

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 16-0634

Introduced by: The Council President
At the request of: The Administration (Employees' and Elected Officials' Retirement Systems)
Introduced and read first time: March 14, 2016
Assigned to: Taxation, Finance and Economic Development Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 6, 2016

AN ORDINANCE CONCERNING

1 Employees' Retirement System and Elected Officials' Retirement System –
2 Actuarial Assumptions; Benefit Payments – Clarifications and Modifications

3 FOR the purpose of modifying the definitions of “employee”, “regular interest” (for valuation
4 purposes and for the accumulation of certain member contributions), and “actuarial
5 equivalent”; changing the frequency of actuarial experience studies; ~~clarifying the Board of~~
6 ~~Trustees' authority over System staff hiring and compensation~~; providing for distribution of
7 accumulated contributions; changing eligibility for death benefits payable to surviving
8 spouses and minor children; amending certain provisions to reflect current administrative
9 practices; correcting, clarifying, and conforming related provisions; providing for a special
10 effective date; and generally relating to the Employees' Retirement System and the Elected
11 Officials' Retirement System.

12 BY repealing and reordaining, with amendments

13 Article 22 - Retirement Systems

14 Section(s) 1(2), 1(9)(ii), 1(19), 3(d), 5(h) and (o), 9(a), 9(b), 9(c), 9(d), 9(d-1), 9(e)(intro)
15 and (6), 9(f)(1), (2)(intro) and (ii), and (3)(ii), 9(i)(1), (2), (3), and (5), 9(j)(1) to (4),
16 and (5)(i), (ii) and (iii)(11), 9(k)(1) to (4) and (6)(ii) and (iii), 9(l), 9(m), 9(n), 9(o-1)(2)
17 to (5), 9(o-2), 9(p)(10) and (11), 9.1(b), 9.2(d)(1) and (2), 9.2(g)(1)(i) and (2)(i),
18 9.2(i)(1)(i), (4)(ii), and (5)(i) and (ii)(intro), 9.2(k)(1)(ii) and (6)(i), 9.2(l), 9.2(m)(2)(i),
19 (3)(v)(A)2. and (B), (4)(i)(B), (iv), (v)(A), and (vi), 9.2(n)(4)(ii), 9.2(n)(5),
20 9.2(p)(10)(i)(C), (11)(ii), (iii) and (v), 12, ~~17A(7)(ii) and (18)~~ 17A(7)(i) and (ii),
21 ~~17A(18)~~, 22(e)(1)(ii)(A) and (B), 22(g)(2)(i)(B)1. and 2., and 47(h)

22 Baltimore City Code
23 (Edition 2000)

24 BY repealing

25 Article 22 - Retirement Systems

26 Section(s) 9(e)(3), 9(f)(3)(iii) and (iv), 9(f)(4), 9(g), 9(h), and 9.2(k)(4)

27 Baltimore City Code
28 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

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1 BY adding
2 Article 22 - Retirement Systems
3 Section(s) 9(d-2), 9.2(c)(7), 9.2(g)(1)(iv), 15, and 26
4 Baltimore City Code
5 (Edition 2000)

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

8 **Baltimore City Code**

9 **Article 22. Retirement Systems**

10 **Subtitle – Employees’ Retirement System**

11 **§ 1. Definitions.**

12 (2) *EMPLOYEE.*

13 (i) [(A)] *IN GENERAL.*

14 “Employee” means, EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,
15 ANY OF THE FOLLOWING:

16 (A) [1.] any [regular and] permanent officer[, agent,] or employee of the MAYOR
17 AND City COUNCIL of Baltimore, INCLUDING ANY OFFICER OR EMPLOYEE OF
18 AN AGENCY, DEPARTMENT, UNIT, SUBDIVISION, OR INSTRUMENTALITY OF THE
19 MAYOR AND CITY COUNCIL; [and]

20 (B) [2.] any [regular and] permanent officer[, agent, servant,] or employee, by
21 whatever authority appointed, whose salary or compensation is paid by the
22 Mayor and City Council of Baltimore, except when the City [of Baltimore]
23 acts only as an agent for the convenience of disbursing payroll funds[.];

24 (C) ANY EMPLOYEE OF THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM WHO IS
25 NOT ELIGIBLE TO PARTICIPATE IN THE MARYLAND STATE RETIREMENT AND
26 PENSION SYSTEM;

27 (D) ANY EMPLOYEE OF THE MARYLAND DEPARTMENT OF PUBLIC SAFETY AND
28 CORRECTIONAL SERVICES WHO:

- 29 1. WAS A CITY EMPLOYEE WORKING AT THE BALTIMORE CITY JAIL WHEN
30 THE STATE ASSUMED ADMINISTRATION OF THE JAIL IN JULY 1991; AND
- 31 2. ON BECOMING A STATE EMPLOYEE, ELECTED TO REMAIN A MEMBER OF
32 THIS SYSTEM;

33 (E) ANY EMPLOYEE OF THE BALTIMORE MUSEUM OF ART OR OF THE WALTERS
34 ART MUSEUM WHO WAS EMPLOYED BY EITHER MUSEUM ON OR BEFORE JUNE

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1 30, 2014, EXCEPT THAT, AFTER TERMINATION OF THAT EMPLOYMENT, IF THE
2 EMPLOYEE IS REHIRED ON OR AFTER JULY 1, 2014, THE EMPLOYEE NO LONGER
3 IS AN "EMPLOYEE" FOR PURPOSES OF THIS SUBTITLE; AND

4 (F) THE STATE'S ATTORNEY FOR BALTIMORE CITY.

5 [(B) In all cases of doubt the Board of Trustees shall decide who is an employee
6 within the meaning of this subtitle.]

7 (II) *EXCLUSIONS.*

8 "EMPLOYEE" DOES NOT INCLUDE:

9 (A) ANY "ELECTED OFFICIAL", AS DEFINED IN § 17A(2) OF THIS ARTICLE FOR
10 PURPOSES OF MEMBERSHIP IN THE ELECTED OFFICIALS' RETIREMENT SYSTEM
11 OF THE CITY OF BALTIMORE; OR

12 (B) ANY "EMPLOYEE", AS DEFINED IN § 30(2) OF THIS ARTICLE FOR PURPOSES OF
13 MEMBERSHIP IN THE FIRE AND POLICE EMPLOYEES' RETIREMENT SYSTEM OF
14 THE CITY OF BALTIMORE.

15 [(ii) Notwithstanding any other provision of this article or any prior determination of
16 the Board of Trustees, employees of the Baltimore Museum of Art and of the Walters
17 Art Museum who are employed or reemployed on or after July 1, 2014, are not
18 "employees" under this subtitle.]

19 (III) *IN CASES OF DOUBT.*

20 (A) IN ALL CASES OF DOUBT, THE BOARD OF TRUSTEES DETERMINES WHO IS AN
21 "EMPLOYEE" UNDER THIS SUBTITLE.

22 (B) A DETERMINATION BY THE BOARD UNDER THIS SUBPARAGRAPH IS FINAL AND
23 BINDING ON ALL PERSONS, SUBJECT TO THE RIGHTS OF APPEAL AND REVIEW UNDER
24 § 15 OF THIS SUBTITLE.

25 (9) *REGULAR INTEREST.*

26 (ii) "Regular interest" for valuation purposes means:

27 (A) FOR FISCAL YEARS BEGINNING ON OR BEFORE JULY 1, 2015:

- 28 1. 7.75% before benefit payments commence; and
29 2. 6.55% after benefit payments commence;

30 (B) FOR FISCAL YEARS BEGINNING ON JULY 1, 2016, AND ON JULY 1, 2017:

- 31 1. 7.50% BEFORE BENEFIT PAYMENTS COMMENCE; AND
32 2. ~~6.30%~~ 6.5% AFTER BENEFIT PAYMENTS COMMENCE; AND

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(C) FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2018:

- 1. ~~7.25%~~ 7.0% BEFORE BENEFIT PAYMENTS COMMENCE; AND
- 2. ~~6.0%~~ 6.5% AFTER BENEFIT PAYMENTS COMMENCE.

(19) *ACTUARIAL EQUIVALENT.*

“Actuarial equivalent”, for purposes of determining the amount of an optional retirement benefit under this subtitle, means a benefit of equivalent value when calculated using:

(I) regular interest for actuarial equivalent purposes; and

(II) MORTALITY ASSUMPTIONS BASED ON THE FOLLOWING TABLES:

(A) FOR RETIREMENTS EFFECTIVE ON OR BEFORE JUNE 30, 2016, the UP-84 mortality table with no set forward, except that in the case of disability retirements under this subtitle, the table is set forward 9 years; AND

(B) FOR RETIREMENTS EFFECTIVE ON OR AFTER JULY 1, 2016, THE RP-2000 MORTALITY TABLES FOR MALES AND FEMALES SET FORWARD 2 YEARS AND PROJECTED 15 YEARS USING 50% OF SCALE AA AND THEN BLENDED 50% FOR MALES AND FEMALES.

§ 3. Membership.

(d) *[Absence from service] TERMINATION OF EMPLOYMENT.*

(1) *CLASS A OR B MEMBERS.*

[Should any] IF A Class A or Class B member [cease to be an employee of] TERMINATES EMPLOYMENT WITH the City [of Baltimore] and IS not [be entitled to] ELIGIBLE FOR any benefits [provided for] under this subtitle[.];

(I) he OR SHE [shall thereupon cease] CEASES to be a member OF THIS SYSTEM; and

(II) [the balance in his annuity savings account,] HIS OR HER ACCUMULATED CONTRIBUTIONS, IF ANY, WILL BE REFUNDED (with REGULAR interest [to the date he left City employment,] CREDITED THROUGH THE DATE OF TERMINATION) [with the exception of military service credit provided for in § 4(e) of this subtitle, shall be refunded].

(2) *CLASS C MEMBERS.*

[Any] IF A Class C member [who is absent without pay] TERMINATES EMPLOYMENT WITH THE CITY for more than 30 consecutive days [from City employment without an authorized leave of absence] and [who] is not eligible for any benefits under this subtitle:

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1 (i) [shall thereupon cease] SHE OR HE CEASES to be a member of this [Retirement]
2 System; and

3 (ii) [the member's] HER OR HIS accumulated contributions, if any, [shall] WILL be
4 refunded IN ACCORDANCE WITH § 9(M)(7) OF THIS SUBTITLE [with interest to
5 the date the member left City employment].

6 (3) *CLASS D MEMBERS.*

7 IF A CLASS D MEMBER TERMINATES EMPLOYMENT WITH THE CITY FOR MORE THAN 30
8 CONSECUTIVE DAYS AND IS NOT ELIGIBLE FOR ANY BENEFITS UNDER THIS SUBTITLE:

9 (I) HE OR SHE CEASE TO BE A MEMBER OF THIS SYSTEM; AND

10 (II) HIS OR HER ACCUMULATED CONTRIBUTIONS WILL BE REFUNDED IN
11 ACCORDANCE WITH § 9.2(K)(6) OF THIS SUBTITLE.

12 **§ 5. Administration; Board of Trustees.**

13 (h) *Officers; [employees] THIRD-PARTY SERVICES; SYSTEM STAFF.*

14 (1) *OFFICERS.*

15 (i) The Board of Trustees shall [by a majority vote of all of its members] elect [from
16 its membership] a [chairman] CHAIR AND A VICE-CHAIR FROM AMONG ITS
17 MEMBERS.

18 (ii) The [Retirement] System's [administrator] EXECUTIVE DIRECTOR [shall serve]
19 SERVES as the Secretary to the Board.

20 (2) *RETENTION OF THIRD-PARTY SERVICES.*

21 (i) [It] AS THE BOARD OF TRUSTEES DEEMS NECESSARY FROM TIME TO TIME, THE
22 BOARD shall engage [such] actuarial and other [service] THIRD-PARTY SERVICES
23 as [shall be] required to transact the business of the [Retirement] System.

24 (ii) The [compensation of all persons engaged by the Board of Trustees, and all other
25 expenses of the Board necessary for the operation of the Retirement System shall
26 be paid at such rates and in such amounts as] RETENTION OF THESE SERVICES IS
27 SUBJECT TO THE APPROVAL OF the Board of Estimates [shall approve pursuant to
28 the provisions of the City Charter] AS REQUIRED BY THE CITY CHARTER AND THE
29 RULES AND REGULATIONS OF THE BOARD OF ESTIMATES.

30 ~~(3) *SYSTEM STAFF.*~~

31 ~~SUBJECT TO APPLICABLE CIVIL SERVICE COMMISSION RULES, THE BOARD OF~~
32 ~~TRUSTEES HAS EXCLUSIVE AUTHORITY OVER:~~

33 ~~(i) CREATION OF NEW SYSTEM STAFF POSITIONS; AND~~

34 ~~(ii) HIRING AND SETTING THE COMPENSATION OF SYSTEM STAFF.~~

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1 (o) [Actuarial investigation] *EXPERIENCE STUDY.*

2 (1) *ACTUARY TO CONDUCT AND REPORT TO BOARD.*

3 [Beginning with the 3-year period starting July 1, 1975, and at] AT least once in each
4 [3-year] ~~5-YEAR~~ 4-YEAR period [thereafter], the actuary shall [make] CONDUCT AND
5 PRESENT TO THE BOARD OF TRUSTEES an [actuarial investigation into] EXPERIENCE
6 STUDY OF the mortality, service, and compensation experience of the members and
7 beneficiaries of [the Retirement] THIS System[, and shall make a valuation of the
8 assets and liabilities of the funds of the system, and].

9 (2) *BOARD TO CERTIFY ACTUARIAL ASSUMPTIONS.*

10 [taking] TAKING into account the [result] RESULTS of [such investigation and
11 valuation] THE EXPERIENCE STUDY, the Board of Trustees shall adopt and certify for
12 the [Retirement] System [such] THE mortality, service, COMPENSATION, and other
13 [tables or rates as shall be deemed] ACTUARIAL ASSUMPTIONS IT DEEMS necessary FOR
14 THE ACTUARY TO DETERMINE THE ANNUAL CONTRIBUTION BY THE CITY TO THIS
15 SYSTEM.

16 **§ 9. Class C membership.**

17 (a) [Class C membership] *GENERAL PROVISIONS.*

18 [Beginning July 1, 1979, there is a new class of members in the Retirement System, to be
19 known as Class C members and defined as follows:]

20 (1) “(AN)OTHER CITY RETIREMENT PLAN” *DEFINED.*

21 IN THIS SECTION, “(AN)OTHER CITY RETIREMENT PLAN” MEANS:

22 (I) THE FIRE AND POLICE EMPLOYEES’ RETIREMENT SYSTEM OF THE CITY OF
23 BALTIMORE; OR

24 (II) THE ELECTED OFFICIALS’ RETIREMENT SYSTEM OF THE CITY OF BALTIMORE.

25 (2) [(1)] *COMMENCEMENT OF MEMBERSHIP.*

26 (I) *IN GENERAL.*

27 All persons who become employees] AN EMPLOYEE WHOSE EMPLOYMENT WITH
28 THE CITY BEGINS on or after July 1, 1979, with the exception of [those employees]
29 AN EMPLOYEE who [are] IS required [or eligible] to join [either Maryland State or
30 other governmental retirement systems or who are required again to become Class
31 A or Class B members shall, on the 1st day after completion of 12 consecutive
32 months of employment,] ANOTHER CITY RETIREMENT PLAN, WILL become A Class
33 C [members] MEMBER OF THIS SYSTEM [as a condition of employment] ON THE 1ST
34 ANNUAL ANNIVERSARY OF THE DATE ON WHICH HIS OR HER EMPLOYMENT BEGAN.

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1 (II) *TRANSFERS.*

2 AN EMPLOYEE WHO, ON OR AFTER JULY 1, 2014, TRANSFERS, WITHOUT A BREAK IN
3 EMPLOYMENT, FROM A POSITION WITH THE CITY COVERED UNDER ANOTHER CITY
4 RETIREMENT PLAN TO A POSITION WITH THE CITY COVERED UNDER THIS SYSTEM:

5 (A) WILL BECOME A CLASS C MEMBER ON THE 1ST ANNUAL ANNIVERSARY OF
6 THE TRANSFER; AND

7 (B) WILL BE CREDITED WITH HIS OR PRIOR SERVICE UNDER THE OTHER CITY
8 RETIREMENT PLAN IN ACCORDANCE WITH SUBSECTION (C)(4) OF THIS
9 SECTION.

10 (3) [(1a)] *NON-PARTICIPATION IN OTHER CITY RETIREMENT PLANS – GENERAL.*

11 [A] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A Class C member
12 may not make contributions to, receive any pension or retirement [allowance]
13 INCOME from, or accrue any service credit in [any other pension or] ANOTHER CITY
14 retirement [system of the City of Baltimore] PLAN while at the same time accruing
15 service credit in this [system] SYSTEM.

16 [(1b) The prohibition set forth in paragraph (1a) of this subsection does not apply to
17 contributions made to or benefits received from:

18 (i) the Baltimore City Municipal Deferred Compensation Plan, or

19 (ii) the Social Security System established by the Act of Congress known
20 generally as “The Social Security Act of 1935”, as amended from time to
21 time.]

22 (4) [(1c)] *NON-PARTICIPATION IN OTHER CITY PLANS – EXCEPTION.*

23 Notwithstanding paragraph [(1a)] (3) of this subsection, and pursuant to § 48 of this
24 article, the following [shall] MAY become Class C members of this [system] SYSTEM
25 and accrue service credit in this [system] SYSTEM while [employed in a permanent
26 full-time or permanent part-time position] AN EMPLOYEE covered by this [system]
27 SYSTEM:

28 (i) members of another City [system] RETIREMENT PLAN who were eligible to
29 begin receiving retirement benefits from that [system] OTHER PLAN but who,
30 ON TRANSFERRING TO A POSITION COVERED BY THIS SYSTEM, [chose to
31 postpone] POSTPONED receipt of those benefits [and change employment to a
32 position covered by this system]; or

33 (ii) retirees who were receiving retirement benefits from another City [system]
34 RETIREMENT PLAN but who, ON REEMPLOYMENT IN A POSITION COVERED BY
35 THIS SYSTEM, [chose to suspend] SUSPENDED receipt of those benefits [and
36 accept reemployment in a position covered by this system].

