

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

Bill No. CB-18-2008

Chapter No. 15

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

Introduced by Council Members Dean, Exum, Bland, Dernoga, Turner and Knotts

Co-Sponsors _____

Date of Introduction June 3, 2008

BILL

1 AN ACT concerning

2 Prince George's County Deputy Sheriff's Pension Plan

3 For the purpose of approving by legislative act an amendment to the Deputy Sheriff's Pension
 4 Plan regarding the addition of line of duty death benefits.

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

9 SECTION 2. WHEREAS, Section 16-231 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 Sheriff's Department shall
 12 be similar in nature of coverage and benefits to police and fire pension plans and may not be
 13 amended to lessen the benefits provided therein or to bind the County to finance or make
 14 contributions thereto, unless such amendments are approved by legislative act of the County
 15 Council; and

16 SECTION 3. WHEREAS, the Deputy Sheriff's Pension Plan (the "Plan") originally was
 17 adopted by the County and went into effect as of June 30, 1985; and

18 SECTION 4. WHEREAS, a restated Plan document, setting forth all provisions of the Plan
 19 as of July 1, 2003, including all amendments to the Plan as of such date, was approved by the
 20 County; and

21 SECTION 5. WHEREAS, the Plan provides certain death benefits to the surviving spouse

1 of a participant; and

2 SECTION 6. WHEREAS, the County wishes to provide a pre-retirement death benefit to
3 the surviving spouse of a participant who dies in the line of duty; and now therefore

4 SECTION 7. BE IT ENACTED by the County Council of Prince George's County,
5 Maryland, that the Prince George's County Deputy Sheriff's Pension Plan be amended, said
6 amendment, attached hereto and made a part herein, designated as Attachment A, be and is
7 hereby approved, upon the effective date of this Act.

8 SECTION 8. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
9 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 DEPUTY SHERIFF'S 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 Subsection 1.2 ("Definitions") is amended to add a new paragraph (j) at the end thereof to read as follows:

"(j) 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 Subsection 1.12: "Death in the Line of Duty" to read as follows:

"1.12 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. Existing Subsections 1.12 through 1.37 are renumbered 1.13 through 1.38 to reflect the addition of the new Subsection 1.12.

4. 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 in Section 6.2 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.