

Expedited Bill No. 20-23  
Concerning: OPT/SLT Bargaining Units –  
Pension and Retirement Adjustments  
Revised: 04/05/2023 Draft No. 1  
Introduced: April 11, 2023  
Enacted: July 25, 2023  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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### AN EXPEDITED ACT to:

- (1) amend Group E eligibility to add eligibility for certain ECC positions to the Group E Optional Retirement Plan and the Integrated Retirement Plan;
- (2) amend Group J eligibility to add eligibility for certain ECC positions to be designated by the Chief Administrative Officer;
- (3) amend credited service to provide credited service adjustments for military service;
- (4) separate Group E and Group J regarding pension multipliers;
- (5) adjust pension multipliers for Group E and Group J;
- (6) amend the guaranteed retirement savings plan to default into the guaranteed retirement savings plan certain part-time employees in the OPT/SLT bargaining unit;
- (7) amend the disability benefits plan; and
- (8) generally amend pension and retirement benefits.

By amending

Montgomery County Code  
Chapter 33, Personnel and Human Resources  
Sections 33-37, 33-41, 33-42, 33-115, 33-128, 33-131, 33-133, and 33-134

<b>Boldface</b>	<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. Sections 33-37, 33-41, 33-42, 33-115, 33-128, 33-131, 33-133, and**  
2 **33-134 are amended as follows:**

3 **33-37. Membership requirements and membership groups.**

4   \*   \*   \*

5           (f)   *Membership groups and eligibility.* Any full-time or part-time employee  
6 is eligible for membership in the appropriate membership group if the  
7 employee meets all of the requirements for the group:

8   \*   \*   \*

9           (4)   Group E: The Chief Administrative Officer, the Executive  
10 Director of the Office of the County Council, the hearing  
11 examiners, the County Attorney and each head of a principal  
12 department or office of the County government, if appointed to that  
13 position before July 30, 1978, or a member having held that  
14 position on or before October 1, 1972. Any sworn deputy sheriff  
15 or uniformed County correctional officer in the position of  
16 Correctional Officer I, Correctional Officer II, Correctional  
17 Officer III, Correctional Dietary Officer I, Correctional Dietary  
18 Officer II, Resident Supervisor I, Resident Supervisor II, Resident  
19 Supervisor III, Correctional Supervisor-Sergeant, Correctional  
20 Dietary Supervisor, Correctional Shift Commander-Lieutenant,  
21 Correctional Unit Commander-Captain, Deputy Warden, or  
22 Warden, or the following positions in the Emergency  
23 Communications Center: Public Safety Emergency  
24 Communications Specialist I, Public Safety Emergency  
25 Communications Specialist II, Public Safety Emergency  
26 Communications Specialist III, Public Safety Emergency  
27 Communications Specialist IV, Senior Public Safety Emergency

28                   Communications Specialist, Public Safety Communications  
 29                   Supervisor, Public Safety Emergency Communications Manager,  
 30                   or Emergency Communications MLS Manager 2. Any [group]  
 31                   Group E member who has reached elective early retirement date  
 32                   may retain membership in [group] Group E if the member transfers  
 33                   from the position which qualified the member for [group] Group  
 34                   E. Any [group] Group E member who is temporarily transferred  
 35                   from the position which qualified the member for [group] Group  
 36                   E may retain membership in [group] Group E as long as the  
 37                   temporary transfer from the [group] Group E position does not  
 38                   exceed 3 years. Notwithstanding the foregoing provisions in  
 39                   [group] Group E, any employee who is eligible for membership in  
 40                   [group] Group E must participate in the guaranteed retirement  
 41                   income plan or the retirement savings plan under Article VIII if the  
 42                   employee:

- 43                   (A)   (i)   begins, or returns to, County service on or after  
 44                                   October 1, 1994 (except as provided in the last  
 45                                   sentence of subsection (e)(2));  
 46                                   (ii)   is not represented by an employee organization; and  
 47                                   (iii)   does not occupy a bargaining unit position; or  
 48                   (B)   (i)   begins County service on or after October 1, 1994;  
 49                                   and  
 50                                   (ii)   is subject to the terms of a collective bargaining  
 51                                   agreement between the County and an employee  
 52                                   organization which requires the employee to  
 53                                   participate in the guaranteed retirement income plan  
 54                                   or the retirement savings plan.