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1 [(2) Subject to the provisions contained in paragraph (5), any Class A or Class B
2 member, including any Class A or Class B member who is entitled to any benefits
3 under the provisions of §§ 6(a)(11), 6(a)(12), 6(b)(12), and 6(b)(13) of this subtitle,
4 who is interested in becoming a Class C member must file a Notice of Intent with the
5 Board of Trustees of the Retirement System on or before June 30, 1991. Such Notice
6 of Intent shall state that the member is considering becoming a Class C member to be
7 effective and irrevocable after the expiration of 90 days beginning with the date that
8 such Notice is filed; and if he does become a Class C member, whether his
9 accumulated contributions, with or without excess voluntary contributions provided
10 for in § 8(a)(4), with interest are to be refunded to him or are to remain in the
11 Retirement System. Notwithstanding anything to the contrary, a member's Notice
12 shall not become effective nor create any Class C rights in such member until the
13 expiration of 90 days after it is filed with the Board of Trustees. During such 90-day
14 period, the member may modify or revoke such Notice of Intent in full or in part in
15 such written form as may be approved by the Board of Trustees. Upon the expiration
16 of such 90 days following the filing of such Notice of Intent, if not sooner revoked, a
17 member's Notice of Intent, including his election as to the disposition of his
18 accumulated contributions with interest, shall become irrevocable, and he shall
19 become a Class C member of the Retirement System at that time.]

20 [If the member elects to have said accumulated contributions remain in the
21 Retirement System then at the time of his retirement, subject to the provisions of
22 § 9(m), he shall receive an annuity for said accumulated contributions in addition to
23 the benefits provided under this section. If the Class C member dies before
24 retirement, then such accumulated contributions, if any, shall be refunded to his
25 designation beneficiary or estate.]

26 [If the member, in the Notice of Intent, elected to receive a refund of his accumulated
27 contributions with interest, such refund shall be paid to him in the manner prescribed
28 by regulations promulgated by the Board of Trustees, with due consideration for the
29 fiscal integrity of the system. Notwithstanding anything to the contrary, the refund of
30 the member's contributions with interest, whether in a lump sum payment or annual
31 installments, shall be paid or commenced to be paid at such time as may be
32 determined by the Board of Trustees, but in no event earlier than 30 days after the
33 member's becoming a Class C member or later than the expiration of 3 years from the
34 date of his becoming a Class C member. As long as the member's contributions or
35 any part thereof remain in the Retirement System, interest shall continue to be
36 credited on any undistributed portion of the member's contribution account.]

37 [Notwithstanding anything to the contrary, the refund of the accumulated
38 contributions of any Class A or Class B member who has previously pledged such
39 contributions as security for a loan under § 11 of this subtitle, shall be reduced by an
40 amount equal to such indebtedness of the member at the time of becoming a Class C
41 member, and held by the City with interest until such indebtedness by the member is
42 satisfied, or the lending institution notifies the City that the funds can be released.]

43 [(3) All existing employees on June 30, 1979, who are not then members of the
44 Retirement System, shall become Class A members, within 2 years of the date of their
45 employment.]

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1 [(4) Notwithstanding anything to the contrary, any existing elected official or appointed
2 official whose term is fixed by law and who is not a Class A or Class B member of
3 the system on July 1, 1979, shall have the option of becoming a Class C member
4 within 120 days after July 1, 1979. Should such official elect to become a Class C
5 member, then he shall be credited for the period of time served from July 1, 1979, up
6 to the time of becoming a Class C member. Should such official not exercise such
7 option within the 120-day period, then his failure to elect shall be irrevocable during
8 the term of such official's office. Any official who is elected or appointed after July
9 1, 1979, shall be entitled to membership in this system upon the completion of 1 year
10 of his term, and provided that he elects to join the system within 120 days after such
11 1-year period. If he so elects to join the system within the 120 days of his eligibility,
12 then the official shall be credited for service from the time of eligibility up to the date
13 of becoming a Class C member. For purposes of receiving service credit in the
14 system, a period of 1 year in office shall be considered as equal to 1,000 hours of
15 work under the provisions of this section, or if such period is less than 1 year, then
16 the proportional fraction thereon. With the exception of the maximum credit of 120
17 days provided heretofore, an elected or appointed official shall not receive service
18 credit for any period of non-membership employment before electing to become a
19 Class C member.]

20 [(5) Any Class A or Class B member who becomes a Class C member pursuant to the
21 provisions of paragraph (2) or (4), shall be deemed to have relinquished any claims
22 for any and all injuries or medical conditions, actual or potential, sustained while a
23 Class A or Class B member, and any and all other benefits to which he may have
24 been entitled as a Class A or Class B member. Upon becoming a Class C member he
25 shall be entitled to any benefits provided for Class C members for which he qualifies,
26 regardless of whether claim for such benefits arose prior to or subsequent to his
27 becoming a Class C member.]

28 [Any Class A or Class B member, who has filed any disability claim or any other
29 claim for benefits before July 1, 1979, or during such period covering the member's
30 Notice of Intent under paragraph (2) or (4), shall not be eligible to become a Class C
31 member.]

32 (b) *Forms.*

33 A Class C member shall execute [such] THE form or forms and provide [such] THE
34 supporting evidence [as] THAT may be required from time to time, and must answer
35 truthfully all questions pertinent to administration of [the Retirement] THIS System.

36 (c) *Class C service credit.*

37 [(1) All Class A and Class B members of the Retirement System who elect to become
38 Class C members as provided for in § 9(a) shall receive service credit as follows:

39 (i) all service standing to their credit as Class A or Class B members at the time
40 of their effective date of transfer to Class C membership.

41 (ii) all employment for which they, as Class A or Class B members, are eligible
42 to receive service credit at the time of filing a Notice of Intent to become a

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1 Class C member, whether by purchase or repurchase, or by transfer of the
2 applicable funds.

3 (iii) any employment beginning with the 1st anniversary of the initial date of their
4 current employment and ending with their date of membership, not to exceed
5 1 year's service credit for such employment.

6 (iv) However, notwithstanding anything to the contrary, a Class C member shall
7 not receive credit for any employment or membership service earned in any
8 other pension system if said employment or service results in the member's
9 being entitled to any current or future benefits for such employment or service
10 in such other pension system, even though the member would have been
11 eligible to receive credit in this system for such employment or service.]

12 [(2) Beginning July 1, 1979, each new employee shall become a Class C member on the
13 1st day following his completion of 12 consecutive months of employment.]

14 (1) [(3)(A)] *TERMINATION ON OR BEFORE APRIL 30, 1996.*

15 (I) *IN GENERAL.*

16 For any Class C member who terminates employment on or before April 30,
17 1996, all service in a fiscal year after the date of becoming a Class C member[,]
18 shall be credited as [follows:] PROVIDED IN THIS PARAGRAPH.

19 (II) *JOB REQUIRING MORE THAN 1,000 HOURS PER YEAR.*

20 (A) Any Class C member employed by the City in a job classification [which]
21 THAT requires 1,000 or more hours of work in a fiscal year shall receive credit
22 for 1 year of service, [provided such] IF THAT member was in [a] pay status
23 for each and every payroll period in the fiscal year.

24 (B) If [such] THE member was not in [a] pay status for each and every payroll
25 period in the fiscal year, service for that fiscal year shall be credited pro rata,
26 calculated as follows:

27 1. [(i)] 1 year's service credit, multiplied by

28 2. [(ii)] a fraction, the numerator of which [shall be] IS the number of
29 payroll periods in the [Fiscal] FISCAL year [such] THAT THE member
30 was in [a] pay status, and the denominator of which [shall be] IS the
31 total number of payroll periods in the fiscal year for [such] THAT
32 member's job classification.

33 (III) *JOB REQUIRING 500-1,000 HOURS PER YEAR.*

34 (A) Any Class C member employed by the City in a job classification [which]
35 THAT requires not less than 500 nor more than 1,000 hours of work in a fiscal
36 year shall receive credit for ½ of a year of service, [provided such] IF THAT
37 member was in [a] pay status for each and every payroll period in the fiscal
38 year.

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1 (B) If [such] THE member was not in [a] pay status for each and every payroll
2 period in the fiscal year, service for that fiscal year shall be credited pro rata,
3 calculated as follows:

- 4 1. [(i)] ½ [of a] year’s service credit, multiplied by
5 2. [(ii)] a fraction, the numerator of which [shall be] IS the number of
6 payroll periods in the fiscal year [such] THAT THE member was in [a]
7 pay status, and the denominator of which [shall be] IS the total number
8 of payroll periods in the fiscal year for [such] THAT member’s job
9 classification.

10 (IV) *JOB REQUIRING LESS THAN 500 HOURS PER YEAR.*

11 Any Class C member employed by the City in a job classification [which] THAT
12 requires less THAN 500 hours of work in a fiscal year [shall] IS not [be] eligible to
13 receive any service credit for [any such] THAT employment. However, [such] THE
14 member [shall be] IS considered [as] an active Class C member.

15 (2) [(3)(B)] *TERMINATION ON OR AFTER MAY 1, 1996.*

16 (I) *IN GENERAL.*

17 For [any] A Class C member who terminates employment on or after May 1, 1996,
18 all service in a fiscal year after the date of becoming a Class C member shall be
19 credited as [follows:] PROVIDED IN THIS PARAGRAPH.

20 (II) *JOB REQUIRING MORE THAN 1,000 HOURS PER YEAR.*

21 (A) [Any] A Class C member WHO IS employed by the City in a job classification
22 that requires more than 1,000 hours of work in a fiscal year shall receive
23 credit for 1 year of service.

24 (B) [Notwithstanding anything herein to the contrary, if] IF, HOWEVER, during the
25 1st or final fiscal year of [a] THE member’s service, the member was not in pay
26 status for [each and] every payroll period in the fiscal year, or for any other
27 fiscal year in which the member was out of pay status for 7 or more bi-weekly
28 payroll periods (or an equivalent number of weekly or monthly payroll
29 periods), service for that fiscal year shall be credited pro rata, calculated as
30 follows:

- 31 1. [(i)] 1 year’s service credit, multiplied by
32 2. [(ii)] a fraction, the numerator of which [shall be] IS the number of
33 payroll periods in the fiscal year that the member was in pay status,
34 and the denominator of which [shall be] IS the total number of payroll
35 periods in the fiscal year for the member’s job classification.

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1 (III) *JOB REQUIRING 500-1,000 HOURS PER YEAR.*

2 (A) [Any] A Class C member WHO IS employed by the City in a job classification
3 that requires not less than 500 nor more than 1,000 hours of work in a fiscal
4 year shall receive credit for ½ of a year of service.

5 (B) [Notwithstanding anything herein to the contrary, if] IF, HOWEVER, during the
6 1st or final fiscal year of a member's service, the member was not in pay status
7 for [each and] every payroll period in the fiscal year, or for any other fiscal
8 year in which the member was out of pay status for 7 or more bi-weekly
9 payroll periods (or an equivalent number of weekly or monthly payroll
10 periods), service for that fiscal year shall be credited pro rata, calculated as
11 follows:

- 12 1. [(i)] ½ [of a] year's service credit, multiplied by
- 13 2. [(ii)] a fraction, the numerator of which [shall be] IS the number of
14 payroll periods in the fiscal year that the member was in [a] pay status,
15 and the denominator of which [shall be] IS the total number of payroll
16 periods in the fiscal year for the member's job classification.

17 (IV) *JOB REQUIRING LESS THAN 500 HOURS PER YEAR.*

18 [Any] A Class C member WHO IS employed by the City in a job classification that
19 requires less than 500 hours of work in a fiscal year [shall] IS not [be] eligible to
20 receive any service credit for that employment. However, the member [shall]
21 WILL be considered an active Class C member.

22 (V) *PAY BASED ON LESS THAN 12-MONTH BASIS.*

23 The service of a Class C member who is paid on other than a uniform, 12-month
24 basis (e.g., a 10-month employee of the BALTIMORE City [Department of
25 Education] PUBLIC SCHOOL SYSTEM) [shall] MAY not be pro rated under this
26 [§ 9(c)(3)(B)] PARAGRAPH because of the member's being out of pay status during
27 the period that the member ordinarily would not be paid.

28 [(4) Notwithstanding anything to the contrary contained in § 9 of this article, beginning
29 July 1, 1985, any new employee who previously was employed by the HABC
30 immediately becomes a member of the Employees' Retirement System on entering
31 City employment, provided that:

- 32 (a) such employee provided services under the reimbursable service contracts
33 between the City and the HABC, within 1 year prior to becoming a City
34 employee,
- 35 (b) such transfer of employment to the City from the HABC contains no break in
36 employment or interruption between the period of HABC employment and
37 employment with the City,

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1 (c) such previous employment with HABC was for a period of at least 1 year at
2 the time the employee becomes a City employee,

3 (d) such employment with the City is in the nature of duties generally similar to
4 that which the employee was performing with HABC immediately prior to his
5 or her employment, and

6 (e) the employee exercises the option to accept City employment immediately on
7 the transfer to the City of duties that were previously performed by the HABC
8 under the reimbursable service contract.]

9 [On becoming a member of the Employees' Retirement System, an employee who
10 meets the requirements of subsection (c)(4)(a) through (c)(4)(e) of this section has the
11 option, if he or she elects, subject to Internal Revenue service approval, within 120
12 days of that approval or within 120 days of becoming a City employee, whichever is
13 later, to receive credit for service in the Employees' Retirement System for all years,
14 or any portion of a year with which the employee has been credited in the HABC
15 retirement plan. To receive this credit, the employee and, if necessary, HABC must
16 contribute an amount to the Employees' Retirement System equal to the past service
17 liability (actuarial liability) that the City would have contributed for that past service
18 if the employee had been an employee of the City for the number of years purchased.
19 The past service liability will be calculated by the City's actuary using the same
20 methods and assumptions used to fund the Employees' Retirement System of
21 Baltimore City. An employee who elects this option is not subject to the provisions
22 of §§ 9(a) and 9(c) of this article as they pertain to the receipt by the member of
23 HABC retirement plan benefits. To receive this credit, the funds must be paid to the
24 Employees' Retirement System within 30 days after the election of the option.]

25 [If a member elects to buy back his or her HABC retirement service credit as
26 described above, and then dies or leaves City employment for any reason with or
27 without any vested benefit to the member or member's beneficiary under this subtitle,
28 then he or she or his or her beneficiary is entitled to receive in lieu of any other
29 benefit under the Employees' Retirement System, the original HABC vested account
30 balance contributed by the member into this system, plus interest at the rate of 5½%,
31 in the form of a lump sum.]

32 (3) [(5)] *Additional opportunity to purchase credit for service [for Baltimore City*
33 *employment] WITH CITY.*

34 (i) *PRIOR CITY SERVICE.*

35 A Class C member is entitled to purchase service credit for any CITY employment
36 [or membership service earned by regular and permanent employment with the
37 City of Baltimore,] regardless of retirement [or pension system] PLAN
38 membership, as long as:

39 (A) the employment [or service] did not result in the member's being entitled
40 to any current or future benefits for that employment [or service] in any
41 other CITY retirement [or pension system] PLAN; and

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1 (B) the Class C member pays to [the Employees' Retirement] THIS System, by
2 a single payment, an amount equal to:

- 3 1. the current salary of the employee in the year of purchase,
4 multiplied by
- 5 2. the sum of the employer rate for the normal cost and the employee
6 contribution rate under § 8(d)(1) OF THIS SUBTITLE for the year of
7 purchase, multiplied by
- 8 3. the number of years or part of a year being purchased.

9 (ii) *1ST YEAR OF CITY SERVICE.*

10 In addition, [any] A Class C member is entitled to purchase service credit for the
11 member's 1st year of service with the City [of Baltimore] under the same
12 conditions as PROVIDED IN subparagraph (i)(B) of this paragraph [(5)].

13 (iii) *LUMP-SUM OPTION.*

14 If a member purchases service credit under this paragraph [(5)] and later dies or
15 leaves City employment for any reason, with or without any vested benefit due to
16 the member or the member's beneficiary under this subtitle, the member or the
17 beneficiary is entitled to receive, in lieu of any other benefit under this System, a
18 [lump sum] LUMP-SUM CASH PAYMENT equal to the total amount paid by the
19 member for the purchase, plus interest at the rate of 5½% per year through June
20 30, 2013, and, effective July 1, 2013, at a rate equal to regular interest (as defined
21 in [§ 1(9)(i)(b)] § 1(9)(I)(B) of this subtitle).

22 [(6) *Additional service credit.*]

23 [(i) Notwithstanding anything to the contrary, any Class C member who was an
24 employee of the City of Baltimore on January 1, 1996, and who separates from
25 service with the City on or after January 1, 1996, and on or before December 31,
26 1996, shall receive:

27 1. additional years of service credit equal to the greatest of:

28 A. 1 year;

29 C. 1/6 of the number of years of existing service credit (rounding any part
30 of an existing year to the next highest year) that the eligible member
31 has acquired as of the date of separation from City employment; or

32 D. 1/40 of the member's compensable leave days. For purposes of this
33 § 9(c)(6)(i)1.C., "compensable leave days" shall be the total of
34 vacation, personal leave, and 1/3 of the number of sick leave days that
35 the member has accumulated as of May 1, 1996, or, if earlier, the
36 effective date of the member's separation from service. For purposes
37 of calculating "compensable leave days" only, employees of the

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1 Baltimore City Police Department who were hired prior to July 1,
2 1973, and who, under Baltimore City Police Department personnel
3 policies, do not accumulate sick leave days shall be deemed to have
4 accumulated 6 sick leave days for each year of employment with the
5 Police Department as of May 1, 1996. "Compensable leave days"
6 shall not include accumulated vacation and personal leave cashable on
7 other than a 1-for-1 basis, K-days, compensatory time, or any other
8 leave not enumerated in the above definition. The Department of
9 Finance shall provide to the Retirement System a report showing, for
10 each member who is an employee of the City of Baltimore, his or her
11 accumulated balance of "compensable leave days" as defined herein as
12 of May 1, 1996, or, if earlier, the effective date of the member's
13 separation from service; and

14 2. for a member whose retirement is effective on or after May 1, 1996, and on or
15 before July 31, 1996:

16 A. an additional retirement benefit equal to 5% of the member's total
17 retirement benefit, after crediting the additional years of service
18 granted under subparagraph (i)1. of this paragraph, payable in the
19 same manner as the member's total retirement benefit:

20 B. the same post-retirement benefit increase that is payable as of January
21 1, 1997, to other eligible retirees and beneficiaries, notwithstanding
22 any waiting period otherwise required under this subtitle for
23 eligibility; and

24 C. payment of his or her retirement benefits beginning as of the member's
25 date of retirement, even if, notwithstanding the normal 30-day waiting
26 period required by this subtitle for benefits, the date of retirement is
27 less than 30 days after the date of application.]

