

**PRINCE GEORGE'S COUNTY COUNCIL**  
**AGENDA ITEM SUMMARY**

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**Meeting Date:** 3/37/2001

**Reference No.:** CB-2-2001

**Proposer:** County Executive

**Draft No.:** 1

**Sponsors:** Scott, Wilson, Bailey

**Item Title:** An Act approving the amendment of the service  
connected disability benefit of the Prince George's  
County Police Pension Plan and Fire Pension Plan

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**Drafter:** Kathleen H. Canning  
Law

**Resource** Kathy Colbert  
**Personnel:** Personnel and Labor Relations

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**LEGISLATIVE HISTORY:**

**Date Presented:** 1/23/2001

**Executive Action:** 4/10/2001 S

**Committee Referral:** 1/23/2001 PSFM

**Effective Date:** 5/29/2001

**Committee Action:** 2/15/2001 FAV

**Date Introduced:** 2/27/2001

**Public Hearing:** 3/27/2001 1:30 P.M.

**Council Action:** 3/27/2001 ENACTED

**Council Votes:** RVR:A, DB:A, JE:-, IG:A, TH:A, WM:A, AS:A, PS:A, MW:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

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**PUBLIC SAFETY & FISCAL MANAGEMENT COMMITTEE REPORT** Date: 2/15/01

Committee Vote: Favorable, 4-0, (In favor: Councilmembers Bailey, Scott, Estepp and Shapiro).

This legislation will amend the service-connected disability benefit of the Prince George's County Police Pension Plan and the Fire Service Pension Plan (the "Plans"). Both Plans provide disability benefits in addition to normal retirement benefits for disabled participants in the Plan. A greater benefit is provided to a participant in either Plan if the participant incurred an injury or illness as a result of performing service for the County.

In July 1998, the Plans were revised and restated to incorporate amendments made to the Plans since the last restatement and to incorporate provisions required by law. The restated Plans added language intended to codify the service-connected disability pre-existing condition rule in the body of each Plan Document.

Pursuant to Section 16-23(a) of the County Code, the Plan may not be amended to lessen the benefits provided unless such amendments are approved by legislative act of the County Council.

The amended language will be added to the last paragraph in Section 4.2(b)(3) of the Plan.

There should not be any negative fiscal impact on the County as a result of CB-2-2001.

### **BACKGROUND INFORMATION/FISCAL IMPACT**

**(Includes reason for proposal, as well as any unique statutory requirements)**

This legislation approves the amendment of the service-connected disability benefit of the Prince George's County Police Pension Plan and Fire Service Pension Plan. The Plans provide disability benefits in addition to normal retirement benefits for disabled participants in the Plans. A greater benefit is provided to a participant in either Plan if the participant incurred an injury or illness as a result of performing service for the County. In 1990, the Rules of Procedure of the Plans were amended to provide for the denial of a service-connected disability benefit to participants who have pre-existing physical or mental conditions which are aggravated by an employment related accident, occurrence or condition. In 1999, in Michael Bozeman v. Disability Review Board of the Prince George's County Police Pension Plan, the Court of Special Appeals found that the service-connected disability pre-existing condition rule worked as a lessening of benefits by depriving a class of Plan participants a higher level of benefits which

they may be entitled to receive. Pursuant to Section 16-231(a) of the Prince George's County Code, the Plans may not be amended to lessen the benefits provided unless such amendments are approved by legislative act of the County Council.

### **CODE INDEX TOPICS:**