\* \* \*

- 55
- 56 (8) Group J: Any County member who works in a correctional facility
- 57 or the Emergency Communications Center and due to the required
- 58 duties of the member's position, is designated by the Chief
- 59 Administrative Officer. Any [group] Group J member who has
- 60 reached elective early retirement date may retain membership in
- 61 [group] Group J if the member transfers from the position which
- 62 qualified the member for [group] Group J. Any [group] Group J
- 63 member who is temporarily transferred from the position which
- 64 qualified the member for [group] Group J may retain membership
- 65 in [group] Group J as long as the temporary transfer from the
- 66 [group] Group J position does not exceed 3 years.
- 67 Notwithstanding the foregoing provisions in [group] Group J, any
- 68 employee who is eligible for membership in [group] Group J must
- 69 participate in the guaranteed retirement income plan or the
- 70 retirement savings plan under Article VIII if the employee:
- 71 (A) (i) begins, or returns to, County service on or after
- 72 October 1, 1994 (except as provided in the last
- 73 sentence of subsection (e)(2));
- 74 (ii) is not represented by an employee organization; and
- 75 (iii) does not occupy a bargaining unit position; or
- 76 (B) (i) begins County service on or after October 1, 1994;
- 77 and
- 78 (ii) is subject to the terms of a collective bargaining
- 79 agreement between the County and an employee
- 80 organization which requires the employee to

participate in the guaranteed retirement income plan  
or the retirement savings plan.

\* \* \*

(k) *Eligibility for the guaranteed retirement income plan.*

\* \* \*

(7) A member of the Office, Professional and Technical (OPT) or the Service, Labor and Trades (SLT) collective bargaining unit of the County government must participate in the guaranteed retirement income plan unless the employee makes a one-time irrevocable election to participate in the retirement savings plan during the first 150 days of [full time] employment, if the employee:

(A) is hired as a full-time employee on or after July 1, 2015; [or]

(B) is a part time employee who does not participate in the retirement savings plan and becomes a full-time employee on or after July 1, 2015[.]; or

(C) is hired as a part time employee on or after July 1, 2023, and does not elect to forego participation in either the guaranteed retirement income plan or the retirement savings plan.

\* \* \*

**33-41. Credited Service.**

\* \* \*

(e) *Credited service for prior military service.*

\* \* \*

(4) A Group E member with 5 years of membership in the Employees' Retirement System enrolled or re-enrolled on or after July 1, 1978, may elect to obtain credited service for all or part of any military service in the uniformed services of the United States up to a

108 maximum of 48 months, up to 24 months of which will be credited  
 109 by the County Government at no cost to the member. A member  
 110 exercising this option must pay, in a lump sum or an extended  
 111 payment basis, the actuarial cost for credited service above the 24  
 112 months credited by the County Government.

113 \* \* \*

114 (r) Positions added to Group E eligibility.

115 (1) Notwithstanding subsection (a)(2), an employee in the position of  
 116 Public Safety Emergency Communications Specialist I, Public  
 117 Safety Emergency Communications Specialist II, Public Safety  
 118 Emergency Communications Specialist III, Public Safety  
 119 Emergency Communications Specialist IV, Senior Public Safety  
 120 Emergency Communications Specialist, Public Safety  
 121 Communications Supervisor, Public Safety Emergency  
 122 Communications Manager, or Emergency Communications MLS  
 123 Manager 2 who was hired on or before July 1, 2023, and who was  
 124 participating in the guaranteed retirement income plan or the  
 125 retirement savings plan prior to eligibility in Group E may:

126 (A) make a one-time irrevocable election to purchase credited  
 127 service with their entire existing guaranteed retirement  
 128 income plan or retirement savings plan balances within 150  
 129 days of Group E eligibility, in accordance with an actuarial  
 130 determination of the value transferred; or

131 (B) retain guaranteed retirement income plan or retirement  
 132 savings plan balances, will no longer participate in the  
 133 guaranteed retirement income plan or retirement savings  
 134 plan, and will enter Group E with a credited service balance

135 of 0 years, unless the employee is otherwise eligible to  
 136 purchase other service credits provided for in this section.