28 [(ii) Notwithstanding anything to the contrary, any Class C member who was an
29 employee of the City of Baltimore on June 30, 1995, and who on or after July 1,
30 1995, and on or before December 31, 1995, was removed from his or her regular
31 permanent position with the City without fault (within the meaning of § 9(f)(3) of
32 this subtitle), shall receive additional service credit calculated under
33 § 9(c)(6)(i)1.A. and B., but without regard to § 9(c)(6)(i)1.C. or 2. above.]

34 [(iii) The additional service credits and benefits granted under this § 9(c)(6) shall not
35 be applicable to Class C members who are terminated for cause as defined by
36 Civil service Rule 56.]

37 [(iv) Any Class C member who receives additional service credit upon separation
38 from City employment under this § 9(c)(6), and, in addition, is eligible for and
39 elects to receive an early retirement under § 9(f)(2) effective on or after May 1,
40 1996, and on or before December 31, 1996, shall only have ½ of the otherwise
41 applicable early commencement reduction under § 9(f)(2) applied to the portion
42 of his or her benefit attributable to the additional service credit granted under this
43 § 9(c)(6).]

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1 [(v) The additional service credit granted under this § 9(c)(6) shall be added to the
2 service credit that the member has acquired at the date of separation, and the new
3 total service credit shall be used to determine all other benefit and service
4 eligibility under this subtitle as if the new total were the member's service credit
5 at the time of separation. For purposes of this § 9(c)(6), the date of separation of
6 service shall be the date of cut-off as shown on the member's cut-off notice.]

7 [(vi) Should a Class C member who has been separated from service and who has
8 received additional service credits and benefits under this § 9(c)(6) return to City
9 employment, the additional service credits and benefits granted under this
10 § 9(c)(6) shall be forfeited and voided and the member's previous service credit
11 and applicable benefits as of the member's date of separation and prior to the
12 inclusion of any additional service credit or benefit shall be restored to full force
13 and effect.]

14 [(vii) All additional benefit payments provided herein shall be prospective from the
15 effective date of this § 9(c)(6) or the member's date of retirement, whichever is
16 later.]

17 [(viii) The additional service credit granted under this § 9(c)(6) shall provide credit
18 toward benefits in the Employees' Retirement System only and shall not be
19 transferable to any other retirement or pension system.]

20 [(ix) To the extent any additional benefit provided to any member by this § 9(c)(6)
21 constitutes a discriminatory benefit under regulations applicable to governmental
22 plans issued by the Secretary of the Treasury under Internal Revenue Code
23 § 401(A)(4) (when such regulations are effective), such additional benefit for any
24 member shall be null and void.]

25 (4) *TRANSFER OF SERVICE.*

26 (i) *ELIGIBILITY.*

27 A CLASS C MEMBER WHO SATISFIES THE APPLICABLE REQUIREMENTS OF THE STATE
28 PERSONNEL AND PENSIONS ARTICLE MAY TRANSFER SERVICE FROM A STATE OR
29 LOCAL RETIREMENT OR PENSION SYSTEM WITHIN MARYLAND.

30 (ii) *SERVICE CREDIT.*

31 THE SERVICE SO TRANSFERRED WILL BE CREDITED AS SERVICE UNDER THIS SYSTEM.

32 (d) *Military personnel – [Benefits, membership, and] CREDIT FOR MILITARY service [credit]*
33 *during CITY employment.*

34 (1) *DEFINITIONS.*

35 (i) *IN GENERAL.*

36 IN THIS SUBSECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

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1 (II) *MILITARY SERVICE.*

2 (A) *IN GENERAL.*

3 “MILITARY SERVICE” MEANS ANY:

- 4 1. “SERVICE IN THE UNIFORMED SERVICES”, AS DEFINED BY AND
5 INTERPRETED UNDER 38 U.S.C. § 4303(13); OR
6 2. “MILITARY SERVICE”, AS DEFINED BY AND INTERPRETED UNDER STATE
7 PERSONNEL AND PENSIONS ARTICLE § 38-101(D).

8 (B) *INCLUSIONS.*

9 “MILITARY SERVICE” INCLUDES ACTIVE DUTY, ACTIVE DUTY FOR TRAINING,
10 INITIAL ACTIVE DUTY FOR TRAINING, AND INACTIVE DUTY TRAINING (SUCH AS
11 DRILLS), UNDER COMPETENT AUTHORITY, ON A VOLUNTARY OR INVOLUNTARY
12 BASIS, IN THE ARMY, NAVY, MARINE CORPS, AIR FORCE, COAST GUARD,
13 PUBLIC HEALTH SERVICE COMMISSIONED CORPS, THE ARMY NATIONAL
14 GUARD, THE AIR NATIONAL GUARD, THE MARYLAND NATIONAL GUARD, AS
15 WELL AS THE RESERVE COMPONENTS OF EACH OF THESE SERVICES, AND ANY
16 OTHER CATEGORY OF PERSONS DESIGNATED BY THE PRESIDENT OR THE
17 GOVERNOR OF THE STATE OF MARYLAND IN TIME OF WAR OR NATIONAL OR
18 STATE EMERGENCY.

19 (III) *USERRA.*

20 “USERRA” MEANS THE UNIFORMED SERVICES EMPLOYMENT AND
21 REEMPLOYMENT RIGHTS ACT OF 1994, 38 U.S.C. §§ 4301-4344, AS AMENDED.

22 (2) [(1)] *Scope of subsection.*

23 This subsection applies only to a member of this [system] SYSTEM who:

- 24 (i) on account of military service, [as defined in paragraph (6) of this subsection,]
25 is on [unpaid] leave of absence from [paid] City employment;
- 26 (ii) [within 1 year after he or she leaves military service, or any longer period
27 during which his or her employment rights are protected by federal law, is
28 reemployed by the City of Baltimore as a regular and permanent employee] IS
29 ELIGIBLE FOR REEMPLOYMENT WITH THE CITY UNDER USERRA;
- 30 (iii) [does not take any employment, other than employment described in item (ii)
31 of this paragraph or temporary employment after the member: (A) applied for
32 reemployment in his or her former classification or position in the City
33 service; and (B) was refused immediate reemployment for causes beyond his
34 or her control] IS REEMPLOYED BY THE CITY AS AN EMPLOYEE; and
- 35 (iv) applies for service credit with [the system] THIS SYSTEM.

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1 [(2) *Retention of status and rights as a member.*]

2 [Except as otherwise provided in this subsection, a member of this system who is
3 reemployed under paragraph (1)(ii) of this subsection retains the status and rights as a
4 member during a period of absence from employment for military service.]

5 (3) *Service credit.*

6 (i) *PERIOD COVERED.*

7 A member of this [system] SYSTEM shall receive service credit for [a] THE period
8 of absence [from employment] while in military service [if: (i) the reemployment
9 of the member under paragraph (1)(ii) of this section is paid employment; and
10 (ii) membership in this system is a requirement of that employment] AS THOUGH
11 HE OR SHE REMAINED CONTINUOUSLY EMPLOYED AS AN EMPLOYEE.

12 (ii) *USERRA-REQUIRED INCLUSION.*

13 TO THE EXTENT REQUIRED BY USERRA, THIS SERVICE CREDIT SHALL INCLUDE THE
14 PERIOD, IF ANY, BETWEEN THE DATE THE MEMBER COMPLETES MILITARY SERVICE
15 AND THE DATE OF REEMPLOYMENT.

16 (4) *Transfer of service credit.*

17 A member of this [system] SYSTEM who receives service credit for military service
18 under this subsection may transfer the credit to another [state] STATE or local
19 retirement or pension system WITHIN MARYLAND.

20 (5) *Benefits prohibited during absence.*

21 A member of this [system] SYSTEM, the member’s beneficiary, or the member’s estate
22 is not entitled to line-of-duty disability benefits or line-of-duty death benefits arising
23 from the member’s death or disability during a period that the member is absent from
24 employment for military service.

25 [(6) *“Military service” defined.*]

26 [(i) In this subsection, “military service” means any:

27 (A) “service in the uniformed services”, as defined by and interpreted under
28 38 U.S.C. § 4303(13); or

29 (B) “military service”, as defined by and interpreted under State Personnel
30 and Pension Article §38-101(d);]

31 [(ii) “Military service” includes active duty, active duty for training, initial active
32 duty for training, and inactive duty training (such as drills), under competent
33 authority, on a voluntary or involuntary basis, in the Army, Navy, Marine Corps,
34 Air Force, Coast Guard, Public Health Service Commissioned Corps, the Army
35 National Guard, the Air National Guard, the Maryland National Guard, as well as

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1 the reserve components of each of these services, and any other category of
2 persons designated by the President or the Governor of the State of Maryland in
3 time of war or national or state emergency.]

4 (6) [(7) *Member*] *CITY FUNDING OF MEMBER contributions.*

5 (i) *IN GENERAL.*

6 Except as otherwise provided in subparagraph (ii) of this paragraph, a member of
7 this System who is reemployed under paragraph [(1)(ii)] (2) of this subsection
8 shall be credited with, at the City's sole expense, the contributions that the
9 member otherwise would have made under § 8(d)(1) OF THIS SUBTITLE had the
10 member not been absent, plus regular interest (as defined in § 1(9)(i)(B) of this
11 subtitle) on those contributions.

12 (ii) *EXCEPTION FOR TERMINATION BEFORE BENEFIT ELIGIBILITY.*

13 (A) If a member terminates City employment, other than by reason of death,
14 before becoming eligible for a retirement benefit or FOR a deferred vested
15 pension benefit under this [§ 9] SECTION, the member is not entitled to receive
16 any part of the contributions made on his or her behalf under subparagraph (i)
17 of this paragraph [(7)].

18 (B) However, the contributions made on behalf of a member will be used to fund
19 a retirement benefit or a deferred vested pension benefit payable to the
20 member under this [§ 9] SECTION.

21 (C) In addition, the contributions made on behalf of a member:

- 22 1. will be used to fund a periodic death benefit payable to the member's
23 beneficiary under this [§ 9] SECTION or[.];
- 24 2. if the member's beneficiary is entitled to receive a [lump sum] LUMP-
25 SUM death benefit under this [§ 9] SECTION, will be paid to the
26 beneficiary.

27 (iii) *REFUNDS.*

28 The Board of [trustees] TRUSTEES shall refund to a member any contributions
29 made to this System during a period of absence from employment for military
30 service while the member is otherwise exempted under this paragraph [(7)] from
31 paying contributions into [the] THIS System.

32 [(8) *Rules and regulations.*]

33 [The Board of Trustees may adopt rules and regulations to carry out this subsection.]

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1 (d-1) *Military personnel – Credit for military service [prior to] BEFORE employment.*

2 (1) *ELIGIBILITY REQUIREMENTS.*

3 [Notwithstanding] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BUT
4 NOTWITHSTANDING any other provision of this subtitle, [upon] ON proper application
5 to [the retirement system] THIS SYSTEM, up to 3 years of credit shall be granted for
6 military service, as defined in [§ 9(d)(1)] SUBSECTION (D) of this [subtitle] SECTION, to
7 any Class C member who has served in the military prior to employment with the
8 City[, provided:] AND WHO SATISFIES ONE OF THE FOLLOWING:

9 (i) [if the] FOR A member WHO terminates employment on or before June 28,
10 1993, the member:

11 (A) has acquired at least 10 years of service (DISREGARDING THE MILITARY
12 SERVICE CREDIT) and has attained at least age 65[,]; or

13 (B) [the member] has acquired 35 years of service[,] (DISREGARDING THE
14 MILITARY SERVICE CREDIT) and has attained at least age 62;

15 (ii) [if the] FOR A member WHO terminates employment on or after June 29, 1993,
16 and on or before December 31, 1995, the member:

17 (A) has acquired at least 10 years of service (DISREGARDING THE MILITARY
18 SERVICE CREDIT) and has attained at least age 62[,]; or

19 (B) [the member] has acquired 30 or more years of service (DISREGARDING
20 THE MILITARY SERVICE CREDIT), regardless of age; OR

21 (iii) [if the] FOR A member WHO terminates employment on or after January 1,
22 1996, the member:

23 (A) has acquired at least 10 years of service (DISREGARDING THE MILITARY
24 SERVICE CREDIT) and has attained at least age 62[,]; or

25 (B) [the member] has acquired 20 or more years of service (DISREGARDING
26 THE MILITARY SERVICE CREDIT), regardless of age.

27 (2) *EXCLUSION FOR PERIOD CREDITED UNDER ANOTHER SYSTEM.*

28 (I) [However, a] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,
29 THE member may not [be awarded] RECEIVE credit FOR A PERIOD OF MILITARY
30 SERVICE if [he], UNDER ANY OTHER RETIREMENT SYSTEM (WHETHER A CITY
31 RETIREMENT PLAN OR OTHERWISE), THE MEMBER has received credit for [a] THE
32 SAME period of military service [under another retirement system,] for which
33 retirement benefits have been or will be received by him [;] OR HER.

34 (II) [however, this] THE exclusion IN SUBPARAGRAPH (I) OF THIS PARAGRAPH does not
35 apply to:

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1 (A) any [such] credit FOR MILITARY SERVICE provided [through Federal Old-
2 Age and Survivors Insurance (Social Security),] BY THE FEDERAL SOCIAL
3 SECURITY SYSTEM; or

4 (B) [to] any [benefits] BENEFIT provided under [Title 3 or] Title 10, Chapter
5 [67, §§ 1331 through 1337] 1223, § 12731 THROUGH § 12741 of the U.S.
6 Code.

7 [In addition, the military service credit herein provided may not exceed 3 years.
8 The City shall make all necessary contributions to the pension and annuity funds
9 for the funding of military service credit.]

10 [(3) The Board of Trustees is hereby authorized to issue rules and regulations to carry out
11 the provisions of this section, notwithstanding any present rules and regulations to the
12 contrary.]

13 [(e) *Service retirement benefits.*]

14 (D-2) *SERVICE RETIREMENT BENEFITS.*

15 (1) *TYPES.*

16 THE FOLLOWING TYPES OF SERVICE RETIREMENT BENEFITS ARE AVAILABLE TO A CLASS
17 C MEMBER UNDER THIS SYSTEM:

18 (I) NORMAL RETIREMENT BENEFITS, AS DESCRIBED IN SUBSECTION (E) OF THIS
19 SECTION;

20 (II) EARLY RETIREMENT BENEFITS, AS DESCRIBED IN SUBSECTION (F) OF THIS
21 SECTION; AND

22 (III) DEFERRED VESTED PENSION BENEFITS, AS DESCRIBED IN SUBSECTION (L) OF
23 THIS SECTION.

24 (2) *APPLICATION AND FILING PERIOD.*

25 [Any] A Class C member in service may retire [upon his written] UNDER SUBSECTION
26 (E), (F), OR (L) OF THIS SECTION IF:

27 (I) THE MEMBER FILES THE APPROPRIATE application [to] WITH the Board of
28 Trustees [setting forth at what time], IN THE FORM AND CONTAINING THE
29 INFORMATION THAT THE BOARD REQUIRES;

30 (II) THE MEMBER SPECIFIES ON THE FORM THE DATE ON WHICH THE MEMBER
31 DESIRES HIS OR HER BENEFITS TO COMMENCE;

32 (III) THE DATE SO SPECIFIED IS not less than 30 days nor more than 90 days
33 [subsequent to the execution and] AFTER THE DATE OF filing [thereof, he
34 desires to be retired, provided that the said] THE APPLICATION; AND

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1 (IV) AS OF THE DATE SO SPECIFIED, THE member [at the time so specified for his
2 retirement shall] WILL have complied with the applicable [provisions]
3 CONDITIONS of the retirement benefit applied for.

4 (E) *NORMAL RETIREMENT.*

5 [(3) *Offset to normal retirement benefit.*]

6 [There shall be offset from any normal retirement benefit payable the full amount of
7 any benefit or payment currently payable on or after normal retirement on account of
8 unemployment compensation insurance under any Federal, State or City law, when
9 the City either pays the cost of said benefit by means of the reimbursement method or
10 the City's experience rate is affected as a result of the taxing method.]

11 (6) *Normal retirement for Class C member who was an employee on or after April 1,*
12 *2001.*

13 (I) *ELIGIBILITY REQUIREMENTS.*

14 [Notwithstanding anything to the contrary, any Class C member who has
15 acquired at least 5 years of service at the normal retirement date, age 65, has a
16 nonforfeitable right to receive a maximum pension commencing at the normal
17 retirement date, age 65, or an optional pension as provided in § 9(m), which is
18 the actuarial equivalent of the maximum pension. In addition, any Class C
19 member who has not attained the normal retirement age 65, but who has
20 acquired 30 years or more of service, regardless of age, is entitled to receive a
21 maximum or optional pension calculated as if the member had attained his or
22 her normal retirement date, age 65. The maximum pension is equal to:
23 (a) 1.60% of the member's average final compensation, plus 0.25% of the
24 member's average final compensation in excess of his or her covered
25 compensation, multiplied by his or her years of service (and fractions of those
26 years of service) not in excess of 30, plus (b) 1.85% of the member's average
27 final compensation multiplied by his or her years of service (and fractions of
28 those years of service) in excess of 30. The benefit provided by this § 9(e)(6)
29 is subject to the offset set forth in § 9(e)(3) above.]

30 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A CLASS C MEMBER
31 IS ENTITLED TO RECEIVE A NORMAL RETIREMENT BENEFIT, CALCULATED AS
32 PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE MEMBER RETIRES:

33 (A) AT OR AFTER AGE 65, WITH AT LEAST 5 YEARS OF SERVICE; OR

34 (B) REGARDLESS OF AGE, WITH AT LEAST 30 YEARS OF SERVICE.

35 (II) *BENEFIT CALCULATION.*

36 THE NORMAL RETIREMENT BENEFIT IS EQUAL TO:

37 (A) 1.60% OF THE MEMBER'S AVERAGE FINAL COMPENSATION, PLUS 0.25% OF
38 THE MEMBER'S AVERAGE FINAL COMPENSATION IN EXCESS OF HIS OR HER

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1 COVERED COMPENSATION, MULTIPLIED BY HIS OR HER YEARS OF SERVICE
2 (AND FRACTIONS OF THOSE YEARS OF SERVICE), NOT IN EXCESS OF 30, PLUS

3 (B) 1.85% OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY
4 HIS OR HER YEARS OF SERVICE (AND FRACTIONS OF THOSE YEARS OF
5 SERVICE) IN EXCESS OF 30.

