
48 *Officers.*

49 (1) *Uniformed correctional officer* means Correctional
50 Officer I, Correctional Officer II, Correctional Officer III,
51 Correctional Dietary Officer I, Correctional Dietary
52 Officer II, Resident Supervisor I, Resident Supervisor II,
53 Resident Supervisor III, Correctional Supervisor-
54 Sergeant, Correctional Dietary Supervisor, Correctional

55 Shift Commander-Lieutenant, Correctional Unit
 56 Commander-Captain, Deputy Warden, and Warden. The
 57 Director of the Department of Corrections must not begin
 58 participation in the DROP after appointment as Director.

59 * * *

60 **33-41. Credited Service**

61 (a) *Member's credited service.*

62 (1) A member's credited service is the total service rendered under
 63 the employees' retirement system of Montgomery County, plus
 64 any credited service earned under the employees' retirement
 65 system of the State of Maryland and/or the Montgomery County
 66 police relief and retirement fund law plus any other credited
 67 service purchased or granted pursuant to this section.

68 (2) However, credited service earned while an individual is a
 69 participant in the elected officials' plan must be used only for the
 70 purposes described in Section 33-37(e) and Section 33-55A.
 71 Credited service earned while an individual is a participant in the
 72 retirement savings plan under Article VIII must be used only as
 73 provided in Section 33-37(i). Credited service earned while an
 74 individual is a participant in the GRIP must only be used for
 75 GRIP and must not be used as credited service while an
 76 individual is a member of the integrated plan. Notwithstanding
 77 the preceding sentence, for purposes of determining vested
 78 benefits in the integrated plan, a member must receive one year
 79 of credited service for each year of County service and one
 80 month of credited service for each month of County service
 81 during which the member contributed to a County retirement

82 plan. Each year of County service ends on the anniversary of the
83 member’s date of retirement plan participation.

84 * * *

85 **33-45. Vested benefits and withdrawal of contributions.**

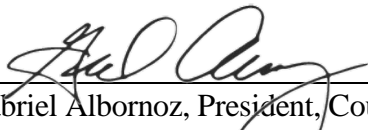
86 (a) *Eligibility for vesting for optional and integrated plans.* A member
87 must complete 5 years of membership before the member is qualified
88 to vest, except that a member who has transferred service credit from a
89 public retirement system in Maryland may use that service credit to
90 qualify for vesting. A vested member must leave all member
91 contributions, plus credited interest, in the fund to be eligible to receive
92 retirement benefits. Notwithstanding the preceding, a member may use
93 credited service under any County retirement plan as credited service
94 for vesting purposes.

95 * * *

96 **Sec. 2. Effective Date.**

97 The Council declares that this legislation is necessary for the immediate
98 protection of the public interest. This Act takes effect on the date on which it becomes
99 law.

Approved:



Gabriel Albornoz, President, County Council
Date 12/15/2021

Approved:



Marc Elrich, County Executive
Date 12/27/2021

This is a correct copy of Council action.



Selena Mendy Singleton, Esq., Clerk of the Council
Date 12/28/2021