Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 10

Bill No. 57 -2018

Introduced by: Jon Weinstein

AN ACT providing for credit in the Howard County Police and Fire Employees' Retirement Plan for pre-employment military service in certain situations; specifying the conditions and forms of proof; and generally relating to Howard County police and fire pension plans.

Introduced and read first time _____, 2018. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2018.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2018 and Passed ___, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____day of _____, 2018 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved by the County Executive _____, 2018

_____
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

Section 1. Be It Enacted *by the County Council of Howard County, Maryland, that the Howard County Code is amended as follows:*

By amending:

Title 1. Human Resources.

Subtitle 4A. - Police and Fire Employees' Retirement Plan

Article IIA. - Credited Service

Sec. 1.406A. – Definitions. Subsection (ab)

Sec. 1.414A. - Leaves of absence.

By adding:

Title 1. Human Resources.

Subtitle 4A. - Police and Fire Employees' Retirement Plan

Article IIA. - Credited Service

Sec. 1.415A. - Credit for Pre-Employment Military Service.

Title 1. Human Resources.

SUBTITLE 4A. - POLICE AND FIRE EMPLOYEES' RETIREMENT PLAN

ARTICLE IIA. - CREDITED SERVICE

Sec. 1.406A. - Definitions.

(ab) Military service means active military duty in the Armed Forces of the United States, including [[initial]] training and call-ups to active Federal duty with the National Guard or Military Reserve.

Sec. 1.414A. - Leaves of absence.

(a) Temporary Absence is Not a Termination of Employment. A participant shall not cease to be a covered employee even though his or her employment is interrupted by a temporary absence from active service, extending for not more than 24 months, under conditions which are not treated by the County as a termination of employment. The performance of an hour of service after a leave of absence has commenced will constitute an expiration of the leave of absence.

(b) Credit for Service During Unpaid Leave of Absence for Military Service. Notwithstanding the foregoing, the participant will not receive credit for service during an unpaid leave of absence for military service, except to the extent required by the Uniformed Services Employment and Reemployment Rights Act of 1994 and the State Personnel and Pensions Article, title 38, of the Annotated Code of Maryland. To the extent required by the Heroes Earnings Assistance and Relief Tax Act of 2008, if a participant fails to again become an employee as a result of his death

while in military service on or after July 1, 2007, the participant shall be entitled to eligibility service for such military service.

(c) Expiration of Leave of Absence. If any participant on leave of absence fails to answer an inquiry by the County as to the status of the leave of absence, or if the County is not notified of the death of disability of such participant, and the County has no actual knowledge thereof, the County may determine that the leave of absence had or has expired.

(d) Crediting of Service During Paid Leaves of Absence. Service with respect to a leave of absence will be credited pursuant to the following:

(1) Paid leaves of absence will constitute continuation of employment.

(2) Service will be credited for the customary period of work during a paid leave of absence, and section 1.426A contributions will continue to be made.

(3) An individual on a leave of absence for reasons of illness will be deemed to be on a paid leave of absence so long as the individual's rate of pay is not reduced and so long as he or she is paid directly by the County or through County-financed wage continuation insurance; but the individual will not be considered to be on a paid leave of absence under circumstances where payments are made solely for the purpose of complying with workers' compensation, unemployment insurance or disability insurance laws.

(e) Crediting of Service During Unpaid Leave of Absence. A leave of absence where the participant's rate of pay is reduced shall constitute an unpaid leave of absence. Service credit shall not be granted for an unpaid leave of absence (other than for military service, as described below) unless the participant continues to make regular contributions to the plan pursuant to section 1.427A, in accordance with such administrative procedures as are developed by the County.

[[(f) Credit for Pre-Employment Military Service. A participant shall receive credit for additional years of eligibility service and years of creditable service to the extent of the participant's military service, to a maximum of four years, if the participant:

(1) Has military service that precedes the participant's employment with the County and that has not been recognized under section 1.416A;

(2) Is not entitled to a military pension from the United States Government (except for benefits under a Reservist's Pension described in Chapter 1223 of the United States Code) or any other foreign government on account of such service; and

(3) Has 20 years of eligibility service (determined without regard to the participant's military service).]]

Sec. 1.415A. – [[Reserved]] CREDIT FOR PRE-EMPLOYMENT MILITARY SERVICE.

(A) IN GENERAL.

A PARTICIPANT SHALL RECEIVE CREDIT FOR ADDITIONAL YEARS OF ELIGIBILITY SERVICE AND YEARS OF CREDITABLE SERVICE AS PROVIDED IN THIS SECTION.

(B) CREDIT FOR PRE-EMPLOYMENT MILITARY SERVICE.

A PARTICIPANT SHALL RECEIVE CREDIT FOR ADDITIONAL YEARS OF ELIGIBILITY SERVICE AND YEARS OF CREDITABLE SERVICE TO THE EXTENT OF THE PARTICIPANT'S MILITARY SERVICE, TO A MAXIMUM OF FOUR YEARS, IF THE PARTICIPANT:

(1) HAS MILITARY SERVICE THAT PRECEDES THE PARTICIPANT'S EMPLOYMENT WITH THE COUNTY AND THAT HAS NOT BEEN RECOGNIZED UNDER SECTION 1.416A;

(2) IS NOT ENTITLED TO A MILITARY PENSION FROM THE UNITED STATES GOVERNMENT (EXCEPT FOR BENEFITS UNDER A RESERVIST'S PENSION DESCRIBED IN CHAPTER 1223 OF THE UNITED STATES CODE) OR ANY OTHER FOREIGN GOVERNMENT ON ACCOUNT OF SUCH SERVICE; AND

(3) HAS 20 YEARS OF ELIGIBILITY SERVICE (DETERMINED WITHOUT REGARD TO THE PARTICIPANT'S MILITARY SERVICE).

(C) CALCULATION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE CREDIT FOR ADDITIONAL MONTHS OF ELIGIBILITY SERVICE AND CREDITABLE SERVICE EQUALS:

(I) THE NUMBER OF POINTS RECORDED ON A FORM SHOWING PROOF OF MILITARY SERVICE, DIVIDED BY 28 UP TO MAXIMUM OF FORTY-EIGHT MONTHS; AND

(II) THE MONTHS OF ACTIVE DUTY MILITARY SERVICE UP TO A MAXIMUM OF FORTY-EIGHT MONTHS.

(2) THE MAXIMUM CREDIT UNDER PARAGRAPH (1)(I) PLUS (II) IS 48 MONTHS TOTAL.

Section 2. And Be It Further Enacted *by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.*