6 (III) *PAYMENT.*

7 PAYMENT OF THE BENEFIT COMMENCES ON THE 1ST DAY OF THE MONTH
8 IMMEDIATELY FOLLOWING THE MEMBER'S RETIREMENT.

9 (f) *Early retirement.*

10 (1) *IN GENERAL.*

11 [Any Class C member who has acquired 30 years of service and who terminates
12 employment with the City on or before June 28, 1993, or any Class C member or
13 who has attained age 55 and has acquired 5 years of service, shall have a
14 nonforfeitable right to receive a maximum pension commencing at the normal
15 retirement date of age 65, calculated in accordance with the following rules:
16 (i) The pension shall be determined under § 9(e) based on the member's average
17 final compensation and years of service (and fractions thereof) as of the date he
18 ceased being an employee. (ii) The offset of the Primary Social Security Benefit
19 will be calculated on the assumption that the member would have continued to
20 receive until his normal retirement date, age 65, compensation at the rate in effect
21 at the time of his retirement.]

22 (I) *ELIGIBILITY REQUIREMENTS.*

23 A CLASS C MEMBER IS ENTITLED TO RECEIVE AN EARLY RETIREMENT BENEFIT,
24 CALCULATED AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE
25 MEMBER TERMINATES EMPLOYMENT WITH THE CITY:

26 (A) ON OR BEFORE JUNE 28, 1993, WITH AT LEAST 30 YEARS OF SERVICE; OR

27 (B) AT ANY TIME, AT OR AFTER AGE 55, WITH AT LEAST 5 YEARS OF SERVICE.

28 (II) *BENEFIT CALCULATION.*

29 THE EARLY RETIREMENT BENEFIT SHALL BE DETERMINED AS PROVIDED IN
30 SUBSECTION (E)(6)(II) OF THIS SECTION BASED ON THE MEMBER'S AVERAGE FINAL
31 COMPENSATION AND YEARS OF SERVICE (AND FRACTIONS OF THOSE YEARS OF
32 SERVICE) AS OF THE DATE THE MEMBER TERMINATES EMPLOYMENT.

33 (III) *PAYMENT.*

34 EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, PAYMENT OF THE
35 BENEFIT COMMENCES ON THE 1ST DAY OF THE MONTH IMMEDIATELY FOLLOWING
36 THE MEMBER'S 65TH BIRTHDAY.

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1 (2) *REDUCTION FOR EARLY COMMENCEMENT.*

2 If [such] A member [as] described in [subsection (f)(1) above] PARAGRAPH (1) OF THIS
3 SUBSECTION elects to have his OR HER [maximum or optional pension] EARLY
4 RETIREMENT BENEFIT commence [prior to normal retirement date, age 65] BEFORE THE
5 1ST DAY OF THE MONTH IMMEDIATELY FOLLOWING HIS OR HER 65TH BIRTHDAY, the
6 amount of [said maximum or optional pension] THE BENEFIT shall be [permanently]
7 reduced as follows:

8

9 (ii) *Less than 30 years of service and employed on or after July 1, 1987.*

10 If a member who was an employee on or after July 1, 1987, has less than 30
11 years of service as of [the date he ceased being an employee] HIS OR HER
12 TERMINATION OF EMPLOYMENT DATE AND ELECTS TO HAVE HIS OR HER
13 PENSION COMMENCE BEFORE THE 1ST DAY OF THE MONTH IMMEDIATELY
14 FOLLOWING HIS OR HER 65TH BIRTHDAY, the amount of his OR HER [pension]
15 BENEFIT shall be reduced by:

16 (A) 1/180 for each of the first 60 months (or fraction [thereof] OF A
17 MONTH) by which [the] commencement of [his] THE MEMBER’S
18 pension precedes [his normal retirement date] THE 1ST DAY OF THE
19 MONTH IMMEDIATELY FOLLOWING HIS OR HER 65TH BIRTHDAY[.]; and
20 [by]

21 (B) 1/360 for each additional month (or fraction [thereof] OF A MONTH) by
22 which [the] commencement of [his] THE MEMBER’S pension precedes
23 [his normal retirement date] THE 1ST DAY OF THE MONTH IMMEDIATELY
24 FOLLOWING HIS OR HER 65TH BIRTHDAY.

25 (3) *Retirement on account of job removal.*

26 (ii) *Job [Removal Retirement Benefit] REMOVAL RETIREMENT BENEFIT.*

27 [Should any] A CLASS C member [appointed for a fixed term set by law not be
28 reappointed either voluntarily or involuntarily, after acquiring] WHO SATISFIES
29 THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH BEFORE AGE 65
30 AND WITH AT LEAST 20 years of service[, or should a Class C member be removed
31 from a regular permanent position of the City without fault on his or her part after
32 the acquisition of 20 years of service (30 years of service if removed before July
33 1, 1987), prior to attaining the age of 65, such member shall be] IS entitled to
34 receive a retirement benefit based on [the] HIS OR HER actual years of service
35 credit and equal to the [pension] BENEFIT the member would receive if he or she
36 had [already] attained [the] age [of] 65[, the normal retirement age]. [The]
37 ACCORDINGLY, THE reduction [contained] DESCRIBED in paragraph (2) [shall] OF
38 THIS SUBSECTION DOES not apply.

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1 [(iii) *Preemployment military service credit.*]

2 [Effective June 24, 1990, any preemployment military service credit claim shall
3 be subject to the conditions contained in § 9(d)(2) of this subtitle, except the
4 military service credit claim shall not be subject to the age 65 requirement
5 contained in § 9(d)(2). However, any benefit for which the member could be
6 eligible shall be determined before the military service credit provided for herein
7 is added to the service credit acquired by the member.]

8 [(iv) *Special effective date.*]

9 [Effective December 2, 1991, the provisions of the above paragraph shall apply to
10 any member who retired under § 9(f)(3). Any increased benefits due to such a
11 retired member shall be paid prospectively from the effective date of this
12 ordinance. Furthermore, variable benefits, if any, paid to such a retired member
13 shall not be changed as a result of this ordinance.]

14 [(4) *Offset to early retirement benefit.*]

15 [There shall be offset from any early retirement benefit payable the full amount of
16 any benefit or payment currently payable on or after early retirement on account of
17 unemployment compensation insurance under any Federal, State or City law, when
18 the City either pays the cost of said benefit by means of the reimbursement method or
19 the City's experience rate is affected as a result of the taxing method.]

20 [(g) *Social Security Equalization Benefit – early retirement.*]

21 [A Class C member who is entitled to receive an early retirement benefit, commencing
22 between the ages of 55 and 62, may elect to receive in lieu thereof an adjusted retirement
23 benefit of equivalent actuarial value, payable in a greater amount during the period the
24 Class C member is between the ages of 55 and 62, and a correspondingly reduced
25 amount, actuarially determined, after the attainment of age 62, so that the retiree's total
26 income (including both the adjusted retirement benefit payable herein and the Social
27 Security Benefit to which the Class C member shall be entitled to receive at age 62) shall
28 be as nearly uniform as possible both before and after the commencement of said Social
29 Security Benefits.]

30 [(h) *Postponed retirement.*]

31 [A Class C member who continues in the employment of the City beyond the normal
32 retirement date of age 65 shall be deemed to be on postponed retirement. If a member is
33 on postponed retirement, such member will continue to be a member until the mandatory
34 retirement age of 70 as provided in § 3(f). However, if the member is an elected or
35 appointed official, whose term is fixed by law, he may remain in service as a member
36 until he is not reelected or reappointed. Upon retirement, such member shall be entitled
37 to receive the maximum pension as provided in § 9(e) commencing on his actual
38 retirement date based on his service and his average final compensation as of the date of
39 his actual retirement, his Primary Social Security Benefit at age 65, and subject to the
40 offset provisions of normal retirement contained in § 9(e).]

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1 (i) *Non-line-of-duty disability retirement benefit.*

2 (1) *Eligibility requirements.*

3 A Class C member [shall be retired] IS ENTITLED TO RETIRE on a non-line-of-duty
4 disability retirement if:

5 (i) the member has acquired at least 5 years of service, as determined by the
6 Board of Trustees; and

7 (ii) a hearing examiner determines that:

8 (A) the member is mentally or physically incapacitated [for] FROM the
9 further performance of the duties of her or his job classification [in the
10 employ of the City,]; and

11 (B) the incapacity is likely to be permanent.

12 (2) *Application and filing deadline.*

13 To retire under this subsection, the member must:

14 (i) [apply to the Board of Trustees, on a] COMPLETE THE APPROPRIATE
15 APPLICATION, IN THE form [approved by the Board] AND CONTAINING THE
16 INFORMATION REQUIRED BY SUBSECTION (P)(4) OF THIS SECTION; and

17 (ii) submit the application to the Board no later than 1 year following the
18 member's last day of City employment.

19 (3) *Effective date of [non-line-of-duty disability] retirement.*

20 A non-line-of-duty disability retirement [under this subsection] takes effect as
21 follows:

22 (i) if the member applied for disability retirement before terminating City
23 employment, the retirement is effective as of the [first] 1ST day OF THE MONTH
24 IMMEDIATELY following the member's last day of [city] CITY employment;
25 and

26 (ii) if the member applied for disability retirement after terminating City
27 employment, the retirement is effective [30 days] AS OF THE 1ST DAY OF THE
28 MONTH IMMEDIATELY FOLLOWING THE 30TH DAY after the date on which the
29 Board received a completed application.

30 (4) *[Non-line-of-duty disability allowance for] BENEFIT – [retirement] RETIREMENT on or*
31 *before October 15, 1992.*

32

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1 (5) *[Allowance on non-line-of-duty disability] BENEFIT – [retirement] RETIREMENT ON OR*
2 *AFTER OCTOBER 16, 1992.*

3 [(A) Upon] ON retirement [for non-line-of-duty disability] on or after October 16,
4 1992, [a] THE CLASS C member is entitled to receive a [maximum] pension [that is]
5 equal to the greater of:

6 (i) the member’s accrued service retirement benefit, [as determined in
7 accordance with § 9(e)] CALCULATED AS PROVIDED IN SUBSECTION (E)(6)(II)
8 OF THIS SECTION; or

9 (ii) 15% of the member’s average final compensation.

10 (j) *Line-of-duty disability retirement benefit.*

11 (1) *Eligibility requirements.*

12 A Class C member [shall be retired] IS ENTITLED TO RETIRE on a line-of-duty
13 disability retirement if a hearing examiner determines that:

14 (i) the member is permanently incapacitated [for] FROM the further performance
15 of the duties of his or her CITY job classification [in the employ of the City]
16 due to [one] 1 or more of the impairments [listed] DESCRIBED in [the schedule
17 provided in] PARAGRAPH (5) OF this subsection; and

18 (ii) the [member sustained the scheduled] MEMBER’S impairment:

19 (A) IS, [as the direct result of bodily injury through an accident]
20 independent of all other causes and independent of any preexisting
21 physical or medical conditions, WHETHER job-related or otherwise,
22 [occurring] THE DIRECT RESULT OF BODILY INJURY ARISING THROUGH
23 AN ACCIDENT; AND

24 (B) THE ACCIDENT OCCURRED:

25 1. while THE MEMBER WAS in the actual performance of [duty with
26 the City] HIS OR HER CITY DUTIES at [a] SOME definite time and
27 place[.]; AND

28 2. without willful negligence on the MEMBER’S part [of the
29 member].

30 (2) *Application and filing deadline.*

31 To retire under this subsection, the member must:

32 (i) [apply to the Board of Trustees, on a] COMPLETE THE APPROPRIATE
33 APPLICATION, IN THE form [approved by the Board] AND CONTAINING THE
34 INFORMATION REQUIRED BY SUBSECTION (P)(4) OF THIS SECTION; and

35 (ii) submit the application to the Board:

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1 (A) no later than 1 year following the member's last day of City
2 employment; and

3 (B) within 5 years of the date of the accident resulting in the member's
4 impairment.

5 (3) *Effective date of [line-of-duty disability] retirement.*

6 A line-of-duty disability retirement [under this subsection] takes effect as follows:

7 (i) if the member applied for disability retirement before terminating City
8 employment, the retirement is effective as of the [first] 1ST day OF THE MONTH
9 IMMEDIATELY following the member's last day of [city] CITY employment;
10 and

11 (ii) if the member applied for disability retirement after terminating City
12 employment, the retirement is effective [30 days] AS OF THE 1ST DAY OF THE
13 MONTH IMMEDIATELY FOLLOWING THE 30TH DAY after the date on which the
14 Board received a completed application.

15 (4) *[Allowance on line-of-duty disability] BENEFIT ON retirement.*

16 (i) [Upon] ON retirement [on line-of-duty disability], [a] THE Class C member is
17 entitled to receive a [maximum] pension [benefit in an amount] equal to 66²/₃% of
18 the member's average final compensation.

19 (ii) [Notwithstanding anything to the contrary, if] IF a Class C member is not eligible
20 for line-of-duty disability benefits solely because the degree of impairment [did]
21 DOES not meet the [standards listed in the schedule below] CONDITIONS OF
22 PARAGRAPH (5) OF THIS SUBSECTION, [the member is eligible] A NON-LINE-OF-
23 DUTY BENEFIT WILL BE PAID UNDER SUBSECTION (I) OF THIS SECTION, regardless of
24 THE MEMBER'S years of service, AS LONG AS THE MEMBER OTHERWISE QUALIFIES
25 for non-line-of-duty disability retirement [subject to all other conditions for non-
26 line-of-duty disability retirement] UNDER THAT SUBSECTION.

27 (5) *Disability loss requirements.*

28 (i) *AWARDS ON OR BEFORE MARCH 31, 2001.*

29 [For] THE AWARD OF A line-of-duty disability retirement [benefits awarded]
30 BENEFIT on or before March 31, 2001, REQUIRES:

31 (A) a 75% OR MORE anatomical loss of the use of any 1 OF THE IMPAIRED
32 ITEMS LISTED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH; or

33 (B) a 50% or more anatomical loss OF THE USE of each of 2 or more of the
34 [impairments] IMPAIRED ITEMS listed in subparagraph (iii) OF THIS
35 PARAGRAPH.

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1 (ii) *AWARDS ON OR AFTER APRIL 1, 2001.*

2 [For] THE AWARD OF A line-of-duty disability retirement [benefits awarded]
3 BENEFIT on or after April 1, 2001, REQUIRES:

4 (A) a 50% OR MORE anatomical loss of the use of any 1 OF THE IMPAIRED
5 ITEMS LISTED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH; or

6 (B) a 25% or more anatomical loss of THE USE OF each of 2 or more of the
7 [impairments] IMPAIRED ITEMS listed in subparagraph (iii) OF THIS
8 PARAGRAPH.

9 (iii) *SCHEDULE OF IMPAIRED ITEMS.*

10 THE SCHEDULE [Schedule] of [impairments] IMPAIRED ITEMS IS AS FOLLOWS:

11 . . .

12 (11) [mentally incapacitated whereby] MENTAL INCAPACITATION FOR WHICH a
13 member [applies for and is] HAS BEEN granted a disability benefit under
14 the [Federal Old-Age Survivor's and Disability Insurance Act] FEDERAL
15 SOCIAL SECURITY SYSTEM.

16 (k) *Dismemberment disability retirement benefits.*

17 (1) *Eligibility requirements.*

18 A Class C member [shall be retired] IS ENTITLED TO RETIRE on a dismemberment
19 disability retirement if a hearing examiner determines that:

20 (i) the member sustained any 1 of the losses listed in [the schedule provided in]
21 PARAGRAPH (5) OF this subsection; [and]

22 (ii) the member sustained the [scheduled] loss, INDEPENDENT OF ALL OTHER
23 CAUSES, as the direct result of bodily injury arising through an accident
24 [independent of all other causes occurring while in the actual performance of
25 duty with the City at a definite time and place, without willful negligence on
26 the part of the member]; and

27 (iii) the accident occurred:

28 (A) WHILE THE MEMBER WAS IN THE ACTUAL PERFORMANCE OF HIS OR HER
29 CITY DUTIES AT SOME DEFINITE TIME AND PLACE;

30 (B) WITHOUT WILLFUL NEGLIGENCE ON THE MEMBER'S PART; AND

31 (C) not more than 180 days before the loss was sustained.

32 (2) *Application and filing deadline.*

33 To retire under this subsection, the member must:

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1 (i) [apply to the Board of Trustees, on a] COMPLETE THE APPROPRIATE
2 APPLICATION, IN THE form [approved by the Board] AND CONTAINING THE
3 INFORMATION REQUIRED BY SUBSECTION (P)(4) OF THIS SECTION; and

4 (ii) submit the application to the Board:

5 (A) no later than 1 year following the member’s last day of City
6 employment; and

7 (B) within 5 years of the date of the accident resulting in the member’s
8 loss.

9 (3) *Effective date of [dismemberment disability] retirement.*

10 A dismemberment disability retirement [under this subsection] takes effect as
11 follows:

12 (i) if the member applied for disability retirement before terminating City
13 employment, the retirement is effective as of the [first] 1ST day OF THE MONTH
14 IMMEDIATELY following the member’s last day of [city] CITY employment;
15 and

16 (ii) if the member applied for disability retirement after terminating City
17 employment, the retirement is effective [30 days] AS OF THE 1ST DAY OF THE
18 MONTH IMMEDIATELY FOLLOWING THE 30TH DAY after the date on which the
19 Board received a completed application.

20 (4) *[Allowance on dismemberment disability] BENEFIT ON retirement.*

21 [Upon] ON retirement [on dismemberment disability], [a] THE Class C member is
22 entitled to receive a [maximum] pension [benefit in an amount] equal to 100% of the
23 member’s average final compensation. [Not] IN NO EVENT, HOWEVER, WILL more
24 than 100% of average final compensation [will] be paid for all losses sustained by a
25 member as the result of any one accident.

26 (6) *Definitions.*

27 (ii) With respect to [eyes, “loss of] “sight of 1 eye”, LOSS means central visual acuity
28 of 20/200 or less in 1 eye with the use of correcting lenses, or visual acuity of
29 greater than 20/200 if accompanied by a limitation in the field of vision such that
30 the widest diameter of the visual field subtends an angle no greater than 20
31 degrees.

32 (iii) WITH RESPECT TO [“Loss of] “sight of both eyes”, LOSS means central acuity of
33 20/200 or less in the better eye with the use of correcting lenses, or visual acuity
34 greater than 20/200 if accompanied by a limitation in the field of vision such that
35 the widest diameter of the visual field subtends an angle no greater than 20
36 degrees.

