

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

Bill No. CB-1-2008

Chapter No. 1

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

Introduced by Council Members Campos, Exum, Turner, Dernoga, Knotts, Bland,

Dean and Olson

Date of Introduction March 4, 2008

BILL

1 AN ACT concerning

2 Prince George's County Police Pension Plan

3 For the purpose of approving by legislative act an amendment to the Police 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 Police
 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 Police 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 Police Pension Plan (the "Plan" set forth in Section 3.
 16 through Section 12.) originally went into effect as of May 1, 1962 and the terms of the original
 17 Plan were contained in a contract between the County and New England Mutual Life Insurance
 18 Company, known as Group Annuity Policy No. GA-227. The Group Annuity Policy was
 19 amended from time to time; and

20 SECTION 4. WHEREAS, pursuant to Executive Order No. 200-1973, dated October 9,
 21 1973, the Group Annuity Policy was terminated, and the Plan was amended to authorize the

1 transfer of the Plan assets from the Insurance Company to a Trustee for purposes of investment
2 and benefit payment. By Executive Order No. 73-1974, a separate Plan document was adopted
3 effective January 1, 1973; and

4 SECTION 5. WHEREAS, effective July 1, 1983, the provisions of the Plan effective from
5 and after January 1, 1973, and all amendments made thereafter, were set forth in the revised and
6 restated Plan; and

7 SECTION 6. WHEREAS, effective July 1, 1991, the provisions of the Plan effective from
8 and after July 1, 1983, and all amendments made thereafter, were set forth in the revised and
9 restated Plan; and

10 SECTION 7. WHEREAS, effective July 1, 1998, the provisions of the Plan effective from
11 and after July 1, 1991, and all amendments made thereafter, were set forth in the revised and
12 restated Plan; and

13 SECTION 8. WHEREAS, effective July 1, 2002, the current revised and restated Plan
14 document sets out in full all of the provisions of the Plan as of July 1, 2002 and all amendments
15 made from and after July 1, 1998, which are still applicable, are included in the July 1, 2002
16 revised and restated Plan document; and

17 SECTION 9. WHEREAS, for the provisions of the Plan at any time prior to the July 1,
18 2002 revision, reference should be made to the original Plan documents; to the July 1, 1983,
19 restatement; to the July 1, 1991, restatement; to the July 1, 1998, restatement; and the
20 amendments thereto, all of which are on file at the Retirement Administrator's Office; and

21 SECTION 10. WHEREAS, pursuant to Executive Order No. 43-2003, the Board of
22 Trustees and the County Executive approved the Police Pension Plan as amended and restated,
23 effective July 1, 2002; and

24 SECTION 11. WHEREAS, pursuant to CB-71-2005, Prince George's County, Maryland,
25 adopted the most recent amendments to the Collective Bargaining Agreement - Fraternal Order
26 of Police, Prince George's County Lodge 89, Inc., regarding death benefits; pursuant to
27 CR-62-2005, the death benefit amendments were incorporated into the Compensation and
28 Benefits - Fraternal Order of Police, Prince George's County Lodge 89, Inc., Salary Schedule L;
29 and pursuant to CR-4-2006, the death benefits were incorporated into Compensation and
30 Benefits -Police Officials - Salary Schedule P-O Schedule of Pay Grades; and now therefore
31

1 SECTION 12. BE IT ENACTED by the County Council of Prince George's County,
2 Maryland, that the Prince George's County Police Pension Plan be amended, said amendment,
3 attached hereto and made a part herein, designated as Attachment A, be and is hereby approved,
4 upon the effective date of this Act and shall be retroactively effective to December 1, 2002.

5 SECTION 13. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
6 calendar days after it becomes law and shall be retroactively effective to December 1, 2002.

Adopted this 1st day of April, 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 POLICE 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: "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. By adding a new Section, effective December 1, 2002, to be numbered Section 6.2, and to be called "Death in the Line of Duty", and to read as follows:

"Effective December 1, 2002, 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. The monthly benefits for any surviving spouse of a Participant whose Death in the Line of Duty occurred prior to the date of enactment of legislation making this change in the Plan on or after December 1, 2002 shall be paid in a lump sum as soon as possible.

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