

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

Bill No. CB-19-2008  
 Chapter No. 16  
 Proposed and Presented by The Chairman (by request – County Executive)  
 Introduced by Council Members Dean, Bland, Exum, Dernoga, Turner and Knotts  
 Co-Sponsors \_\_\_\_\_  
 Date of Introduction June 3, 2008

**BILL**

1 AN ACT concerning

2 Prince George's County Pension Plan for Employees Represented by the Prince George's  
 3 Correctional Officers' Association, Inc.

4 For the purpose of approving by legislative act an amendment to the Prince George's County  
 5 Pension Plan for Employees Represented by the Prince George's Correctional Officers'  
 6 Association, Inc. regarding the addition of line of duty death benefits.

7 SECTION 1. WHEREAS, Section 16-231(c) of the Prince George's County Code  
 8 authorizes the County Executive to establish or amend a pension plan for all employees  
 9 occupying public safety classes of work within the Department of Corrections, subject to  
 10 approval by legislative act of the County Council; and

11 SECTION 2. WHEREAS, the Prince George's County Correctional Officers' Pension Plan  
 12 for Employees Represented by the Prince George's Correctional Officers' Association, Inc. (the  
 13 "Plan") originally was adopted by the County and went into effect as of July 1, 1990; and

14 SECTION 3. WHEREAS, a restated Plan document, setting forth all provisions of the Plan  
 15 as of July 1, 2003, including all amendments to the Plan as of such date, was approved by the  
 16 County; and

17 SECTION 4. WHEREAS, the Plan provides certain death benefits to the surviving spouse  
 18 of a participant; and

19 SECTION 5. WHEREAS, the County wishes to provide a pre-retirement death benefit to  
 20 the surviving spouse of a participant who dies in the line of duty; and now therefore

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SECTION 6. BE IT ENACTED by the County Council of Prince George's County, Maryland, that the Prince George's County Correctional Officers' Pension Plan for Employees Represented by the Prince George's Correctional Officers' Association, Inc. be amended, said amendment, attached hereto and made a part herein, designated as Attachment A, be and is hereby approved, upon the effective date of this Act.

SECTION 7. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) 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 PENSION PLAN FOR EMPLOYEES REPRESENTED BY THE PRINCE GEORGE'S  
CORRECTIONAL OFFICERS' ASSOCIATION, INC.

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 (e) at the end thereof to read:

"(e) 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 1.13: "Death in the Line of Duty" to read as follows:

"1.13 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 1.13 through 1.39 are renumbered 1.14 through 1.40 to reflect the addition of the new Subsection 1.13.

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, the Plan is ratified and confirmed.