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1 (1) *Deferred vested pension [benefits on termination of employment].*

2 (1) *ELIGIBILITY REQUIREMENTS.*

3 (i) This paragraph (1) applies to any Class C member who [leaves City employ]
4 TERMINATES CITY EMPLOYMENT:

5 (A) [A.] before attaining age 55 and after acquiring 10 years of service; or

6 (B) [B.] after attaining age 55 and acquiring 5 years of service, but without
7 having elected an immediate early retirement benefit under [§ 9(f)]
8 SUBSECTION (F) OF THIS SECTION.

9 (ii) A member described in subparagraph (i) of this paragraph [(1)] is entitled to
10 receive, COMMENCING ON THE 1ST DAY OF THE MONTH IMMEDIATELY FOLLOWING
11 HIS OR HER 65TH BIRTHDAY, a [maximum] deferred vested pension benefit
12 [(payable in accordance with the provisions of normal retirement contained in
13 § 9(m) and subject to the offset provisions of normal retirement contained in
14 § 9(e)) to commence on the member's normal retirement date of age 65,]
15 calculated in accordance with the following rules:

16 (A) [A.] The pension shall be [determined under] CALCULATED AS PROVIDED
17 IN [§ 9(e)] SUBSECTION (E)(6)(II) OF THIS SECTION based on the member's
18 average final compensation and years of service (and fractions [thereof]
19 OF YEARS OF SERVICE) as of the date the member [ceased being an
20 employee] TERMINATED EMPLOYMENT.

21 [B. The offset of the Primary Social Security Benefit will be calculated on the
22 assumption that the member would have continued to receive, until the
23 member's normal retirement date of age 65, compensation at the rate in
24 effect at the time the member ceased being an employee.]

25 (B) [C.] The member may elect to have payment of this benefit commence at
26 any time after the member has attained age 55 AND BEFORE THE 1ST DAY OF
27 THE MONTH IMMEDIATELY FOLLOWING THE MEMBER'S 65TH BIRTHDAY. IF
28 THE MEMBER DOES SO:

29 1. [The] THE benefit shall be actuarially reduced in accordance with
30 the same rules applicable [for] TO early retirement benefits under
31 [§ 9(f)(2), if its commencement precedes the member's normal
32 retirement date.] SUBSECTION (F)(2) OF THIS SECTION; AND

33 2. [D. If] IF the member dies before [attaining age 65 and before] the
34 DEFERRED VESTED benefit commences, then no benefits are
35 payable[, with the exception of] EXCEPT FOR the return of the
36 member's accumulated contributions, if any.

37 (2) *EXCEPTION FOR JOB REMOVAL.*

38 (i) This paragraph (2) applies to any Class C member[: A. whose regular permanent
39 position with the City is eliminated] WHO, before attaining age 55 and after

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1 acquiring 5 years of service, [; or B. who was appointed for a fixed term and,
2 either voluntarily or otherwise, was not reappointed before attaining age 55 and
3 after acquiring 5 years of service] SATISFIES THE CONDITIONS SET FORTH IN
4 SUBSECTION (F)(3)(I)(A) OF THIS SECTION.

5 (ii) A member described in subparagraph (i) of this paragraph (2) is entitled to
6 RECEIVE, COMMENCING ON THE 1ST DAY OF THE MONTH IMMEDIATELY FOLLOWING
7 HIS OR HER 65TH BIRTHDAY, a DEFERRED VESTED pension BENEFIT [payable in
8 accordance with the provisions of § 9(m) and subject to the offset provisions of
9 normal retirement contained in § 9(e) to commence on the member’s normal
10 retirement date of age 65,] calculated [as follows:] IN ACCORDANCE WITH SUB-
11 SUBPARAGRAPHS (A) AND (B) OF PARAGRAPH (1)(II) OF THIS SUBSECTION.

12 [A. The pension shall be determined under § 9(e) based on the member’s
13 average final compensation and years of service (and fractions thereof) as
14 of the date the member ceased being an employee.]

15 [B. The offset of the Primary Social Security Benefit will be calculated on the
16 assumption that the member would have continued to receive, until the
17 member’s normal retirement date of age 65, compensation at the rate in
18 effect at the time the member ceased being an employee.]

19 [C. The member may elect to have payment of this benefit commence at any
20 time after the member has attained age 55. The benefit shall be actuarially
21 reduced in accordance with the same rules applicable for early retirement
22 benefits under § 9(f)(2), if its commencement precedes the member’s
23 normal retirement date.]

24 [D. If the member dies before attaining age 65 and before the benefit
25 commences, then no benefits are payable, with the exception of the return
26 of the member’s accumulated contributions, if any.]

27 (m) *Method of payment.*

28 (1) *Maximum retirement allowance.*

29 (I) *IN GENERAL.*

30 [(A) Any] A Class C member WHO IS eligible to receive a retirement [allowance]
31 BENEFIT under this subtitle is entitled to receive, WITHOUT ACTUARIAL
32 MODIFICATION, the FULL BENEFIT FOR WHICH SHE OR HE IS QUALIFIED, PAYABLE IN
33 PERIODIC PAYMENTS DURING THE RETIRED MEMBER’S LIFETIME (THE “maximum
34 [benefit without actuarial modification] RETIREMENT ALLOWANCE”).

35 (II) *RETIRED MEMBER’S DEATH – IN GENERAL.*

36 [(B) On receipt of proper proof of death of a retired member] AS OF THE 1ST DAY
37 OF THE MONTH IMMEDIATELY AFTER THE DEATH OF A RETIRED MEMBER WHO IS
38 receiving [the] THIS maximum [benefit, the Board of Trustees shall pay]
39 RETIREMENT ALLOWANCE, THE FOLLOWING BENEFICIARIES ARE ENTITLED TO

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1 RECEIVE PERIODIC PAYMENTS IN an amount equal to 40% of the PERIODIC
2 PAYMENT THAT THE retired [member's retirement allowance as of the date of the
3 retired member's] MEMBER WAS RECEIVING AT THE TIME OF HER OR HIS death[, to
4 one of the following beneficiaries]:

5 (A) [(i)] if the retired member is survived by a spouse to whom the retired
6 member was married for at least 1 year immediately before the [retired]
7 member's retirement date, the benefit shall be paid to the surviving
8 spouse, to continue for [life] THE SPOUSE'S LIFETIME or until [remarriage]
9 THE SPOUSE REMARRIES BEFORE AGE 70; or

10 (B) [(ii)] if there is no qualifying surviving spouse or if the surviving spouse
11 [dies or] remarries BEFORE AGE 70 OR DIES, then the benefit shall be paid
12 to the surviving spouse's minor children, in equal shares, to continue until
13 the children are no longer [minor] MINORS, as defined in § 47(h) of this
14 article.

15 (III) *RETIRED MEMBER'S DEATH – SHARE OF MINOR CHILD WHO ATTAINS MAJORITY.*

16 [(C)] For purposes OF SUBPARAGRAPH (II)(B) of this paragraph [(1)], when a
17 retired member's child is no longer a minor and consequently ceases to receive
18 benefits [under this paragraph (1)], each remaining minor child shall begin to
19 receive, in addition to his or her existing benefit, an equal share of the benefit
20 formerly paid to the other child. This process continues until the youngest child
21 is no longer a minor.

22 (IV) *RETIRED MEMBER'S DEATH – BEFORE CONTRIBUTIONS RECOVERED.*

23 [(D)] If a retired member who [has elected] IS RECEIVING the maximum retirement
24 allowance [under this paragraph (1)] dies before the member has received benefit
25 payments in a sum equal to the amount of his or her accumulated contributions at
26 the time of retirement, and if there is no surviving spouse or minor child entitled
27 to receive benefits on the member's death, the difference between the amount of
28 the deceased member's accumulated contributions and the sum of the benefit
29 payments shall be paid [as a lump sum] IN THE FORM OF A LUMP-SUM CASH
30 PAYMENT AS FOLLOWS:

31 (A) to the deceased member's designated beneficiary; or[,]

32 (B) if no beneficiary has been designated OR IF THE DESIGNATED BENEFICIARY
33 PREDECEASES THE RETIRED MEMBER, to the deceased member's estate.

34 (2) [*Elections for retirement allowance with actuarial modification*] *BENEFIT OPTIONS.*

35 (I) [(A)] *In general.*

36 (A) Instead of the MAXIMUM RETIREMENT allowance provided for in paragraph (1)
37 of this subsection, a Class C member who is entitled to receive a retirement
38 [allowance] BENEFIT from this [system] SYSTEM may elect to receive [a lesser
39 retirement allowance for life from among] THE BENEFIT IN THE FORM OF 1 OF

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1 the options set forth in subparagraphs [(B)] (II) through [(E)] (V) of this
2 paragraph [(2)].

3 (B) A MEMBER WHO ELECTS TO RECEIVE 1 OF THESE OPTIONS WILL RECEIVE HIS OR
4 HER BENEFIT IN THE FORM OF PERIODIC PAYMENTS DURING HER OR HIS
5 LIFETIME.

6 (C) The [lesser optional retirement allowance that the retired member will
7 receive] MEMBER'S BENEFIT SHALL BE IN AN AMOUNT THAT, when combined
8 with the [optional] CORRESPONDING survivorship benefit [selected by the
9 retired member] UNDER THE OPTION ELECTED, will equal the actuarial
10 equivalent of the retired member's maximum retirement allowance, computed
11 as of [the retired member's] HIS OR HER retirement date.

12 (II) [(B)] *Reserve guarantee option.*

13 (A) [(i) On the retired member's] AS SOON AS ADMINISTRATIVELY PRACTICABLE
14 AFTER THE death OF A RETIRED MEMBER WHO ELECTED THIS RESERVE
15 GUARANTEE OPTION, the balance of the retired member's actuarial reserve at
16 the time of retirement, after deducting the total amount of [periodical]
17 PERIODIC payments received by the retired member during his or her [life]
18 LIFETIME, [will] SHALL be [payable as] PAID IN THE FORM OF a [lump sum]
19 LUMP-SUM CASH PAYMENT AS FOLLOWS:

- 20 1. to the retired member's designated beneficiary; or
21 2. if [there is] no [designated] beneficiary HAS BEEN DESIGNATED or if the
22 designated beneficiary predeceases the retired member, to the retired
23 member's estate.

24 (B) [(ii) A member [selecting this reserve guarantee] WHO ELECTS THIS option
25 may change his or her designated beneficiary at any time throughout THE
26 MEMBER'S retirement.

27 (III) [(C)] *Joint and survivor options] JOINT-AND-SURVIVOR OPTION.*

28 (A) [(i) On the retired member's] AS OF THE 1ST DAY OF THE MONTH IMMEDIATELY
29 AFTER THE death OF A RETIRED MEMBER WHO ELECTED THIS JOINT-AND-
30 SURVIVOR OPTION, the member's designated beneficiary [will] IS ENTITLED TO
31 receive [a lifetime benefit of either] PERIODIC PAYMENTS DURING THE
32 BENEFICIARY'S LIFETIME IN EITHER OF THE FOLLOWING AMOUNTS, as elected by
33 the member:

- 34 1. 100% of the [periodical allowance] PERIODIC PAYMENT THAT the
35 retired member was receiving at the time of HIS OR HER death; or
36 2. 50% of the [periodical allowance] PERIODIC PAYMENT THAT the retired
37 member was receiving at the time of HIS OR HER death.

38 (B) [(ii) Within 30 days of the retired member's retirement date, the retired
39 member may elect to change the designated beneficiary for benefits under

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1 this subparagraph (C).] A MEMBER WHO ELECTS THIS OPTION MAY CHANGE
2 HER OR HIS DESIGNATED BENEFICIARY WITHIN 30 DAYS AFTER THE MEMBER'S
3 RETIREMENT DATE.

4 (C) [(iii)] If the designated beneficiary predeceases the retired member [while
5 still] within 30 days [of] AFTER the retirement date, the retired member may
6 designate a new beneficiary within 30 days of the designated beneficiary's
7 death.

8 (D) [(iv)] If the designated beneficiary predeceases the retired member [while]
9 within 30 days [of] AFTER the retirement date and the retired member does not
10 designate a new beneficiary within 30 days [of] AFTER the designated
11 beneficiary's death or if the designated beneficiary dies on or after the 31st day
12 following the retirement date:

- 13 1. the retired member continues DURING HIS OR HER LIFETIME to receive
14 [a lesser retirement allowance under this survivorship option]
15 PERIODIC PAYMENTS IN THE SAME AMOUNT THAT THE MEMBER HAS
16 BEEN RECEIVING;
- 17 2. no [new] OTHER beneficiary may be designated; and
- 18 3. on the retired member's death, no survivorship benefit is payable.

19 (IV) [(D) "*Pop-up*" joint and survivor options] "*POP-UP*" JOINT-AND-SURVIVOR
20 OPTION.

21 (A) [(i) On the retired member's] AS OF THE 1ST DAY OF THE MONTH IMMEDIATELY
22 AFTER THE death OF A RETIRED MEMBER WHO ELECTED THIS "POP-UP" JOINT-
23 AND-SURVIVOR OPTION, the member's designated beneficiary [will] IS
24 ENTITLED TO receive [a lifetime benefit of either] PERIODIC PAYMENTS DURING
25 THE BENEFICIARY'S LIFETIME IN EITHER OF THE FOLLOWING AMOUNTS, as
26 elected by the member:

- 27 1. 100% of the [periodical allowance] PERIODIC PAYMENT THAT the
28 retired member was receiving at the time of HIS OR HER death; or
- 29 2. 50% of the [periodical allowance] PERIODIC PAYMENT THAT the retired
30 member was receiving at the time of HIS OR HER death.

31 (B) [(ii) Within 30 days of the retired member's retirement date, the retired
32 member may elect to change the designated beneficiary for benefits under
33 this subparagraph (D).] A MEMBER WHO ELECTS THIS OPTION MAY CHANGE
34 HER OR HIS DESIGNATED BENEFICIARY WITHIN 30 DAYS AFTER THE MEMBER'S
35 RETIREMENT DATE.

36 (C) [(iii)] If the designated beneficiary predeceases the retired member [while
37 still] within 30 days [of] AFTER the retirement date, the retired member may
38 designate a new beneficiary within 30 days after the designated beneficiary's
39 death.

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1 (D) [(iv)] If the designated beneficiary predeceases the retired member [while]
2 within 30 days [of] AFTER the retirement date and the retired member does not
3 designate a new beneficiary within 30 days after the designated beneficiary's
4 death or if the designated beneficiary dies on or after the 31st day following
5 the retirement date:

- 6 1. the retired member [receives] COMMENCES, AS OF THE 1ST DAY OF THE
7 MONTH IMMEDIATELY FOLLOWING THE DESIGNATED BENEFICIARY'S
8 DEATH, TO RECEIVE the maximum retirement allowance, [effective
9 from the 1st day after the death of the designated beneficiary] PAYABLE
10 IN PERIODIC PAYMENTS DURING THE RETIRED MEMBER'S LIFETIME;
- 11 2. no other beneficiary may be designated; and
- 12 3. on the retired member's death, no survivorship benefit is payable,
13 whether under this [survivorship] option or the maximum retirement
14 allowance.

15 (v) [(E)] *Specific benefit option.*

16 (A) [(i) On the retired member's] SUBJECT TO THE APPROVAL REQUIRED BY SUB-
17 SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH, ON THE death OF A RETIRED
18 MEMBER WHO ELECTED THIS SPECIFIC BENEFIT OPTION, the member's
19 designated beneficiary [will] IS ENTITLED TO receive THE FOLLOWING, as
20 elected by the member before the member's retirement date:

- 21 1. a specific lump-sum [amount] CASH PAYMENT, PAYABLE AS SOON AS
22 ADMINISTRATIVELY PRACTICABLE AFTER THE RETIRED MEMBER'S
23 DEATH; or
- 24 2. a specific [periodical allowance] PERIODIC BENEFIT, payable to the
25 designated beneficiary [for life] DURING HIS OR HER LIFETIME,
26 EFFECTIVE AS OF THE 1ST DAY OF THE MONTH IMMEDIATELY AFTER THE
27 RETIRED MEMBER'S DEATH.

28 (B) [(ii)] This [predetermined] benefit OPTION must be approved, at the time of
29 the member's retirement, by the Board of Trustees pursuant to the
30 recommendation of [the system's] THIS SYSTEM'S actuary.

31 (C) [(iii)] Within 30 days of the retired member's retirement date, the retired
32 member may elect to change the designated beneficiary for benefits under
33 this subparagraph (E).] A MEMBER WHO ELECTS THIS OPTION MAY CHANGE
34 HER OR HIS DESIGNATED BENEFICIARY WITHIN 30 DAYS AFTER THE MEMBER'S
35 RETIREMENT DATE.

36 (D) [(iv)] If the designated beneficiary predeceases the retired member [while
37 still] within 30 days [of] AFTER the retirement date, the retired member may
38 designate a new beneficiary within 30 days after the designated beneficiary's
39 death.

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1 (E) [(v)] If the designated beneficiary predeceases the retired member [while]
2 within 30 days [of] AFTER the retirement date and the retired member does not
3 designate a new beneficiary within 30 days after the designated beneficiary's
4 death or if the designated beneficiary dies on or after the 31st day [following]
5 AFTER the retirement date:

- 6 1. the retired member continues DURING HIS OR HER LIFETIME to receive
7 [a lesser retirement allowance under this survivorship option]
8 PERIODIC PAYMENTS IN THE SAME AMOUNT THAT THE MEMBER HAS
9 BEEN RECEIVING;
- 10 2. no other beneficiary may be designated; and
- 11 3. on the retired member's death, no survivorship benefit is payable.

12 (3) *Change of election within 30 days.*

13 (I) [(A) Any] A retired member may elect to make the changes authorized in this
14 paragraph [(3)] on or before the later of:

15 (A) [(i)] the 30th day after the retired member's retirement date; or

16 (B) [(ii)] if the retired member's designated beneficiary predeceases the
17 retired member [while] within 30 days [of] AFTER the retirement date, the
18 30th day after the designated beneficiary's death.

19 (II) [(B)] Within the periods specified, [a] THE retired member may elect to change:

20 (A) [(i)] the retired member's maximum RETIREMENT allowance under
21 paragraph (1) of this subsection to any one of the [actuarially modified
22 retirement allowances] BENEFIT OPTIONS under paragraph (2) of this
23 subsection;

24 (B) [(ii)] the retired member's election [for an actuarially modified retirement
25 allowance] OF A BENEFIT OPTION under paragraph (2) of this subsection to
26 the maximum RETIREMENT allowance under paragraph (1) of this
27 subsection; or

28 (C) [(iii)] the retired member's election [for one actuarially modified
29 retirement allowance] OF A BENEFIT OPTION under paragraph (2) of this
30 subsection to any other [of the allowances] BENEFIT OPTION under
31 paragraph (2) of this subsection.

