

PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 3/27/2001

Reference No.: CB-8-2001

Proposer: County Executive

Draft No.: 1

Sponsors: Russell, Bailey, Scott

Item Title: An Act approving by legislative act an amendment to the
Deputy Sheriff's and Correctional Officer's Pension Plans
regarding the determination of disability benefits

Drafter: Kathleen H. Canning
Law

Resource Kathy Colbert
Personnel: Personnel and Labor Relations

LEGISLATIVE HISTORY:

Date Presented: 2/13/2001

Executive Action: 4/10/2001 S

Committee Referral: 2/13/2001 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: _____

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 Deputy Sheriffs' and Correctional Officers' Pension Plans (the "Plans"). The Plans provide for disability benefits in addition to normal retirement benefits for disabled participants in these Plans. A greater benefit is provided to a participant in either Plan if the participant received an injury or illness as a result of performing service for the County.

In 1996, the Rules of Administrative Procedure for determining disability benefits were adopted 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.

Pursuant to Section 16-231(b)(c) of the 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.

The amended language will be added to the last paragraph in Section 3C.1(b)(3) of the Plan.

There should not be any negative fiscal impact on the County as a result of CB-8-2001.

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 Deputy Sheriff's Pension Plan and Correctional Officer's Pension Plan. In 1996, the Rules of Procedure of each Plan 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(b) of the Prince George's County Code, the Deputy Sheriff's Pension Plan may not be amended to lessen

the benefits provided, unless such amendments are approved by legislative act of the County Council and pursuant to Section 16-231(c) of the Prince George's County Code, amendments to the Correctional Officer's Pension Plan require approval by legislative act of the County Council.

CODE INDEX TOPICS: