

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2001 Legislative Session**

Bill No. CB-2-2001

Chapter No. 2

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Scott, Wilson and Bailey

Co-Sponsors \_\_\_\_\_

Date of Introduction February 27, 2001

**BILL**

1 AN ACT concerning

2 Prince George's County Police and Fire Service Pension Plans

3 For the purpose of approving by legislative act an amendment to the current Police Pension Plan  
4 and Fire Service Pension Plan provision regarding the determination of disability benefits and  
5 certain Disability Review Board Rules of Administrative Procedure for determining disability  
6 benefits for participants of the Police Pension Plan and Fire Service Pension Plan.

7 WHEREAS, Section 16-231(a) of the Prince George's County Code provides for the  
8 County Executive to establish by agreement, police and fire pension plans for all uniformed  
9 employees occupying classified service positions allocated to public safety classes of work  
10 within the Police and Fire Departments; and

11 WHEREAS, Section 16-231(a) of the Prince George's County Code provides that any such  
12 pension plan, upon establishment, may not be amended to lessen the benefits provided therein,  
13 unless such amendments are approved by legislative act of the County Council; and

14 WHEREAS, by Executive Order No. 73-1974, (effective January 1, 1973) the Police  
15 Pension Plan was adopted, and Appendix 2 of the Police Pension Plan established the Disability  
16 Review Board Rules of Administrative Procedure for the Police Pension Plan; and

17 WHEREAS, by Executive Order No. 72-1974, (effective January 1, 1973) the Fire Service  
18 Pension Plan was adopted, and Appendix 2 of the Fire Service Pension Plan established the  
19 Disability Review Board Rules of Administrative Procedure for the Fire Service Pension Plan;  
20 and

21 WHEREAS, by Executive Order No. 26-1998, the Board of Trustees and the County

1 Executive approved the Police Pension Plan (Revised and Restated Effective July 1, 1998); and  
2 by Executive Order No. 26-1998, Section 9 (h) of the Disability Review Board Rules of  
3 Administrative Procedure, found in Appendix 2 of the Police Pension Plan as incorporated into  
4 Section 4.2 of the Police Pension Plan; and

5 WHEREAS, by Executive Order No. 27-1998, the Board of Trustees and the County  
6 Executive approved the Fire Service Pension Plan (Revised and Restated Effective July 1, 1998);  
7 and by Executive Order No. 27-1998, Section 9(h) of the Disability Review Board Rules of  
8 Administrative Procedure, found in Appendix 2 of the Fire Service Pension Plan as incorporated  
9 into Section 4.3 of the Fire Service Pension Plan;

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
11 Maryland, that said Police Pension Plan Amendment and Police Pension Plan Appendix 2  
12 Amendment, attached hereto and made a part herein, be and the same are hereby approved, upon  
13 the effective date of this Act.

14 SECTION 2. BE IT FURTHER ENACTED that said Fire Service Pension Plan  
15 Amendment and Fire Service Plan Appendix 2 Amendment, attached hereto and made a part  
16 herein, be and the same are hereby approved, upon the effective date of this Act.

1       SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
2 calendar days after it becomes law.

Adopted this 27th day of March, 2001.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Ronald V. Russell  
Chair

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Wayne K. Curry  
County Executive

AMENDMENT  
PRINCE GEORGE'S COUNTY, MARYLAND  
POLICE PENSION PLAN  
(REVISED AND RESTATED EFFECTIVE JULY 1, 1998)

**Amendment**

Prince George's County, Maryland  
Police Pension Plan  
(Revised and Restated Effective July 1, 1998)

Pursuant to Executive Order No. 26- 1998, the Board of Trustees and the County Executive approved the Police Pension Plan (Revised and Restated Effective July 1, 1998) and by Executive Order No. 26-1998, Section 9(h) of the Disability Review Board Rules of Administrative Procedure, found in Appendix 2 of the Police Pension Plan was incorporated into Section 4.2 (b)(3) of the Police Pension Plan. Pursuant to Section 16-231(a) of the Prince George's County Code, said Pension Plan, upon establishment, may not be amended to lessen the benefits provided therein, unless such amendments are approved by legislative act of the County Council. This amendment is therefore approved.

4.2 Retirement at Disability Retirement Date. -- add the following as the last paragraph in this Section 4.2(b)(3), upon the effective date of CB-2-2001.