32 (III) [(C)] Any payments made to a retired member under the original election shall be
33 taken into account in computing the [allowance] BENEFIT to be paid under the
34 subsequent election.

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1 [(5) *Social Security equalization election.*]

2 [A Class C member who is entitled to receive an early retirement benefit, beginning
3 between the ages of 55 and 61, both inclusive, may elect to receive instead an
4 adjusted retirement benefit of equivalent actuarial value, payable in a greater amount
5 while the Class C member is between the ages of 55 and 61, both inclusive, and a
6 correspondingly reduced amount, actuarially determined, on becoming 62 years old,
7 so that the retired member's total income (including both the adjusted retirement
8 benefit payable under this paragraph and the Social Security benefit to which the
9 Class C member is entitled to receive at age 62 will be as nearly uniform as possible
10 both before and after Social Security benefits begin.]

11 [(6) *Election to receive transferred-in accumulated contributions on deposit.*]

12 [(A) In addition to receiving a maximum retirement allowance or a modified
13 retirement allowance at retirement, any retired Class C member may elect to
14 receive a refund, with interest, of the retired member's transferred-in accumulated
15 contributions on deposit that did not result in any retirement benefit from this
16 system.]

17 [(B) The benefits under this paragraph shall be paid in a lump sum or annuity. If a
18 retired member elects to receive the benefits in the form of an annuity, the method
19 of paying the annuity shall be consistent with the method of paying the retired
20 member's principal retirement allowance under paragraphs (1) and (2) of this
21 subsection.]

22 [(C) The payment of benefits under this paragraph (6) is subject to the approval of the
23 Board of Trustees.]

24 (4) {*VACANT*}

25 (5) [(7)] *Election to receive lump-sum payment.*

26 (i) [(A) Any] A Class C member [or former Class C member] who [has ceased all
27 permanent full-time and permanent part-time employment with the City]
28 TERMINATES CITY EMPLOYMENT may elect to receive the present value of the
29 member's total pension benefit, in a [single] lump-sum CASH payment, if:

30 (A) [(i)] the member is entitled to[: 1. a normal service retirement benefit
31 under § 9(e) of this article; 2. an early service retirement benefit under
32 § 9(f) of this article; or 3. a deferred vested benefit under § 9(1)] A SERVICE
33 RETIREMENT BENEFIT UNDER SUBSECTION (D-2)(1) OF THIS SECTION; and

34 (B) [(ii)] the present value of the total pension benefit is no more than [the
35 lump-sum cashout limit. (B) For purposes of this paragraph, "lump-sum
36 cashout limit" means] the greater of:

37 1. [(i)] \$12,500; or

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2. [(ii)] an amount that is calculated by [the system's] THIS SYSTEM'S actuary to reflect any increases in the average salary of active members and that is approved by the Board of Trustees.

(II) [(C)] A member who receives a lump-sum CASH payment under this paragraph [(7)] ceases to be entitled to any other benefits from this [system] SYSTEM.

(III) [(D)] A] IF A Class C member IS entitled to receive both a SERVICE RETIREMENT BENEFIT UNDER SUBSECTION (D-2)(1) OF THIS SECTION AND A disability [or dismemberment] RETIREMENT benefit UNDER SUBSECTIONS (I), (J), OR (K) OF THIS SECTION [and 1 of the 3 service benefits listed in paragraph (7)(A) of this subsection], THE MEMBER may waive his or her rights to the disability [or dismemberment benefits] BENEFIT and elect to receive a lump-sum CASH payment under this paragraph.

(IV) [(E)] The present value of the benefit payable under this paragraph [(7)] shall be calculated as of the date the member [ceases all permanent full-time and permanent part-time employment with the City] TERMINATES CITY EMPLOYMENT, using actuarial assumptions as of that date approved by the Board of Trustees pursuant to the recommendation of [the system's] THIS SYSTEM'S actuary.

(6) {VACANT}

(7) [(7a)] *Return of accumulated contributions.*

(i) *TERMINATION OF EMPLOYMENT - GENERAL.*

(A) If a Class C member terminates employment with the City FOR MORE THAN 30 CONSECUTIVE DAYS, other than by reason of death, before becoming eligible for a retirement benefit or a deferred vested pension benefit under this [§ 9] SECTION, the member [is entitled to] MAY ELECT to receive the value of his or her accumulated contributions (WITH REGULAR INTEREST CREDITED THROUGH THE DATE OF TERMINATION), payable in THE FORM OF a [lump sum distribution as soon as administratively practicable following the termination of employment] LUMP-SUM CASH PAYMENT.

(B) NOTWITHSTANDING SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH, IF THE VALUE OF A TERMINATING MEMBER'S ACCUMULATED CONTRIBUTIONS (WITH REGULAR INTEREST CREDITED THROUGH THE DATE OF TERMINATION) IS \$1,000 OR LESS AND THE MEMBER DOES NOT ELECT TO HAVE THE ACCUMULATED CONTRIBUTIONS PAID IN A DIRECT ROLLOVER, THE ACCUMULATED CONTRIBUTIONS WILL BE PAID DIRECTLY TO THE MEMBER IN A LUMP-SUM CASH PAYMENT AS SOON AS ADMINISTRATIVELY PRACTICABLE FOLLOWING THE EXPIRATION OF THE TIME PERIOD FOR MAKING A DIRECT ROLLOVER ELECTION.

(ii) *TERMINATION OF EMPLOYMENT - DEATH.*

If a Class C member dies while actively employed, his or her accumulated contributions will be used to fund a periodic death benefit payable to the member's beneficiary under subsections (o-1) or (o-2) of this [§ 9] SECTION or

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1 will be paid to the member's beneficiary if the beneficiary is entitled to receive a
2 [lump sum] LUMP-SUM death benefit under subsections (o-1) or (o-2) of this [§ 9]
3 SECTION.

4 [(8) *Transitional rules.*]

5 [(A) For members who terminated employment on or after July 1, 1987, and on or
6 before June 28, 1989, paragraph (1)(B) of this subsection (m) shall be read by
7 substituting "5%" for "40%".]

8 [(B) For members who terminated employment on or before June 30, 1987, paragraph
9 (1) of this subsection (m) shall be read by deleting subparagraph (B) and
10 substituting the following:

11 "[(B) Other than a return of accumulated contributions or purchases of service
12 that resulted in no benefit, no death benefit is payable to the beneficiaries,
13 next of kin, or the estate of any Class C member who dies after electing to
14 receive maximum benefits without actuarial modification.]"

15 [(C) Beginning April 1, 2001, for members who terminated employment on or after
16 July 1, 1987, and on or before June 28, 1989, and who selected maximum
17 benefits, their beneficiaries are entitled to the 40% survivorship benefits provided
18 in paragraph (1)(b) of this subsection (m), as long as the retired member is
19 receiving retirement benefits at April 1, 2001.]

20 [(D) Beginning April 1, 2001, for members who terminated employment on or before
21 June 30, 1987, and who selected maximum benefits, their beneficiaries are
22 entitled to the 40% survivorship benefits provided in paragraph (1)(b) of this
23 subsection (m), as long as the retired member is receiving retirement benefits at
24 April 1, 2001.]

25 (n) *Reemployment.*

26 (1) [*Reemployment following retirement*] *AFTER BECOMING ELIGIBLE FOR CERTAIN*
27 *BENEFITS.*

28 (i) *REEMPLOYMENT ON OR BEFORE JUNE 30, 2014.*

29 [Any] IF A Class C member [retired] TERMINATES CITY EMPLOYMENT on or after
30 July 1, 1979, AFTER BECOMING ELIGIBLE FOR A RETIREMENT BENEFIT OR A
31 DEFERRED VESTED PENSION BENEFIT UNDER THIS SECTION, and [who] is
32 subsequently reemployed [by the City,] AS AN EMPLOYEE ON OR BEFORE JUNE 30,
33 2014, THE EMPLOYEE:

34 (A) [shall] MUST, AS OF HIS OR HER REEMPLOYMENT WITH THE CITY, cease [to
35 receive] OR POSTPONE RECEIVING any retirement benefits [except as
36 provided for in §§ 9(i), 9(j), and 9(k)] FROM THIS SYSTEM; and

37 (B) IMMEDIATELY ON REEMPLOYMENT:

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- 1 1. [shall] WILL again [immediately] become a Class C member [of the
2 Retirement System.]; AND
- 3 2. [Any previous] WILL BE CREDITED WITH HIS OR HER PRIOR CLASS C
4 service [credit on the basis of which the member's service was
5 computed at the time of retirement shall be restored to full force
6 and effect; and in addition, upon the member's subsequent
7 retirement, he shall be credited with all his service as a member].

8 (II) *REEMPLOYMENT ON OR AFTER JULY 1, 2014.*

9 THE STATUS OF A CLASS C MEMBER WHO TERMINATES CITY EMPLOYMENT ON OR
10 AFTER JULY 1, 1979, AFTER BECOMING ELIGIBLE FOR A RETIREMENT BENEFIT OR A
11 DEFERRED VESTED PENSION BENEFIT UNDER THIS SECTION, AND WHO IS
12 SUBSEQUENTLY REEMPLOYED AS AN EMPLOYEE ON OR AFTER JULY 1, 2014, IS
13 DETERMINED IN ACCORDANCE WITH § 9.2(L)(2)(I) AND (II) OF THIS ARTICLE.

14 (2) *[Reemployment following termination of previous employment] BEFORE BECOMING*
15 *ELIGIBLE FOR CERTAIN BENEFITS – CLASS C MEMBERS.*

16 (I) *REEMPLOYMENT ON OR BEFORE JUNE 30, 2014.*

17 [On or after July 1, 1979, a] A Class C member who [has terminated employment
18 with the] TERMINATES City EMPLOYMENT for more than 30 consecutive days ON
19 OR AFTER JULY 1, 1979, BEFORE BECOMING ELIGIBLE FOR A RETIREMENT BENEFIT
20 OR A DEFERRED VESTED PENSION BENEFIT UNDER THIS SECTION, and who is
21 subsequently reemployed [by the City] AS AN EMPLOYEE ON OR BEFORE JUNE 30,
22 2014, AND before the expiration of a [period of time] TIME PERIOD equal to the
23 parity time period [as provided for] DEFINED in § 1(28)[,] OF THIS ARTICLE:

24 (A) [shall] WILL again, on the 1st [day following his completion of 12
25 consecutive months of employment,] ANNUAL ANNIVERSARY OF HIS OR
26 HER REEMPLOYMENT, become a Class C member [of the Retirement
27 System.]; AND

28 (B) [Upon again becoming a Class C member, any previous] IMMEDIATELY ON
29 REEMPLOYMENT, WILL BE CREDITED WITH HIS OR HER PRIOR CLASS C
30 service [credit such member had, shall be restored to full force and effect].

31 (II) *REEMPLOYMENT ON OR AFTER JULY 1, 2014.*

32 THE STATUS OF A CLASS C MEMBER WHO TERMINATES CITY EMPLOYMENT ON OR
33 AFTER JULY 1, 1979, BEFORE BECOMING ELIGIBLE FOR A RETIREMENT BENEFIT OR A
34 DEFERRED VESTED PENSION BENEFIT UNDER THIS SECTION, AND WHO IS
35 SUBSEQUENTLY REEMPLOYED AS AN EMPLOYEE ON OR AFTER JULY 1, 2014, IS
36 DETERMINED IN ACCORDANCE WITH § 9.2(L)(2)(III)-(VI) OF THIS ARTICLE.

37 (3) *BEFORE BECOMING ELIGIBLE FOR CERTAIN BENEFITS – CLASS A AND B MEMBERS.*

38 [Any] A Class A or Class B member [whose employment with the] WHO TERMINATES
39 City EMPLOYMENT [was terminated] for more than 30 consecutive days and who is

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1 subsequently reemployed [by the City] AS AN EMPLOYEE on or after July 1, 1979, and
2 before the expiration of a [period of time] TIME PERIOD equal to the parity time period
3 [as provided] DEFINED in § 1(28)[,] OF THIS ARTICLE:

4 (I) [shall] WILL, on the 1st [day following his completion of 12 consecutive
5 months of employment,] ANNUAL ANNIVERSARY OF HIS OR HER
6 REEMPLOYMENT, become a Class C member [of the Retirement System.]; AND

7 (II) [Upon becoming a Class C member, any previous] IMMEDIATELY ON
8 REEMPLOYMENT, WILL BE CREDITED WITH HIS OR HER PRIOR CLASS A OR
9 CLASS B service credit [such member had, shall be restored to full force and
10 effect;] and [in addition, he shall receive] THE service credit [for all
11 employment for which] he OR SHE would have been eligible to receive [service
12 credit] on [the date of] reemployment, whether by purchase or repurchase[,] or
13 by transfer of [the] applicable funds, had he OR SHE continued his OR HER
14 previous City employment and [his] Class A or Class B membership.

15 (o-1) *Non-line-of-duty death benefits.*

16 (2) *Lump-sum death benefit.*

17 (I) *“BENEFICIARY” DEFINED.*

18 IN THIS PARAGRAPH, “BENEFICIARY” MEANS THE MEMBER’S DESIGNATED
19 BENEFICIARY OR SURVIVING SPOUSE, CHILDREN, OR PARENTS, AS QUALIFIED AND
20 PRIORITIZED UNDER SUBPARAGRAPH (V)(A)-(D) OF THIS PARAGRAPH.

21 (II) [(i)] *ELIGIBILITY REQUIREMENTS.*

22 [On receipt of a written application and proper proof of the death of a member in
23 service, the Board of Trustees shall pay the lump-sum amount provided in this
24 paragraph (2), but] THE BENEFICIARY IS ENTITLED TO A LUMP-SUM BENEFIT UNDER
25 THIS PARAGRAPH only if:

26 (A) the member had acquired 1 or more years of service; and

27 (B) no benefits are paid under [paragraph] PARAGRAPHS (3) OR (4) of this
28 subsection.

29 (III) *APPLICATION AND FILING DEADLINE.*

30 TO RECEIVE THIS BENEFIT, THE BENEFICIARY MUST:

31 (A) COMPLETE THE APPROPRIATE APPLICATION, IN THE FORM AND CONTAINING
32 THE INFORMATION, INCLUDING PROOF OF DEATH, THAT THE BOARD
33 REQUIRES; AND

34 (B) SUBMIT THE APPLICATION TO THE BOARD ON OR BEFORE THE 60TH DAY
35 AFTER THE BOARD HAS PROVIDED A POST-DEATH NOTICE OF THIS BENEFIT
36 TO THE BENEFICIARY.

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1 (IV) [(ii)] *AMOUNT OF BENEFIT.*

2 The lump-sum amount shall [consist of] EQUAL:

3 (A) any accumulated contributions of the deceased member; and

4 (B) 50% of the greater of the member's current annual compensation or the
5 member's average final compensation on the date of the member's death.

6 (V) [(iii)] *QUALIFICATIONS AND PRIORITIES OF POTENTIAL BENEFICIARIES.*

7 The lump-sum amount shall be paid AS FOLLOWS:

8 (A) to the member's designated beneficiary;

9 (B) if there is no designated beneficiary or if the designated beneficiary
10 predeceases the member, to the member's surviving spouse;

11 (C) if there is no designated beneficiary and no surviving spouse, to the
12 member's children, in equal shares;

13 (D) if there is no designated beneficiary, surviving spouse, or surviving child,
14 to the member's surviving parents, in equal shares; and

15 (E) otherwise, to the member's estate.

16 (3) *100% survivorship death benefit.*

17 (i) *DEFINITIONS.*

18 (A) *IN GENERAL.*

19 IN THIS PARAGRAPH, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

20 (B) *BENEFICIARY.*

21 "BENEFICIARY" MEANS THE MEMBER'S SURVIVING SPOUSE OR PARENTS, AS
22 QUALIFIED AND PRIORITIZED UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH.

23 (C) *SURVIVING SPOUSE.*

24 "SURVIVING SPOUSE" MEANS A SURVIVING SPOUSE TO WHOM THE MEMBER WAS
25 MARRIED FOR AT LEAST 5 YEARS IMMEDIATELY BEFORE THE DATE OF THE
26 MEMBER'S DEATH.

27 (ii) [(i)] *ELIGIBILITY REQUIREMENTS.*

28 [If] THE BENEFICIARY IS ENTITLED TO A 100% SURVIVORSHIP DEATH BENEFIT ONLY
29 IF the member would have been eligible for a normal service or early service
30 retirement [not later than] BENEFIT BEFORE HIS OR HER DEATH OR WITHIN 90 days

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1 after the date of [the member's] HIS OR HER death [and a proper application is filed
2 under subparagraph (v) of this paragraph (3), then the Board of Trustees shall pay
3 a benefit equal to that which would have been paid to a surviving beneficiary
4 under the 100% survivorship benefit of subsection (m)(2)(C)(i)1. of this section
5 had the member elected that survivorship benefit in favor of that beneficiary and
6 retired as of the date of death].

7 (III) *APPLICATION AND FILING DEADLINE.*

8 TO RECEIVE THIS BENEFIT, THE BENEFICIARY MUST:

9 (A) COMPLETE THE APPROPRIATE APPLICATION, IN THE FORM AND CONTAINING
10 THE INFORMATION, INCLUDING PROOF OF DEATH, THAT THE BOARD
11 REQUIRES; AND

12 (B) SUBMIT THE APPLICATION TO THE BOARD ON OR BEFORE THE 60TH DAY
13 AFTER THE BOARD HAS PROVIDED A POST-DEATH NOTICE OF THIS BENEFIT
14 TO THE BENEFICIARY.

15 (IV) *AMOUNT OF BENEFIT.*

16 THE BENEFIT SHALL BE EQUAL TO THAT WHICH WOULD HAVE BEEN PAID TO A
17 SURVIVING BENEFICIARY UNDER THE JOINT-AND-SURVIVOR 100% BENEFIT OPTION
18 PROVIDED FOR IN SUBSECTION (M)(2)(III)(A)1. OF THIS SECTION HAD THE MEMBER
19 ELECTED THAT OPTION, DESIGNATED THAT BENEFICIARY, AND RETIRED AS OF THE
20 DATE OF DEATH.