137 (2) Eligible employees who elect to purchase credited service under  
 138 this subsection may not apply any years of service while a member  
 139 of the guaranteed retirement income plan or the retirement savings  
 140 plan for the purposes of calculating years of service under either  
 141 the optional retirement plan or the integrated retirement plan.

142 (3) Eligibility for early or normal retirement will be based upon the  
 143 credited service at the time the employee enters Group E plus any  
 144 credited service purchased by the employee.

145 (4) The vesting provisions in subsection (a)(2) will apply to employees  
 146 listed in subsection (r)(1) regardless of whether they elect to  
 147 purchase service credit under this subsection.

148 (s) *Positions added to Group J eligibility.*

149 (1) Notwithstanding subsection (a)(2), a County member who was  
 150 hired on or before July 1, 2023, and who was participating in the  
 151 guaranteed retirement income plan or the retirement savings plan  
 152 prior to Group J eligibility, and who becomes Group J eligible after  
 153 July 1, 2023 may:

154 (A) make a one-time irrevocable election to purchase credited  
 155 service with their entire existing guaranteed retirement  
 156 income plan or retirement savings plan balances within 150  
 157 days of Group J eligibility, in accordance with an actuarial  
 158 determination of the value transferred; or

159 (B) retain guaranteed retirement income plan or retirement  
 160 savings plan balances, will no longer participate in the  
 161 guaranteed retirement income plan or retirement savings

162 plan, and will enter Group J with a credited service balance  
163 of 0 years, unless the employee is otherwise eligible to  
164 purchase other service credits provided for in this section.

165 (2) Eligible employees who elect to purchase credited service under  
166 this subsection may not apply any years of service while a member  
167 of the guaranteed retirement income plan or the retirement savings  
168 plan for the purposes of calculating years of service under either  
169 the optional retirement plan or the integrated retirement plan.

170 (3) Eligibility for early or normal retirement will be based upon the  
171 credited service at the time the employee enters Group J plus any  
172 credited service purchased by the employee.

173 (4) The vesting provisions in subsection (a)(2) will apply to employees  
174 listed in subsection (s)(1) regardless of whether they elect to  
175 purchase service credit under this subsection.

176 \* \* \*

177 **33-42. Amount of pension at normal retirement date or early retirement date.**

178 \* \* \*

179 (b) *Amount of pension at normal retirement date.*

180 (1) Pension amount for an Optional Retirement Plan member.

181 \* \* \*

182 (B) For a Group E [or Group J] member who is a member of the  
183 optional plan and retires on a normal retirement, the annual  
184 pension must equal [2.4] 2.6 percent of average final  
185 earnings for each of the first 25 years of credited service  
186 completed, and [2] 2.25 percent of average final earnings  
187 for each year of credited service of more than 25 years, to a  
188 maximum of [31] 30 years plus sick leave credits. Years of



189 credited service of less than one full year must be prorated.  
 190 Sick leave credits used for years in excess of 25 years must  
 191 be credited at 2 percent of average final earnings. The  
 192 maximum benefit with the application of sick leave credits  
 193 must not exceed [76] 80.25 percent of average final  
 194 earnings.

195 \* \* \*

196 (E) For a Group J member who is a member of the optional plan  
 197 and retires on a normal retirement, the annual pension must  
 198 equal 2.5 percent of average final earnings for each of the  
 199 first 25 years of credited service completed, and 2 percent  
 200 of average final earnings for each year of credited service of  
 201 more than 25 years, to a maximum of 30 years plus sick  
 202 leave credits. Years of credited service of less than one full  
 203 year must be prorated. Sick leave credits used for years in  
 204 excess of 25 years must be credited at 2 percent of average  
 205 final earnings. The maximum benefit with the application of  
 206 sick leave credits must not exceed 76.5 percent of average  
 207 final earnings.

208 \* \* \*

209 (2) Pension amount for an Integrated Retirement Plan member.

210 \* \* \*

211 (C) For a Group E [or Group J] member in the integrated  
 212 retirement plan who retires on a normal retirement, the  
 213 annual pension must be computed as follows:

214 (i) From the date of retirement to the month that the  
 215 member reaches Social Security retirement age: [2.4]

216 2.6 percent of average final earnings for each of the  
 217 first 25 years of credited service completed, and [2]  
 218 2.25 percent of average final earnings for each year  
 219 of credited service of more than 25 years, to a  
 220 maximum of [31] 30 years plus sick leave credits.  
 221 Years of credited service of less than one full year  
 222 must be prorated. Sick leave credits used for years in  
 223 excess of 25 years must be credited at 2 percent of  
 224 average final earnings. The maximum benefit with  
 225 the application of sick leave credits must not exceed  
 226 [76] 80.25 percent of average final earnings.  
 227 Beginning July 1, 2024, from the date of retirement  
 228 to the month that the member reaches the maximum  
 229 Social Security retirement benefit age: 2.6 percent of  
 230 average final earnings for each of the first 25 years of  
 231 credited service completed, and 2.25 percent of  
 232 average final earnings for each year of credited  
 233 service of more than 25 years, to a maximum of 30  
 234 years plus sick leave credits. Years of credited service  
 235 of less than one full year must be prorated. Sick leave  
 236 credits used for years in excess of 25 years must be  
 237 credited at 2 percent of average final earnings. The  
 238 maximum benefit with the application of sick leave  
 239 credits must not exceed 80.25 percent of average  
 240 final earnings.

241 (ii) From the month the member reaches Social Security  
 242 normal retirement age: [1.65%] 1.25 percent of

243 average final earnings up to the Social Security  
244 maximum covered compensation in effect on the date  
245 of retirement for each year of credited service to a  
246 maximum of [31] 30 years plus sick leave credits,  
247 plus [2.4%] 2.6 percent of average final earnings  
248 above the Social Security maximum covered  
249 compensation in effect on the date of retirement for  
250 each of the first 25 years of credited service  
251 completed, and [2%] 2.25 percent of average final  
252 earnings above the Social Security maximum  
253 covered compensation in effect on the date of  
254 retirement for each year of credited service of more  
255 than 25 years, to a maximum of [31] 30 years plus  
256 sick leave credits. Years of credited service of less  
257 than one full year must be prorated. Sick leave credits  
258 used for years in excess of 25 years must be credited  
259 at 2 percent of average final earnings above the Social  
260 Security maximum covered compensation in effect  
261 on the date of retirement. The County must increase  
262 this initial amount by the cost-of-living adjustments  
263 provided under Section 33-44(c) for the period from  
264 the member's date of retirement to the month in  
265 which the member reaches Social Security retirement  
266 age. Beginning July 1, 2024, from the month the  
267 member reaches the maximum Social Security  
268 retirement benefit age: 1.25 percent of average final  
269 earnings up to the Social Security maximum covered

270 compensation in effect on the date of retirement for  
 271 each year of credited service to a maximum of 30  
 272 years plus sick leave credits, plus 2.6 percent of  
 273 average final earnings above the Social Security  
 274 maximum covered compensation in effect on the date  
 275 of retirement for each of the first 25 years of credited  
 276 service completed, and 2.25 percent of average final  
 277 earnings above the Social Security maximum  
 278 covered compensation in effect on the date of  
 279 retirement for each year of credited service of more  
 280 than 25 years, to a maximum of 30 years plus sick  
 281 leave credits. Years of credited service of less than  
 282 one full year must be prorated. Sick leave credits used  
 283 for years in excess of 25 years must be credited at 2  
 284 percent of average final earnings above the Social  
 285 Security maximum covered compensation in effect  
 286 on the date of retirement. The County must increase  
 287 this initial amount by the cost-of-living adjustments  
 288 provided under Section 33-44(c) for the period from  
 289 the member's date of retirement to the month in  
 290 which the member reaches the maximum Social  
 291 Security retirement benefit age.

