

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2017 Legislative Session

Bill No. CB-116-2017

Chapter No. 95

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

Introduced by Council Members Davis, Glaros, Franklin, Harrison, Lehman, Patterson,
Taveras, Toles and Turner

Date of Introduction October 17, 2017

BILL

AN ACT concerning

Prince George’s County Deputy Sheriff’s Pension Plan

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

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

SECTION 2. WHEREAS, Section 16-231(b) of the Prince George’s County Code provides that subject to the provisions of Division II, State Personnel and Pensions Article, Annotated Code of Maryland, the County Executive is authorized to establish a pension plan for all uniformed employees occupying classified service positions allocated to public safety classes of work within the Sheriff Department, and shall be subject to the other conditions stipulated in Section 16-231(a) of the Prince George’s County Code; and

SECTION 3. WHEREAS, Section 16-231(b) of the Prince George’s County Code further provides the pension plan may not be amended to lessen the benefits provided therein or to bind the County to finance or make contributions thereto, unless such amendments are approved by a legislative act of the County Council; and

SECTION 4. WHEREAS, Section 1017 of the Prince George’s County Charter defines a legislative act as any bill enacted in the manner and form provided in this Charter; and

SECTION 5. WHEREAS, the Deputy Sheriff’s Pension Plan (“Plan”) originally was

1 adopted by Prince George’s County (“County”) and went into effect as of June 30, 1985; and

2 SECTION 6. WHEREAS, Prince George’s County Council enacted CB-18-2008, the most
3 recent amendment to the Deputy Sheriff’s Pension Plan, which approved a line of death benefit
4 for the surviving spouse of a participant who dies in the line of duty; and

5 SECTION 7. WHEREAS, Prince George’s County wishes to provide a line of duty death
6 benefits to surviving spouses of certain participants of the Plan that are not currently eligible to
7 receive the benefit; and

8 SECTION 8. BE IT ENACTED that the Prince George's County Deputy Sheriff’s Pension
9 Plan be amended, said amendment, attached hereto and made a part hereof, designated as
10 Attachment A, be and is hereby approved, upon the effective date of this Act and shall be
11 retroactively effective to July 1, 2017.

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

Adopted this 14th day of November, 2017.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Attachment A

Prince George's County Deputy Sheriff's Pension Plan

Recitals

This legislation extends the line of duty death benefit to the surviving spouse of a participant whose death in the line of duty occurred on or before November 30, 2002.

Amendment

Section 6.3 of the Plan is amended as follows:

6.3 Death in the Line of Duty

(a) 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.

(b) Notwithstanding the foregoing, effective July 1, 2017, the surviving spouse of a Participant who dies while an Employee and whose death is a Death in the Line of Duty occurring on or before November 30, 2002 shall be eligible for the monthly benefit described in subsection (a). This Death in the Line of Duty Benefit shall be payable starting on July 1, 2017 and shall be paid monthly until the death of the surviving spouse. The monthly benefits for any surviving spouse of a Participant whose Death in the Line of Duty benefit is due prior to the date this amendment is adopted and on or after July 1, 2017 shall be paid in a lump sum as soon as possible and without interest. This benefit shall be paid even if the death benefit described in Section 6.1 of the Plan has been paid to the surviving spouse or to any other beneficiary. For purposes of this Section, a surviving spouse is the spouse to whom the Participant was married at his or her death, and shall not include a former spouse.

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

Key:

Underlining indicates language added to the Plan