21 (V) [(ii)] *QUALIFICATIONS AND PRIORITIES OF POTENTIAL BENEFICIARIES.*

22 (A) The benefit shall be paid AS FOLLOWS:

23 1. [A.] to the member's designated beneficiary, to continue [for life]
24 DURING HIS OR HER LIFETIME, [as long as] IF that designated beneficiary
25 is [limited to]:

26 A. [1.] the member's surviving spouse [to whom the member was
27 married for at least 5 years immediately before the date of the
28 member's death]; or

29 B. [2.] one of the member's surviving parents; or

30 2. [B.] if the designated beneficiary is not [the member's spouse and the]
31 ONE OF THE PERSONS LISTED IN ITEM 1. OF THIS SUB-SUBPARAGRAPH
32 AND THAT beneficiary predeceases the member, or if there is no
33 designated beneficiary, then to the member's surviving spouse, to
34 continue [for life, if the member was married to that spouse for at least
35 5 years immediately before the date of the member's death] FOR HIS OR
36 HER LIFETIME.

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1 (B) [(iii)] If a member [files with the Board of Trustees a written designation that
2 names someone] DESIGNATES A BENEFICIARY other than [a spouse or parent as
3 beneficiary] ONE OF THE PERSONS LISTED IN SUB-SUBPARAGRAPH (A)1. OF THIS
4 SUBPARAGRAPH, and if that beneficiary does not predecease the member, the
5 [benefits of this paragraph (3) are not available to the surviving spouse or
6 parent of the member] BENEFIT PROVIDED BY THIS PARAGRAPH IS NOT
7 PAYABLE.

8 (VI) [(iv)] *BENEFIT IN PLACE OF ALL OTHERS UNDER SUBSECTION.*

9 The benefit provided by this paragraph [(3)] is in place of all benefits provided
10 under PARAGRAPHS (2) AND (4) OF this subsection [(o-1)].

11 [(v) To receive the benefit provided under this paragraph (3), the surviving spouse or
12 parent must apply in writing, on forms provided by the Board of Trustees, within
13 60 days after the death of the member.]

14 (4) *40% survivorship death benefit.*

15 (I) *DEFINITIONS.*

16 (A) *IN GENERAL.*

17 IN THIS PARAGRAPH, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

18 (B) *BENEFICIARY.*

19 “BENEFICIARY” MEANS THE MEMBER’S SURVIVING SPOUSE OR MINOR
20 CHILDREN, AS QUALIFIED AND PRIORITIZED UNDER SUBPARAGRAPH (V) OF THIS
21 PARAGRAPH.

22 (C) *SURVIVING SPOUSE.*

23 “SURVIVING SPOUSE” MEANS A SURVIVING SPOUSE TO WHOM THE MEMBER WAS
24 MARRIED FOR AT LEAST 1 YEAR IMMEDIATELY BEFORE THE DATE OF THE
25 MEMBER’S DEATH.

26 (II) [(i)] *ELIGIBILITY REQUIREMENTS.*

27 [Beginning] EFFECTIVE April 1, 2001, THE BENEFICIARY IS ENTITLED TO A 40%
28 SURVIVORSHIP DEATH BENEFIT ONLY if the member had at least 20 years of service
29 as of the date of his or her death[, without regard to whether the member was
30 eligible for a service retirement benefit on the date of the member’s death, and if a
31 proper application is filed under subparagraph (vii) of this paragraph (4), the
32 Board of Trustees shall pay a retirement benefit equal to 40% of the member’s
33 accrued maximum service retirement benefit based on the number of years of
34 service credit as of the member’s date of death and as if the member had attained
35 age 65 as of the date of his or her death. The reduction contained in § 9(f)(2)
36 does not apply].

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1 (III) *APPLICATION AND FILING DEADLINE.*

2 TO RECEIVE THIS BENEFIT, THE BENEFICIARY MUST:

3 (A) COMPLETE THE APPROPRIATE APPLICATION, IN THE FORM AND CONTAINING
4 THE INFORMATION, INCLUDING PROOF OF DEATH, THAT THE BOARD
5 REQUIRES; AND

6 (B) SUBMIT THE APPLICATION TO THE BOARD ON OR BEFORE THE 60TH DAY
7 AFTER THE BOARD HAS PROVIDED A POST-DEATH NOTICE OF THIS BENEFIT
8 TO THE BENEFICIARY.

9 (IV) *AMOUNT OF BENEFIT.*

10 (A) THE BENEFIT SHALL BE EQUAL TO 40% OF THE MEMBER'S ACCRUED SERVICE
11 RETIREMENT BENEFIT, CALCULATED AS PROVIDED IN SUBSECTION (E)(6)(II) OF
12 THIS SECTION BASED ON THE MEMBER'S AVERAGE FINAL COMPENSATION AND
13 YEARS OF SERVICE (AND FRACTIONS OF THOSE YEARS) AS OF THE DATE OF THE
14 MEMBER'S DEATH.

15 (B) THE CALCULATION REQUIRED BY SUB-SUBPARAGRAPH (A) OF THIS
16 SUBPARAGRAPH SHALL BE MADE WITH THE ASSUMPTION THAT THE MEMBER
17 HAD ATTAINED AGE 65 AS OF THE DATE OF HIS OR HER DEATH. ACCORDINGLY,
18 THE REDUCTION DESCRIBED IN SUBSECTION (F)(2) OF THIS SECTION DOES NOT
19 APPLY.

20 (V) [(ii)] *QUALIFICATIONS AND PRIORITIES OF POTENTIAL BENEFICIARIES.*

21 (A) [This] THE benefit shall be paid AS FOLLOWS:

22 1. [(A)] to the member's designated beneficiary, [as long as that
23 designated beneficiary] IF THAT DESIGNATED BENEFICIARY IS [limited
24 to]:

25 A. [1.] [The] THE member's surviving spouse, to continue for
26 [life] THE SPOUSE'S LIFETIME or until [remarriage] THE SPOUSE
27 REMARRIES BEFORE AGE 70; or

28 B. [2.] the member's [unmarried] minor children, to be paid to
29 each child, in equal shares, until that child [marries or] is no
30 longer a minor, as defined in § 47(h) of this article; [or]

31 2. [(B)] if the designated beneficiary is not [the member's spouse or
32 minor child] ONE OF THE PERSONS LISTED IN ITEM 1. OF THIS SUB-
33 SUBPARAGRAPH and that beneficiary predeceases the member, or if
34 there is no designated beneficiary, then to the member's surviving
35 spouse, to continue for [life] THE SPOUSE'S LIFETIME or until
36 [remarriage] THE SPOUSE REMARRIES BEFORE AGE 70; or

37 3. [(C)] if there is no qualifying surviving spouse under [subparagraph A
38 or B] ITEMS 1. OR 2. OF THIS SUB-SUBPARAGRAPH, or if the surviving

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1 spouse [dies or] remarries BEFORE AGE 70 OR DIES, then to the
2 member's [unmarried] minor children, to be paid to each child in equal
3 shares[,] until that child [marries or] is no longer a minor, as defined in
4 § 47(h) of this article.

5 (B) IF A MEMBER DESIGNATES A BENEFICIARY OTHER THAN ONE OF THE PERSONS
6 LISTED IN SUB-SUBPARAGRAPH (A)1. OF THIS SUBPARAGRAPH, AND IF THAT
7 BENEFICIARY DOES NOT PREDECEASE THE MEMBER, THE BENEFIT PROVIDED BY
8 THIS PARAGRAPH IS NOT PAYABLE.

9 [(iii) For purposes of this paragraph (4), "surviving spouse" means a spouse to whom
10 the member was married for at least 1 year immediately before the date of the
11 member's death.]

12 (VI) [(iv)] *ALLOCATIONS AMONG CHILDREN.*

13 For purposes of this paragraph [(4)], when a member's child [marries or] is no
14 longer a minor and, consequently, ceases to receive benefits under this paragraph
15 [(4)], each remaining [unmarried] minor child [will] SHALL THEN begin to receive,
16 in addition to his or her existing benefit, an equal share of the benefit formerly
17 paid to the other child. This process continues until the member's youngest child
18 [marries or] is no longer a minor.

19 [(v) If a member files with the Board of Trustees a written designation that names
20 someone other than a spouse or minor child as beneficiary and if that beneficiary
21 does not predecease the member, the benefits of this paragraph (4) are not
22 available to the surviving spouse or minor children of the member.]

23 (VII) [(vi)] *BENEFIT IN PLACE OF ALL OTHERS UNDER SUBSECTION.*

24 The benefit provided by this paragraph [(4)] is in place of all benefits provided
25 under paragraphs (2) and (3) of this subsection.

26 [(vii) To receive the benefit provided under this paragraph (4), the surviving spouse
27 or minor children must apply in writing, on forms provided by the board of
28 trustees, within 60 days after notification of this benefit is provided to the spouse
29 or minor children after the death of the member.]

30 [(viii) Any death benefits paid by this System and received by the beneficiary of a
31 member under paragraphs (2) or (3) of this subsection shall be offset against any
32 death benefits payable under this paragraph (4).]

33 (VIII) [(IX)] *RULES DEALING WITH 1ST YEAR OF EMPLOYMENT.*

34 For purposes of this paragraph, the deceased member's [first] 1ST year of
35 employment:

36 (A) [shall be] IS included in [figuring] COMPUTING the minimum 20 years of
37 service credit needed to be eligible to receive this death benefit; but

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(B) may not be counted as service credit for purpose of calculating the amount of the death benefit, unless purchased as service credit in accordance with [§ 9(c)(5)] SUBSECTION (C)(3) of this [article] SECTION.

(5) *Death without beneficiaries or estate.*

The amounts that would have been paid under this subsection [(o-1)], excluding [membership contribution accounts, with interest] ACCUMULATED CONTRIBUTIONS, forever remain assets of [the] THIS System if:

- (i) a member dies without designating a beneficiary;
- (ii) that member has no [heirs] BENEFICIARIES, as enumerated in paragraphs [2(iii), 3(ii), 3(iii), and 4(ii)] 2(v), 3(v), AND 4(v) of this subsection [(o-1)]; and
- (iii) no estate for that member is opened within 2 years of the member's death.

(o-2) *Line-of-duty death benefit.*

(1) *"BENEFICIARY" DEFINED.*

IN THIS SUBSECTION, "BENEFICIARY" MEANS THE MEMBER'S DESIGNATED BENEFICIARY OR SURVIVING SPOUSE, CHILDREN, OR PARENTS, AS QUALIFIED AND PRIORITIZED UNDER PARAGRAPH (4)(I)(A)-(D) OR PARAGRAPH (4)(II) OF THIS SUBSECTION, AS THE CASE MAY BE.

[(1) *Scope of subparagraph.*]

(2) *ELIGIBILITY REQUIREMENTS.*

This subsection applies only [to an individual]:

- (i) TO AN INDIVIDUAL who dies while a member of this System; and
- (ii) [whose death has been determined by] IF a hearing examiner [to] DETERMINES THAT:
 - (A) [A.] THE MEMBER'S DEATH WAS, INDEPENDENT OF ALL OTHER CAUSES AND INDEPENDENT OF ANY PREEXISTING PHYSICAL OR MEDICAL CONDITIONS, WHETHER JOB-RELATED OR OTHERWISE, [be] the direct result of bodily injury ARISING through [accidental means, independent of other causes and any preexisting physical or medical conditions, job related or otherwise] AN ACCIDENT; AND
 - (B) [B. have] THE ACCIDENT occurred:
 - 1. while THE MEMBER WAS in the [course of] actual performance of [duty] HIS OR HER CITY DUTIES AT SOME DEFINITE TIME AND PLACE; and

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1 2. [C. have occurred] without willful negligence on the [part of
2 the member] MEMBER’S PART.

3 (3) *APPLICATION AND FILING DEADLINE.*

4 TO RECEIVE THIS BENEFIT, THE BENEFICIARY MUST:

5 (I) COMPLETE THE APPROPRIATE APPLICATION, IN THE FORM AND CONTAINING THE
6 INFORMATION REQUIRED BY SUBSECTION (P)(6) OF THIS SECTION; AND

7 (II) SUBMIT THE APPLICATION TO THE BOARD ON OR BEFORE THE 60TH DAY AFTER
8 THE BOARD HAS PROVIDED A POST-DEATH NOTICE OF THIS BENEFIT TO THE
9 BENEFICIARY.

10 [(2) *Line-of-duty death benefit.*]

11 (4) *AMOUNT OF BENEFIT; QUALIFICATIONS AND PRIORITIES OF POTENTIAL BENEFICIARIES.*

12 ON AN AWARD BY THE HEARING EXAMINER, THE BOARD OF TRUSTEES SHALL PAY:

13 (i) [On the receipt of a written application, proper proof of death, and an award
14 by a hearing examiner of a line-of-duty death benefit, the Board of Trustees
15 shall pay: A.] any accumulated contributions of the deceased member to:

16 (A) [1.] the member’s designated beneficiary;

17 (B) [2.] if there is no designated beneficiary, or if the designated
18 beneficiary predeceases the member, to the member’s surviving
19 spouse;

20 (C) [3.] if there is no designated beneficiary and no surviving spouse, to
21 the member’s children, in equal shares;

22 (D) [4.] if there is no designated beneficiary, surviving spouse, or
23 surviving child, to the member’s surviving parents, in equal shares;
24 and

25 (E) [5.] otherwise, to the member’s estate; and

26 (ii) [B.] a pension of 100% of the member’s current compensation to:

27 (A) [1.] the member’s surviving spouse, to continue for [life] THE
28 SPOUSE’S LIFETIME or until [remarriage] THE SPOUSE REMARRIES
29 BEFORE AGE 70, [provided] UNLESS the member has [not] designated
30 his OR HER children as [his] beneficiaries;

31 (B) [2.] the member’s minor children, to be paid to each child, in equal
32 shares, until that child is no longer A minor, as defined in § 47(h) of
33 this article, [provided] IF:

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- 1 1. [iii.] the member designated his OR HER children as [his]
2 beneficiaries; [or]
- 3 2. [i.] there is no surviving spouse on the date of the member's
4 death; OR
- 5 3. [ii.] the surviving spouse, [has died or remarried] after having
6 received benefits payments under [paragraph (2)(i)(B)] SUB-
7 ITEM (A) of this [subsection (o-2)] ITEM (II), HAS REMARRIED
8 BEFORE AGE 70 OR HAS DIED; or
- 9 (C) [3.] the member's surviving parents in equal shares, to continue [for
10 life, provided] DURING THEIR LIFETIMES, IF:
 - 11 1. [ii.] the member has not designated his OR HER children as [his]
12 beneficiaries; [and]
 - 13 2. [i.] there is no surviving spouse on the date of the member's
14 death; AND
 - 15 3. [iii.] the member has no minor children at the date of his OR
16 HER death.

17 (5) [(ii)] *ALLOCATIONS AMONG CHILDREN OR BETWEEN PARENTS.*

18 (i) For purposes of [this] paragraph [(2)] (4) OF THIS SUBSECTION, when a member's
19 child is no longer a minor and, consequently, ceases to receive [benefits] A
20 BENEFIT under [this] THAT paragraph [(2)], each remaining minor child shall THEN
21 begin to receive, in addition to his or her existing benefit, an equal share of the
22 benefit formerly paid to the other child. This process continues until the
23 member's youngest child is no longer a minor.

24 (II) [(iii)] For purposes of [this] paragraph [(2)] (4) OF THIS SUBSECTION, [where] IF a
25 member's line-of-duty death benefit is paid to both of the member's surviving
26 parents and one parent dies, the remaining parent shall then begin [receiving] TO
27 RECEIVE, in addition to his or her existing benefit, the benefit formerly paid to the
28 deceased parent.

29 [(iv)] If any benefits are paid to either the member's surviving spouse or minor
30 children under paragraph (2)(i)(B) of this subsection (o-2), the member's
31 surviving parents will be disqualified from ever receiving benefits under
32 paragraph (2)(i)(B).]

33 (6) [(v)] *IF NO BENEFICIARY ELIGIBLE.*

34 If [there is] no beneficiary [who qualifies] IS ELIGIBLE for a line-of-duty death benefit
35 under this subsection [(o-2)], a non-line-of-duty death benefit [may] WILL be paid
36 under either subsections (o-1)(2) [or], (o-1)(3), OR (O-1)(4) of this [§ 9 if] SECTION AS
37 LONG AS the member's beneficiary [is eligible] QUALIFIES for a non-line-of-duty death
38 benefit [pursuant to the provisions] UNDER 1 of those subsections.

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1 (7) [(3)] *Death without beneficiaries or estate.*

2 The amounts that would have been paid under this subsection [(o-2)], excluding
3 [membership contribution accounts, with interest] ACCUMULATED CONTRIBUTIONS,
4 forever remain assets of [the] THIS System if:

5 (i) a member dies without designating a beneficiary;

6 (ii) that member has no [heirs] BENEFICIARIES, as enumerated in [paragraphs
7 2(i)(A) and 2(i)(B)] PARAGRAPH (4) of this subsection [(o-2)]; and

8 (iii) no estate for that member is opened within 2 years of the member's death.

9 [(4) *Minimum line-of-duty death pension benefit at June 30, 1994.*]

10 [(i) This paragraph (4) applies to those beneficiaries who, as of June 30, 1994, are
11 receiving a line-of-duty death benefit in accordance with this subsection (o-2) and
12 whose total benefit on June 30, 1994, amounts to less than \$10,000 annually.]

13 [(ii) Line-of-duty death benefits for beneficiaries described in subparagraph (i) of this
14 paragraph (4) shall be increased to no less than the lower of:

15 A. an annual benefit of \$10,000; or

16 B. an annual benefit equivalent to the June 30, 1994, salary for an active
17 member in the same job classification (e.g., class, grade, level, and
18 longevity) as the member on the date of the member's death.]

19 [(iii) In no event may this paragraph result in a beneficiary's receiving a pension less
20 than the pension the member was receiving on June 30, 1994.]

21 [(iv) For purposes of this paragraph (4), the pension benefit includes any post-
22 retirement benefit increases paid as of June 30, 1994.]

23 [(v) If any beneficiary receiving an increased minimum pension in 1994 as a result of
24 this paragraph is eligible for a January 1995 post-retirement benefit increase
25 under § 17 of this article, the member's 1995 post-retirement increase shall be
26 calculated as though the beneficiary had received this increased minimum pension
27 benefit on June 30, 1994.]

28 [(vi) Any post-retirement benefit increases paid before June 30, 1994, may not be
29 changed due to any increase in benefits payable as a result of this paragraph (4).]