In determining whether an injury or illness is service-connected, the Participant must show that the injury or illness was directly and substantially caused by an employment related accident, occurrence or condition. A pre-existing physical or mental condition found in the Participant which is aggravated by an employment related accident, occurrence or condition and renders the Participant disabled, does not give rise to a service-connected disability.

AMENDMENT  
PRINCE GEORGE'S COUNTY, MARYLAND  
POLICE PENSION PLAN  
APPENDIX 2  
DISABILITY REVIEW BOARD  
RULES OF ADMINISTRATIVE  
PROCEDURE  
(REVISED AND RESTATED EFFECTIVE JULY 1, 1998)

**Amendment**

Prince George's County, Maryland  
Police Pension Plan  
Appendix 2  
Disability Review Board  
Rules of Administrative Procedure  
(Revised and Restated, Effective July 1, 1998)

Pursuant to Executive Order No. 26 - 1998, the Board of Trustees and the County Executive approved Section 9(h) of the Disability Review Board Rules of Administrative Procedure, found in Appendix 2 of the Police Pension Plan, which was incorporated into Section 4.2 of the Police Pension Plan. Pursuant to Section 16-231(a) of the Prince George's County Code, said Pension Plan, upon establishment, may not be amended to lessen the benefits provided therein, unless such amendments are approved by legislative act of the County Council. This amendment is therefore approved.

9. Conduct of Formal Hearing, Evidence. -- add the following paragraph, designated as 9(h), upon the effective date of CB-2-2001.
  - h. In determining whether an injury or illness is service-connected, the Participant must show that the injury or illness was directly and substantially caused by an employment related accident, occurrence or condition. A pre-existing physical or mental condition found in the Participant which is aggravated by an employment related accident, occurrence or condition and renders the Participant disabled, does not give rise to a service-connected disability.

AMENDMENT  
PRINCE GEORGE'S COUNTY  
FIRE SERVICE PENSION PLAN  
(REVISED AND RESTATED EFFECTIVE JULY 1, 1998)



**Amendment**

Prince George's County, Maryland

Fire Service Pension Plan

(Revised and Restated Effective July 1, 1998)

Pursuant to Executive Order No. 27-1998, the Board of Trustees and the County Executive approved the Fire Service Pension Plan (Revised and Restated Effective July 1, 1998) and by Executive Order No. 27-1998, Section 9(h) of the Disability Review Board Rules of Administrative Procedure, found in Appendix 2 of the Fire Service Pension Plan was incorporated into Section 4.3 (b)(3) of the Fire Service Pension Plan. Pursuant to Section 16-231(a) of the Prince George's County Code, said Pension Plan, upon establishment, may not be amended to lessen the benefits provided therein, unless such amendments are approved by legislative act of the County Council. This amendment is therefore approved.

4.3 Retirement at Disability Retirement Date. -- add the following as the last paragraph in this Section 4.3(b)(3), upon the effective date of CB-2-2001.

In determining whether an injury or illness is service-connected, the Participant must show that the injury or illness was directly and substantially caused by an employment related accident, occurrence or condition. A pre-existing physical or mental condition found in the Participant which is aggravated by an employment related accident, occurrence or condition and renders the Participant disabled, does not give rise to a service-connected disability.

AMENDMENT  
PRINCE GEORGE'S COUNTY, MARYLAND  
FIRE SERVICE PENSION PLAN  
APPENDIX 2  
DISABILITY REVIEW BOARD  
RULES OF ADMINISTRATIVE  
PROCEDURE  
(REVISED AND RESTATED EFFECTIVE JULY 1, 1998)

Amendment

Prince George's County, Maryland

Fire Service Pension Plan

Appendix 2

Disability Review Board

Rules of Administrative Procedure

(Revised and Restated, Effective July 1, 1998)

Pursuant to Executive Order No. 27-1998, the Board of Trustees and the County Executive approved Section 9(h) of the Disability Review Board Rules of Administrative Procedure, found in Appendix 2 of the Fire Service Pension Plan, which was incorporated into Section 4.3 of the Fire Service Pension Plan. Pursuant to Section 16-231(a) of the Prince George's County Code, said Pension Plan, upon establishment, may not be amended to lessen the benefits provided therein, unless such amendments are approved by legislative act of the County Council. This amendment is therefore approved.

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