

**CITY OF BALTIMORE  
COUNCIL BILL 06-0531  
(First Reader)**

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Introduced by: Councilmembers D'Adamo, Young, Mitchell, Clarke, Welch, President Dixon,  
Councilmembers Reisinger, Harris, Spector, Rawlings Blake, Holton, Branch, Curran

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Introduced and read first time: October 16, 2006

Assigned to: Taxation and Finance Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Fire and Police Employees' Retirement System, Department of Finance, Labor Commissioner

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Retirement Systems – Fire and Police Employees –**  
3 style="text-align:center">**Offset for Workers' Compensation Award**

4 FOR the purpose of excepting a certain class of persons from the provisions requiring pension  
5 benefits to be offset by workers' compensation awards; providing for the restoration to these  
6 persons of amounts previously offset; and generally relating to benefits under the Fire and  
7 Police Employees' Retirement System.

8 BY repealing and reordaining, with amendments

9 Article 22 - Retirement Systems

10 Section(s) 34(1)(1)

11 Baltimore City Code

12 (Edition 2000)

13 style="text-align:center">**Recitals**

14 In 2004 and 2005, the Baltimore Police Department attempted to purge its rolls of light-duty  
15 officers. As a direct result of that effort, police officers on light duty, including those who  
16 sustained severe line-of-duty injuries and including those who were 100% disabled, were  
17 forced involuntarily to retire. In some instances, however, even 100% disabled police  
18 officers, notwithstanding their severe and horrific disabilities, continued to provide valuable  
19 service to the Baltimore Police Department, to the City of Baltimore, and to the citizens of  
20 the City of Baltimore.

21 When the Baltimore City Administration and the Police Department decided to purge its rolls  
22 of light-duty officers, forcing the retirement of even those most severely injured officers, the  
23 effect was to cause the workers' compensation awards received by those horribly injured  
24 police officers to be subject to recoupment.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 06-0532**

1 The recoupment process has already started, thus diminishing the retirement checks of those  
2 horribly disabled police officers who had been forced to retire involuntarily. No amount of  
3 money can adequately compensate the blinded, maimed, lame, and brain-injured police  
4 officers qualifying for 100% disability.

5 The recoupment of the workers' compensation awards was an unanticipated and unintended  
6 consequence of the effort on the part of the Administration and the Police Department to  
7 purge its rolls of light-duty officers. That unanticipated, unintended, and unconscionable  
8 consequence must be corrected promptly.

9 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
10 Laws of Baltimore City read as follows:

11 **Baltimore City Code**

12 **Article 22. Retirement Systems**

13 **Subtitle – Fire and Police Employees' Retirement System**

14 **§ 34. Benefits.**

15 (l) *Pensions offset by compensation benefits.*

16 (1) *Scope of subsection.*

17 (A) [This] EXCEPT AS SPECIFIED IN SUBPARAGRAPH (B) OF THIS PARAGRAPH (1), THIS  
18 subsection (L) applies to an employee or the beneficiary of an employee who:

19 (i) [(A)] became a member of this system after July 1, 1970;

20 (ii) [(B)] on account of a disability or death, was awarded a benefit paid by the  
21 City under the State Workers' Compensation Law; and

22 (iii) [(C)] on account of the same disability or death, was awarded a disability  
23 or death benefit from this System.

24 (B) THUS SUBSECTION (L) DOES NOT APPLY TO AN EMPLOYEE WHO WAS AWARDED A  
25 100% LINE-OF-DUTY DISABILITY BENEFIT FROM THIS SYSTEM.

26 **SECTION 2. AND BE IT FURTHER ORDAINED,** That all money previously deducted, offset, or  
27 otherwise collected under Article 22, § 34(l), from persons described in § 34(l)(1)(B), as added  
28 by this Ordinance, shall immediately be restored to those persons.

29 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
30 are not law and may not be considered to have been enacted as a part of this or any prior  
31 Ordinance.

32 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
33 after the date it is enacted.