

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: May 29, 2010
Effective: July 1, 2010
Sunset Date: None
Ch. 21, Laws of Mont. Co. 2010

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:

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

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

34 * * *

35 **33-113. Definitions.**

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

38 * * *

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

48 * * *

49 **33-128. Definitions.**

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

52 * * *

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

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

59 * * *

60 **Sec. 2. Effective Date.** The Council declares that this Act is necessary for
61 the immediate protection of the public interest. This Act takes effect on July 1,
62 2010.

63 *Approved:*

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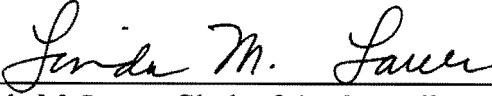
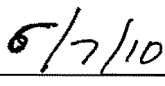
Nancy Floreen, President, County Council Date

66 *Approved:*

67  

Isiah Leggett, County Executive Date

68 *This is a correct copy of Council action.*

69  

Linda M. Lauer, Clerk of the Council Date