

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2008 Legislative Session

Bill No. CB-17-2008
 Chapter No. 14
 Proposed and Presented by The Chairman (by request – County Executive)
 Introduced by Council Members Olson, Exum, Bland, and Dean
 Co-Sponsors _____
 Date of Introduction June 3, 2008

BILL

1 AN ACT concerning

2 Prince George's County Fire Service Pension Plan

3 For the purpose of approving by legislative act an amendment to the Fire Service Pension Plan
 4 regarding the addition of line of duty death benefits.

5 SECTION 1. WHEREAS, Section 16-231(a) of the Prince George's County Code
 6 authorizes the County Executive to establish a pension plan for all uniformed employees
 7 occupying classified service positions allocated to public safety classes of work within the Fire
 8 Department; and

9 SECTION 2. WHEREAS, Section 16-231(a) of the Prince George's County Code provides
 10 that, upon establishment, a pension plan for all uniformed employees occupying classified
 11 service positions allocated to public safety classes of work within the Fire Department may not
 12 be amended to lessen the benefits provided therein or to bind the County to finance or make
 13 contributions thereto, unless such amendments are approved by legislative act of the County
 14 Council; and

15 SECTION 3. WHEREAS, the Fire Service Pension Plan (the "Plan") originally went into
 16 effect as of July 1, 1966 and the terms of the original Plan were contained in a contract between
 17 the County and New England Mutual Life Insurance Company, known as Group Annuity Policy
 18 No. GA-417. The Group Annuity Policy was amended from time to time; and

19 SECTION 4. WHEREAS, pursuant to Executive Order No. 199-1973, dated October 9,
 20 1973, the Group Annuity Policy was terminated, and the Plan was amended to authorize the
 21 transfer of the Plan assets from the Insurance Company to a Trustee for purposes of investment

1 and benefit payment. By Executive Order No. 72-1974, a separate Plan document was adopted
2 effective January 1, 1973; and

3 SECTION 5. WHEREAS, a restated Plan document, setting forth all provisions of the Plan
4 as of July 1, 2002, including all amendments to the Plan as of such date, was approved by the
5 County; and

6 SECTION 6. WHEREAS, pursuant to CB-45-2006, Prince George's County, Maryland,
7 adopted the most recent amendments to the Collective Bargaining Agreement – International
8 Association of Fire Fighters, AFL-CIO, Local 1619 (Fire Fighters, Paramedics and Emergency
9 Response Technicians) regarding death benefits; pursuant to CR-51-2006, the death benefit
10 amendments were incorporated into the Compensation and Benefits – International Association
11 of Fire Fighters, AFL-CIO, Local 1619 (Fire Fighters, Paramedics and Emergency Response
12 Technicians), Salary Schedules S, M, R and Y Schedule of Pay Grades; and pursuant to CR-67-
13 2006, the death benefits were incorporated into Compensation and Benefits -Fire Officials -
14 Salary Schedule F-O Schedule of Pay Grades; and

15 SECTION 7. WHEREAS, the County wishes to provide a pre-retirement death benefit to
16 the surviving spouse of a participant who dies in the line of duty; and now therefore

17 SECTION 8. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, that the Prince George's County Fire Service Pension Plan be amended, said
19 amendment, attached hereto and made a part herein, designated as Attachment A, be and is
20 hereby approved, upon the effective date of this Act.

21 SECTION 9. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
22 calendar days after it becomes law.

Adopted this 1st day of July, 2008.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Samuel H. Dean
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Jack B. Johnson
County Executive

ATTACHMENT A**PRINCE GEORGE'S COUNTY FIRE SERVICE PENSION PLAN****RECITALS**

This legislation adds a “line of duty” death benefit to Plan benefits, in the form of a pre-retirement spousal survivor benefit. The benefit is payable to the surviving spouse of a Participant who dies in the line of duty.

AMENDMENT

1. The definition of Average Annual Compensation in Section 1 (“Definitions”) is amended to add a new paragraph at the end thereof to read as follows: “For purposes of calculating the pre-retirement death benefit payable to a surviving spouse for a Death in the Line of Duty benefit, Average Annual Compensation shall be calculated by assuming that any posthumously awarded promotion of the Participant applies for all years of service used in the calculation, and by assuming that a Participant with fewer than twenty-four months of service has twenty-four months, and that the compensation earned for imputed months of service equals the average of compensation earned during actual months of service.”

2. Section 1 (“Definitions”) is amended to add a new definition of “Death in the Line of Duty” to read as follows:

“Death in the Line of Duty means a death that occurs as a result of and arising out of or in the course of the actual performance of duty for Prince George’s County, Maryland. A death shall not be considered to be a Death in the Line of Duty if: (A) the death was caused by the intentional misconduct of the decedent or by such decedent's intention to bring about such decedent's death; (B) the decedent was voluntarily intoxicated (as defined in section 1204 of the 1968 Omnibus Crime Control and Safe Streets Act) at the time of death; (C) the decedent was performing such duties in a grossly negligent manner at the time of death; or (D) the payment is to an individual whose actions were a substantial contributing factor to the death of the decedent. An eligibility determination at the death of a Participant for the benefits payable as a result of a Death in the Line of Duty shall be made by the Administrative Review Board.”

3. Section 6 (“Death Benefits”) is amended to add a new Subsection 6.3: “Death in the Line of Duty”, to read as follows:

“6.3 Death in the Line of Duty.

Effective July 1, 2008, the surviving spouse of a Participant who dies while an Employee and whose death is a Death in the Line of Duty shall receive a monthly benefit for the spouse’s life in an amount equal to the benefit the spouse would have received if the Participant had terminated employment on the day before the date of death with exactly twenty years of Actual Service and elected a reduced benefit for his/her life and a 100% Contingent Annuitant benefit with the Participant’s surviving spouse named to receive the benefit. The spouse’s benefit shall be payable as of the first day of the month following the Employee’s death. A surviving spouse eligible to receive the pre-retirement 50% Contingent Annuitant benefit described above shall not be paid that benefit if he or she receives this 100% Contingent Annuitant benefit for a Death in the Line of Duty.”

In all other respects, this Plan is ratified and confirmed.