

Clerk's Note: Correction to Effective date.

CORRECTED PAGE

Expedited Bill No. 42-10
Concerning: Personnel - Retirement -
Furlough - Imputed Compensation -
Represented Employees
Revised: July 12, 2010 Draft No. 1
Introduced: July 20, 2010
Enacted: October 12, 2010
Executive: October 25, 2010
Effective: July 1, 2010
Sunset Date: None
Ch. 45, 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 and final earnings under the employees' retirement system and the retirement savings plan to include certain imputed compensation not received due to a furlough for certain represented employees; 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:

26 Revenue Code Section 401(a)(17), as adjusted by the Internal Revenue Service.
27 Gross pay must be used to determine benefits even if the County implements a
28 pick-up plan under Section 414 of the Internal Revenue Code. Gross pay must be
29 used to determine benefits even if a member has agreed to a reduction in earnings
30 under:

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

35 * * *

36 **33-113. Definitions.**

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

39 * * *

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

50 * * *

51 **33-128. Definitions.**

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

54 * * *

55 *Final earnings* means the annual average of the regular salary of an employee less
56 any shift pay differential for the 18-month period immediately before the disability
57 or any period of 18 consecutive months, whichever is greater. If a participant is
58 required to take any furlough, as defined in personnel regulations adopted under
59 33-7(b) or a collective bargaining agreement, final earnings must include amounts
60 the participant would have received if the participant had not been required to take
61 any furlough.

62 * * *

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

66 *Approved:*

67

68 *Nancy Floreen* 10-13-10
Nancy Floreen, President, County Council Date

69 *Approved:*

70 *Isiah Leggett* 10-25-10
Isiah Leggett, County Executive Date

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

72 *Linda M. Lauer* 10/25/10
Linda M. Lauer, Clerk of the Council Date