Expedited Bill N	0	33	-21		
Concerning: Pe	ersonnel	_	Emplo	yee's	s
Retirement	System	—	Group	Е	-
Amendmen	ts				_
Revised: July	21, 2021	_ D	raft No.		_
Introduced:	July 27, 2	021			_
Enacted:	Decembe	r 14,	2021		
Executive:	Decembe	r 27,	2021		
Effective:	Decembe	r 27,	2021		_
Sunset Date:					
Ch. 36 , Law	s of Mont.	Co.	202	21	

## 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	Heading or defined term.
Underlining	Added to existing law by original bill.
[Single boldface brackets]	Deleted from existing law by original bill.
Double underlining	Added by amendment.
[[Double boldface brackets]]	Deleted from existing law or the bill by amendment.
* * *	Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1	Sec. 1. Sec	ctions 33-37, 33-38A, 33-41, 33-45 are amended as follows:
2	33-37. Membersl	hip requirements and membership groups.
3		* * *
4	(f) Mem	bership groups and eligibility. Any full-time or part-time
5	empl	loyee is eligible for membership in the appropriate membership
6	grou	p if the employee meets all of the requirements for the group:
7		* * *
8	(4)	Group E: The Chief Administrative Officer, the Executive
9		Director of the Office of the County Council, the hearing
10		examiners, the County Attorney and each head of a principal
11		department or office of the County government, if appointed to
12		that position before July 30, 1978, or a member having held that
13		position on or before October 1, 1972. Any sworn deputy sheriff
14		or uniformed County correctional officer in the position of
15		Correctional Officer I, Correctional Officer II, Correctional
16		Officer III, Correctional Dietary Officer I, Correctional Dietary
17		Officer II, Resident Supervisor I, Resident Supervisor II,
18		Resident Supervisor III, Correctional Supervisor-Sergeant,
19		Correctional Dietary Supervisor, Correctional Shift
20		Commander-Lieutenant, Correctional Unit Commander-
21		Captain, Deputy Warden, or Warden. Any group E member who
22		has reached elective early retirement date may retain
23		membership in group E if the member transfers from the position
24		which qualified the member for group E. Any group E member
25		who is temporarily transferred from the position which qualified
26		the member for group E may retain membership in group E as
27		long as the temporary transfer from the group E position does not

28	ez	xceed 3	years. Notwithstanding the foregoing provisions in
29	gı	roup E, ar	y employee who is eligible for membership in group
30	E	must par	ticipate in the guaranteed retirement income plan or
31	th	e retirem	ent savings plan under Article VIII if the employee:
32	(A	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	(I	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. Deferr	ed Retire	ement Option Plans.
46			* * *
47	(c) DROP	Plan for .	Sworn Deputy Sheriffs and Uniformed Correctional
48	Officers		
49	(1	) Unif	formed correctional officer means Correctional
50		Offic	cer I, Correctional Officer II, Correctional Officer III,
51		Corr	ectional Dietary Officer I, Correctional Dietary
52		Offic	cer II, <u>Resident Supervisor I, Resident Supervisor II</u> ,
53		Resi	dent Supervisor III, Correctional Supervisor-
54		Serg	eant, 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. Cree	dited S	ervice
61	(a)	Mem	per'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	<b>33-45. Vested benefits and withdrawal of contributions.</b>				
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

Approved:

Marc Elrich, County Executive

This is a correct copy of Council action.

Selena Mendy Singleton, Esq., Clerk of the Council

12/28/2021

12/15/2021

12/27/2021

Date

Date

Date

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