292 \* \* \*

293 (F) For a Group J member in the integrated retirement plan who  
 294 retires on a normal retirement, the annual pension must be  
 295 computed as follows:

296 (i) From the date of retirement to the month that the  
297 member reaches Social Security retirement age: 2.5  
298 percent of average final earnings for each of the first  
299 25 years of credited service completed, and 2 percent  
300 of average final earnings for each year of credited  
301 service of more than 25 years, to a maximum of 30  
302 years plus sick leave credits. Years of credited service  
303 of less than one full year must be prorated. Sick leave  
304 credits used for years in excess of 25 years must be  
305 credited at 2 percent of average final earnings. The  
306 maximum benefit with the application of sick leave  
307 credits must not exceed 76.5 percent of average final  
308 earnings. Beginning July 1, 2024, from the date of  
309 retirement to the month that the member reaches the  
310 maximum Social Security retirement benefit age: 2.5  
311 percent of average final earnings for each of the first  
312 25 years of credited service completed, and 2 percent  
313 of average final earnings for each year of credited  
314 service of more than 25 years, to a maximum of 30  
315 years plus sick leave credits. Years of credited service  
316 of less than one full year must be prorated. Sick leave  
317 credits used for years in excess of 25 years must be  
318 credited at 2 percent of average final earnings. The  
319 maximum benefit with the application of sick leave  
320 credits must not exceed 76.5 percent of average final  
321 earnings.

322 (ii) From the month the member reaches Social Security  
323 normal retirement age: 1.25 percent of average final  
324 earnings up to the Social Security maximum covered  
325 compensation in effect on the date of retirement for  
326 each year of credited service to a maximum of 30  
327 years plus sick leave credits, plus 2.5 percent of  
328 average final earnings above the Social Security  
329 maximum covered compensation in effect on the date  
330 of retirement for each of the first 25 years of credited  
331 service completed, and 2 percent of average final  
332 earnings above the Social Security maximum  
333 covered compensation in effect on the date of  
334 retirement for each year of credited service of more  
335 than 25 years, to a maximum of 30 years plus sick  
336 leave credits. Years of credited service of less than  
337 one full year must be prorated. Sick leave credits used  
338 for years in excess of 25 years must be credited at 2  
339 percent of average final earnings above the Social  
340 Security maximum covered compensation in effect  
341 on the date of retirement. The County must increase  
342 this initial amount by the cost-of-living adjustments  
343 provided under Section 33-44(c) for the period from  
344 the member's date of retirement to the month in  
345 which the member reaches Social Security retirement  
346 age. Beginning July 1, 2024, from the month the  
347 member reaches the maximum Social Security  
348 retirement benefit age: 1.25 percent of average final

349 earnings up to the Social Security maximum covered  
 350 compensation in effect on the date of retirement for  
 351 each year of credited service to a maximum of 30  
 352 years plus sick leave credits, plus 2.5 percent of  
 353 average final earnings above the Social Security  
 354 maximum covered compensation in effect on the date  
 355 of retirement for each of the first 25 years of credited  
 356 service completed, and 2 percent of average final  
 357 earnings above the Social Security maximum  
 358 covered compensation in effect on the date of  
 359 retirement for each year of credited service of more  
 360 than 25 years, to a maximum of 30 years plus sick  
 361 leave credits. Years of credited service of less than  
 362 one full year must be prorated. Sick leave credits used  
 363 for years in excess of 25 years must be credited at 2  
 364 percent of average final earnings above the Social  
 365 Security maximum covered compensation in effect  
 366 on the date of retirement. The County must increase  
 367 this initial amount by the cost-of-living adjustments  
 368 provided under Section 33-44(c) for the period from  
 369 the member's date of retirement to the month in  
 370 which the member reaches the maximum Social  
 371 Security retirement benefit age.

