

Expedited Bill No. 35-10
Concerning: Personnel – Disability
Retirement – Imputed Compensation
Revised: June 16, 2010 Draft No. 4
Introduced: May 27, 2010
Enacted: June 22, 2010
Executive: June 30, 2010
Effective: June 30, 2010
Sunset Date: None
Ch. 32, Laws of Mont. Co. 2010

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Elrich, Andrews, and Trachtenberg

AN EXPEDITED ACT to:

- (1) amend the definition of final earnings to extend imputed compensation beyond FY10 for certain members who apply for disability retirement benefits under the employees' retirement system by a certain date;
- (2) modify the qualifications, selection, and operating procedures for disability review panel members; and
- (2) generally amend the law regarding disability retirement.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-35 and 33-43

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:

1 **Sec. 1. Section 33-35 is amended as follows:**

2 **33-35. Definitions.**

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

4 * * *

5 *Final earnings:* Except as otherwise provided, the regular earnings of a
6 member as of the last date of active service. Final earnings for a member who
7 filed an application for disability benefits under Section 33-43 before May 19,
8 2010 that is approved after June 30, 2010 must be the member's regular
9 earnings [[on the date of the member's application]] on the last pay period in
10 fiscal year 2010.

11 * * *

12 **33-43. Disability Retirement**

13 * * *

14 (c) *Selection of the Disability Review Panel.*

15 (1) The Chief Administrative Officer must appoint 4 members of the
16 Disability Review Panel from a list of at [lease 10] least 5
17 impartial, unbiased medical doctors willing and able to serve
18 provided by one or more impartial medical organizations retained
19 by the Chief Administrative Officer. If the list of doctors
20 provided by the impartial medical organization is not agreed to
21 by the certified representatives and the County, the certified
22 representatives must strike [3 names] 1 name from the list and the
23 County must strike [3 names] 1 name from the list by alternating
24 strikes. The Chief Administrative Officer must appoint a
25 member from the remaining [4] 3 names on the list.

26 (2) The Chief Administrative Officer must appoint members who are
27 licensed to practice medicine and certified in a medical specialty

28 under standards established by the American Board of Medical
29 Specialties (or a successor organization). At least 1 member [who
30 are] must be either:

31 (A) certified by the American Board of Preventive Medicine
32 (or a successor organization) as a specialist in occupational
33 medicine; or

34 (B) certified in a different medical specialty and have at least
35 10 years of experience practicing occupational medicine.

36 (3) (A) The Chief Administrative Officer must appoint members
37 under subsection (c)(1) for staggered 3-year terms. To
38 implement the staggered terms, the Chief Administrative
39 Officer must appoint the first member to a 3-year term, the
40 second member to a one-year term, and the third and
41 fourth members to a 2-year term. After these initial
42 appointments, the Chief Administrative Officer must
43 appoint all members to 3-year terms, except for any
44 member appointed under subsection (c)(6) to fill a
45 vacancy.

46 (B) After the Chief Administrative Officer appoints or
47 reappoints a Panel member, the Chief Administrative
48 Officer must promptly send each certified representative a
49 copy of the document confirming the appointment.

50 (4) When a Panel member's term expires, the Panel member may be
51 reappointed to a new 3-year term unless, at any time within 30
52 days to 60 days prior to the expiration of the term, a certified
53 representative notifies the County and the other certified
54 representatives or the County notifies the certified representatives

55 that it objects to the reappointment of the Panel member. If there
56 is no objection, the Panel member is eligible to serve an
57 additional term or terms.

58 (5) If a Panel member declines to be reappointed to the Panel, the
59 Chief Administrative Officer must appoint a new Panel member
60 from a list of at least [10] 5 medical doctors as provided for in
61 subsection (c)(1).

62 (6) If a vacancy on the Panel is created by a Panel member's death,
63 disability, resignation, non-performance of duty, or other cause,
64 the Chief Administrative Officer must appoint a medical doctor
65 to complete the Panel member's term from a list of at least [10] 5
66 medical doctors as provided for in subsection (c)(1).

67 (7) The County must pay the impartial medical organization retained
68 by the County and each Panel member reasonable compensation,
69 as determined by the Chief Administrative Officer, for services
70 rendered.

71 (d) *Disability retirement procedures.*

72 * * *

73 (6) The Panel must meet in person, by telephone conference, or by
74 video conference, and review and consider all evidence submitted
75 to it no later than 60 days after the application is filed. A Panel
76 must include either 2 or 3 members. [majority] At least 2
77 members must vote [of 3] [members] in favor of a decision [is
78 required] to take any action under this Section.

79 * * *

80 **Sec. 2. Expedited Effective Date.**

81 The Council declares that this legislation is necessary for the immediate

82 protection of the public interest. This Act takes effect on the date on which it
83 becomes law.

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86 *Approved:*

87 *Nancy Floreen* *6/24/10*
Nancy Floreen, President, County Council Date

88 *Approved:*

89 *Isiah Leggett* *June 30/2010*
Isiah Leggett, County Executive Date

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

91 *Linda M. Lauer* *7/6/2010*
Linda M. Lauer, Clerk of the Council Date