372 \* \* \*

373 **33-115. Participant requirements and participant groups.**

374 (a) *Participant [Requirements] requirements.*

375 \* \* \*

- 376 (7) Participation in the guaranteed retirement income plan.
- 377 (A) A participant who changes employment from the County
- 378 directly to a participating agency or from a participating
- 379 agency directly to the County must continue to participate
- 380 in his or her retirement plan and is not eligible to make an
- 381 election. A member of the Office, Professional and
- 382 Technical (OPT) or the Service, Labor and Trades (SLT)
- 383 collective bargaining unit of the County government must
- 384 participate in the Guaranteed Retirement Income Plan,
- 385 unless the employee makes a one-time irrevocable election
- 386 to participate in the Retirement Savings Plan during the first
- 387 150 days of [full time] employment, if the employee:
- 388 (i) is hired as a full-time employee on or after July 1,
- 389 2015; [or]
- 390 (ii) is a part time employee who does not participate in
- 391 the Retirement Savings Plan and becomes a full-time
- 392 employee on or after July 1, 2015[.]; or
- 393 (iii) is hired as a part time employee on or after July 1,
- 394 2023, and does not elect to forego participation in
- 395 either the guaranteed retirement income plan or the
- 396 retirement savings plan.

\* \* \*

**33-128. Definitions.**

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

\* \* \*

*Employee* means a County employee who[]:



402 (1)]] participates in the retirement savings plan under this Article or in the  
 403 elected officials' plan under Article III or the guaranteed retirement  
 404 income plan under Article III]; and

405 (2) is regularly scheduled to work 20 hours or more per week].

406 \* \* \*

407 **33-131. Amount of benefits.**

408 \* \* \*

409 (b) *Non-service-connected disability.* The annual amount of the non-service-  
 410 connected disability benefit payment equals 2 percent of the employee's  
 411 final earnings, multiplied by the number of years of credited service  
 412 earned under Section 33-41 or Section 33-119. However, the benefit  
 413 must be at least [30] 33 1/3 percent of the employee's final earnings, but  
 414 no more than 60 percent of the employee's final earnings, less any  
 415 reductions provided in Section 33-134.

416 \* \* \*

417 **33-133. Termination of benefits.**

418 (a) *Non-public safety employee.* The administrator must terminate initial or  
 419 continued disability benefits to a non-public safety employee if the  
 420 employee:

- 421 (1) recovers from the disability, as determined by the administrator;
- 422 (2) does not provide the administrator with information that the
- 423 administrator requires; or
- 424 (3) attains age [70] 85, or a later age if required under federal law.

425 (b) *Public safety employee.* The administrator must terminate initial or  
 426 continued disability benefits to a public safety employee if the employee:

- 427 (1) recovers from the disability, as determined by the administrator;

- 428 (2) does not provide the administrator with information that the
- 429 administrator requires; or
- 430 (3) attains age [70] 85, or a later age if required under federal law, if
- 431 the benefit is for a non-service connected disability.

432 **33-134. Reduction of benefits.**

433 (a) *Reduction by payments received.* Disability benefits must be reduced by  
434 any amount the employee receives from:

435 \* \* \*

- 436 (4) the optional or integrated plan of the employees' retirement system
- 437 under Article III; and
- 438 (5) the retirement savings plan under this Division, or amounts the
- 439 employee is entitled to receive under the retirement savings plan
- 440 for a public safety employee]; and
- 441 (6) employment, including net earnings from self-employment,
- 442 received directly or indirectly].

443 (b) Amount of reduction. The disability benefits must be reduced by[:

- 444 (1) one dollar for every three dollars of earnings under paragraph
- 445 (a)(6); and
- 446 (2)] one dollar for every one dollar of other payments under subsection
- 447 (a).

448 \* \* \*

449 **Sec. 2. Effective date.** The Council declares that this legislation is necessary  
450 for the immediate protection of the public interest. This Act takes effect on the date  
451 on which it becomes law.

*Approved:*

  
Evan Glass, President, County Council

July 25, 2023

Date

*Approved:*

Marc Elrich, County Executive

Date

*This is a correct copy of Council action.*

Sara R. Tenenbaum, Clerk of the Council

Date