30 (p) *Panel of hearing examiners.*

31 (10) *Hearings – Burden of proof.*

32 (i) *Disability benefit.*

33 At the hearing on a claim for a disability benefit, the member has the burden of
34 proving, by a preponderance of the evidence:

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- 1 (A) the nature and extent of her or his disability;
- 2 (B) that the disability prevents her or him from the further performance of the
- 3 duties of her or his job classification [in the employ of Baltimore City];
- 4 and
- 5 (C) that, under the relevant facts and circumstances, she or he otherwise meets
- 6 all of the eligibility requirements [set by law] TO QUALIFY for the
- 7 applicable benefit.

8 (ii) *Line-of-duty death benefit.*

9 At the hearing on a claim for a line-of-duty death benefit, the applicant has the
10 burden of proving, by a preponderance of the evidence:

- 11 (A) that the member's death occurred under facts and circumstances required
- 12 [by law] to [be eligible] QUALIFY for the benefit UNDER THE APPLICABLE
- 13 PROVISIONS OF THIS SECTION; and
- 14 (B) that the applicant otherwise meets all [of] other [eligibility] requirements
- 15 [set by law] TO QUALIFY for the benefit.

16 (11) *Hearings – Examiner's determination.*

17 (i) *IN GENERAL.*

18 The hearing examiner shall:

- 19 (A) make the determinations specified in this paragraph [(11)]; and
- 20 (B) issue written findings of fact that set forth the reasons for his or her
- 21 determination.

22 (ii) *NON-LINE-OF-DUTY DISABILITY BENEFIT.*

- 23 (A) If the claim is for [a] non-line-of-duty disability [benefit] BENEFITS UNDER
- 24 THIS SYSTEM, the hearing examiner shall determine[: (A) generally,] whether
- 25 the member's disability qualifies under [§ 6(c), § 9(j), or § 22(b)] SUBSECTION
- 26 (i) of this [article, as applicable] SECTION[; and (A) specifically, whether the
- 27 member has suffered an injury or illness of such a nature as to preclude the
- 28 member from the further performance of the duties of his or her job
- 29 classification].
- 30 (B) IF THE CLAIM IS FOR NON-LINE-OF-DUTY DISABILITY BENEFITS UNDER THE
- 31 ELECTED OFFICIALS' RETIREMENT SYSTEM, THE HEARING EXAMINER SHALL
- 32 DETERMINE WHETHER THE MEMBER'S DISABILITY QUALIFIES UNDER § 22(B) OF
- 33 THIS ARTICLE.

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1 (iii) *DISMEMBERMENT DISABILITY BENEFIT.*

2 If the claim is for [a] dismemberment disability [benefit] BENEFITS, the hearing
3 examiner shall determine[: (A) generally,] whether the member's disability
4 qualifies under [§ 9(k)] SUBSECTION (K) of this [article] SECTION[, and (B)
5 specifically, whether the member's scheduled loss is, independent of all other
6 causes, the direct result of bodily injury arising through an accident that occurred:
7 1. within 180 days of the date the scheduled loss was sustained; 2. within 5 years
8 of the date of the member's application; 3. while in the actual performance of duty
9 at some definite time and place; and 4. without willful negligence on the
10 member's part].

11 (iv) *LINE-OF-DUTY DISABILITY BENEFIT.*

12 (A) If the claim is for line-of-duty disability benefits UNDER THIS SYSTEM, the
13 hearing examiner shall determine[: (A) generally,] whether the member's
14 disability qualifies under [§ 9(j)] SUBSECTION (J) of this [article,] SECTION [and
15 (B) specifically, whether the member's disability is, independent of any
16 preexisting physical or medical condition, whether job-related or otherwise,
17 the direct result of a bodily injury arising through an accident that occurred:
18 1. within 5 years of the date of the member's application; 2. while in the
19 actual performance of duty at some definite time and place; and 3. without
20 willful negligence on the member's part].

21 (B) IF THE CLAIM IS FOR LINE-OF-DUTY DISABILITY BENEFITS UNDER THE ELECTED
22 OFFICIALS' RETIREMENT SYSTEM, THE HEARING EXAMINER SHALL DETERMINE
23 WHETHER THE MEMBER'S DISABILITY QUALIFIES UNDER § 22(C) OF THIS
24 ARTICLE.

25 (v) *LINE-OF-DUTY DEATH BENEFIT.*

26 (A) If the claim is for line-of-duty death benefits UNDER THIS SYSTEM, the hearing
27 examiner shall determine[: (A) generally,] whether the member's death
28 qualifies under [§ 9(o-2)] SUBSECTION (O-2) of this [article,] SECTION [and (B)
29 specifically, whether 1. the member's death was, independent of all other
30 causes and independent of any preexisting physical or medical condition,
31 whether job-related or otherwise, the direct result of bodily injury through
32 accidental means; 2. the accident occurred while in the actual performance of
33 duty; and 3. the member's death was not caused by the member's willful
34 negligence].

35 (B) IF THE CLAIM IS FOR LINE-OF-DUTY DEATH BENEFITS UNDER THE ELECTED
36 OFFICIALS' RETIREMENT SYSTEM, THE HEARING EXAMINER SHALL DETERMINE
37 WHETHER THE MEMBER'S DEATH QUALIFIES UNDER § 22(G) OF THIS ARTICLE.

38 [(vi) If the claim is by a Class A member or by a member of the Elected Officials'
39 Retirement System for a line-of-duty disability benefit, the hearing examiner shall
40 determine: (A) generally, whether the member's disability qualifies under § 6(e)
41 or § 22(c) of this article, as applicable; and (B) specifically, whether: 1. the
42 mental or physical incapacity is the natural and proximate result of an accident;

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1 2. the accident occurred while in the actual performance of duty at some definite
2 time and place; and 3. the accident was without willful negligence on the
3 member's part.]

4 [(vii) If the claim is for a Class A line-of-duty death benefit, the hearing examiner
5 shall determine: (A) generally, whether the member's death qualifies under the
6 §6(i) of this article; and (B) specifically, whether the member's death: 1. was the
7 direct result of injuries sustained in the line of duty or was directly attributable to
8 the inherent hazards of the duties performed by the member; and 2. was not
9 caused by the member's willful negligence.]

10 [(viii) If the claim is for an Elected Officials' Retirement System line-of-duty death
11 benefit, the hearing officer shall determine: (A) generally, whether the member's
12 disability qualifies under §22(g) of this article; and (B) specifically, whether the
13 member's death occurred: 1. from the natural and proximate result of the actual
14 performance of duty; and 2. without willful negligence on the member's part.]

15 § 9.1. Election between plans.

16 (b) *Employee to elect Plan.*

17 (1) *ELECTION.*

18 (i) *IN GENERAL.*

19 An employee who, on or after July 1, 2014, is initially employed or is reemployed
20 under [§ 9.2(l)(2)(ii)] § 9.2(L)(2)(IV) OR (VI) of this article must, within 150 days
21 after the date on which his or her employment or reemployment began, file a
22 plan-election form with the Board of Trustees of the Retirement Savings Plan.

23 (ii) *TRANSFERS.*

24 THE STATUS OF AN EMPLOYEE WHO, ON OR AFTER JULY 1, 2014, TRANSFERS,
25 WITHOUT A BREAK IN EMPLOYMENT, FROM A POSITION WITH THE CITY COVERED
26 UNDER ANOTHER CITY RETIREMENT PLAN (AS DEFINED IN § 9(A)(1) OF THIS
27 ARTICLE) IS DETERMINED IN ACCORDANCE WITH § 9(A)(2)(II) OF THIS ARTICLE.

28 (2) *PLAN-ELECTION FORM.*

29 The form shall indicate whether the member elects to become:

30 (i) both a Class D member of this System and a hybrid member of the Retirement
31 Savings Plan; or

32 (ii) a non-hybrid member of the Retirement Savings Plan.

33 (3) *MODIFICATION OR REVOCATION OF FORM.*

34 During this 150-day period, the member may file a new form to modify or revoke any
35 previous election. However, the final election becomes effective and irrevocable on
36 the 150th day after the date of employment or reemployment.

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1 (4) *DEFAULT.*

2 If a member does not make a written election within 150 days, the member will
3 automatically become both a Class D member of this System and a hybrid member of
4 the Retirement Savings Plan.

5 **§ 9.2. Class D membership.**

6 (c) *Class D service credit.*

7 (7) *TRANSFER OF SERVICE.*

8 (i) *ELIGIBILITY.*

9 A CLASS D MEMBER WHO SATISFIES THE APPLICABLE REQUIREMENTS OF THE
10 STATE PERSONNEL AND PENSIONS ARTICLE MAY TRANSFER SERVICE FROM A STATE
11 OR LOCAL RETIREMENT OR PENSION SYSTEM WITHIN MARYLAND.

12 (ii) *SERVICE CREDIT.*

13 THE SERVICE SO TRANSFERRED WILL BE CREDITED AS SERVICE UNDER THIS SYSTEM.

14 (d) *Military personnel – Credit for military service during City employment.*

15 (1) *DEFINITIONS.*

16 (i) *IN GENERAL.*

17 IN THIS SUBSECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

18 (ii) [“]Military service[“ defined].

19 (A) [(i)] *IN GENERAL.*

20 [In this subsection, “military] “MILITARY service” means any:

- 21 1. [(A)] “service in the uniformed services”, as defined by and
22 interpreted under 38 U.S.C. § 4303(13); or
- 23 2. [(B)] “military service”, as defined by and interpreted under State
24 Personnel and Pension Article § 38-101(d).
25

26 (B) [(ii)] *INCLUSIONS.*

27 “Military service” includes active duty, active duty for training, initial active
28 duty for training, and inactive duty training (such as drills), under competent
29 authority, on a voluntary or involuntary basis, in the Army, Navy, Marine
30 Corps, Air Force, Coast Guard, Public Health Service Commissioned Corps,
31 the Army National Guard, the Air National Guard, the Maryland National
32 Guard, as well as the reserve components of each of these services, and any

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1 other category of persons designated by the President or the Governor of the
2 State of Maryland in time of war or national or state emergency.

3 (III) *USERRA*.

4 “USERRA” MEANS THE UNIFORMED SERVICES EMPLOYMENT AND
5 REEMPLOYMENT RIGHTS ACT OF 1994, 38 U.S.C. §§ 4301-4344, AS AMENDED.

6 (2) *Scope of subsection.*

7 This subsection applies only to a member of this System who:

- 8 (i) on account of military service, is on leave of absence from City employment;
- 9 (ii) is eligible for reemployment with the City under [the Uniformed Services
10 Employment and Reemployment Rights Act of 1994, as amended, 38 U.S.C.
11 §§ 4301-4344 (“USERRA”)] USERRA;
- 12 (iii) is reemployed by the City as an employee; and
- 13 (iv) applies for service credit with this System.

14 (g) *Service retirement – Types and conditions.*

15 (1) *Normal retirement.*

16 (i) *ELIGIBILITY REQUIREMENTS.*

17 [A Class D member who retires at or after age 65 with at least 5 years of service
18 or who, regardless of age, retires with at least 30 years of service is entitled to
19 receive, commencing on the 1st day of the month immediately following his or her
20 retirement, a normal retirement benefit, calculated as provided in subparagraph
21 (ii) of this paragraph.] A CLASS D MEMBER IS ENTITLED TO RECEIVE A NORMAL
22 RETIREMENT BENEFIT, CALCULATED AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
23 PARAGRAPH, IF THE MEMBER RETIRES:

- 24 (A) AT OR AFTER AGE 65, WITH AT LEAST 5 YEARS OF SERVICE; OR
- 25 (B) REGARDLESS OF AGE, WITH AT LEAST 30 YEARS OF SERVICE.

26 (IV) *PAYMENT.*

27 PAYMENT OF THE BENEFIT COMMENCES ON THE 1ST DAY OF THE MONTH
28 IMMEDIATELY FOLLOWING THE MEMBER’S RETIREMENT.

29 (2) *Early retirement.*

30 (i) *IN GENERAL.*

31 [A Class D member who terminates City employment on or after attaining age 55
32 with at least 5 years of service is entitled to receive an early retirement benefit,

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1 calculated as provided in paragraph (1)(ii) of this subsection based on the
2 member's average final compensation and years of service (and fractions of those
3 years of service) as of the date the member terminated employment.]

4 (A) *ELIGIBILITY REQUIREMENTS.*

5 A CLASS D MEMBER IS ENTITLED TO RECEIVE AN EARLY RETIREMENT BENEFIT,
6 CALCULATED AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS
7 SUBPARAGRAPH, IF THE MEMBER TERMINATES EMPLOYMENT WITH THE CITY
8 AT OR AFTER AGE 55, WITH AT LEAST 5 YEARS OF SERVICE.

9 (B) *BENEFIT CALCULATION.*

10 THE EARLY RETIREMENT BENEFIT SHALL BE DETERMINED AS PROVIDED IN
11 PARAGRAPH (1)(II) OF THIS SUBSECTION BASED ON THE MEMBER'S AVERAGE
12 FINAL COMPENSATION AND YEARS OF SERVICE (AND FRACTIONS OF THOSE
13 YEARS OF SERVICE) AS OF THE DATE THE MEMBER TERMINATES EMPLOYMENT.

14 (C) *PAYMENT.*

15 EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, PAYMENT
16 OF THE BENEFIT COMMENCES ON THE 1ST DAY OF THE MONTH IMMEDIATELY
17 FOLLOWING THE MEMBER'S 65TH BIRTHDAY.

18 (i) *Line-of-duty disability retirement.*

19 (1) *Eligibility requirements.*

20 A Class D member is entitled to retire on a line-of-duty disability retirement if a
21 hearing examiner determines that:

- 22 (i) the member is permanently incapacitated from the further performance of the
23 duties of his or her City job classification due to 1 or more of the impairments
24 [listed] DESCRIBED in paragraph (5) of this subsection; and

25

26 (4) *Benefit on retirement.*

- 27 (ii) If a Class D member is not eligible for line-of-duty disability benefits solely
28 because the degree of impairment does not meet the conditions of paragraph (5)
29 of this subsection, a non-line-of-duty disability benefit will be paid under
30 subsection (h) of this section, REGARDLESS OF THE MEMBER'S YEARS OF SERVICE,
31 as long as the member OTHERWISE qualifies for non-line-of-duty disability
32 retirement under that subsection.

33 (5) *Disability loss requirements.*

34 (i) *IN GENERAL.*

35 The award of a line-of-duty disability retirement benefit requires:

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1 (A) a 50% OR MORE anatomical loss of the use of any 1 [impairment] OF THE
2 IMPAIRED ITEMS LISTED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH; or

3 (B) a 25% or more anatomical loss of THE USE OF each of 2 or more of the
4 [impairments] IMPAIRED ITEMS listed in subparagraph (ii) of this
5 paragraph.

6 (ii) *SCHEDULE OF IMPAIRED ITEMS.*

7 The schedule of [impairments] IMPAIRED ITEMS is as follows:

8

9 (k) *Method of payment.*

10 (1) *Maximum retirement allowance.*

11 (ii) *RETIRED MEMBER'S DEATH – IN GENERAL.*

12 As of the 1st day of the month immediately after the death of a retired member
13 who is receiving this maximum retirement allowance, the following beneficiaries
14 are entitled to receive periodic payments in an amount equal to 40% of the
15 periodic payment that the retired member was receiving at the time of his or her
16 death:

17 (A) if the retired member is survived by a spouse to whom the retired member
18 was married for at least 1 year immediately before the member's
19 retirement date, the benefit shall be paid to the surviving spouse, to
20 continue [during] FOR the spouse's lifetime or until [his or her remarriage]
21 THE SPOUSE REMARRIES BEFORE AGE 70; or

22 (B) if there is no qualifying surviving spouse or if the surviving spouse [dies
23 or] remarries BEFORE AGE 70 OR DIES, then the benefit shall be paid to the
24 retired member's minor children, in equal shares, to continue until the
25 children are no longer minors, as defined in § 47(h) of this article.

26 [(4) *Transferred-in accumulated contributions.*]

27 [(i) In addition to receiving a maximum retirement allowance or a benefit option at
28 retirement, a retired Class D member will receive a refund, with interest, of the
29 retired member's transferred-in accumulated contributions that did not result in
30 any retirement benefit from this System.]

31 [(ii) The benefits under this paragraph shall be paid in the form of a lump-sum cash
32 payment or an annuity, as elected by the member. If the member elects to receive
33 the benefits in the form of an annuity, the method of paying the annuity shall be
34 consistent with the method of paying the retired member's principal retirement
35 benefit under paragraph (1) or (2) of this subsection, as the case may be.]

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1 (6) *Return of accumulated contributions.*

2 (i) *TERMINATION OF EMPLOYMENT.*

3 (A) If a Class D member terminates City employment FOR MORE THAN 30
4 CONSECUTIVE DAYS, other than by reason of death, before becoming eligible
5 for a retirement benefit or a deferred vested pension benefit under this section,
6 the member [is only entitled to] MAY ELECT to receive the value of his or her
7 accumulated contributions (WITH REGULAR INTEREST CREDITED THROUGH THE
8 DATE OF TERMINATION), payable in the form of a lump-sum cash payment[, as
9 soon as administratively practicable following the termination of
10 employment].

11 (B) NOTWITHSTANDING SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH, IF THE
12 VALUE OF A TERMINATING MEMBER'S ACCUMULATED CONTRIBUTIONS (WITH
13 REGULAR INTEREST CREDITED THROUGH THE DATE OF TERMINATION) IS \$1,000
14 OR LESS AND THE MEMBER DOES NOT ELECT TO HAVE THE ACCUMULATED
15 CONTRIBUTIONS PAID IN A DIRECT ROLLOVER, THE ACCUMULATED
16 CONTRIBUTIONS WILL BE PAID DIRECTLY TO THE MEMBER IN A LUMP-SUM CASH
17 PAYMENT AS SOON AS ADMINISTRATIVELY PRACTICABLE FOLLOWING THE
18 EXPIRATION OF THE TIME PERIOD FOR MAKING A DIRECT ROLLOVER ELECTION.

19 (1) *Reemployment.*

20 (1) *Following termination of Class D member.*

21 (i) *After becoming eligible for certain benefits.*

22 If a Class D member terminates City employment after becoming eligible for a
23 retirement benefit or a deferred vested pension benefit under this section and is
24 subsequently reemployed as an employee, the employee:

25 (A) must, AS OF HIS OR HER REEMPLOYMENT WITH THE CITY, cease or
26 postpone receiving any retirement benefits from this System; and

27 (B) immediately on reemployment:

28 1. will again become a Class D member; and

29 2. will be credited with his or her prior Class D service.

30 (ii) *Before becoming eligible for certain benefits.*

31 (A) *TERMINATION NOT LONGER THAN 180 DAYS.*

32 IF A CLASS D MEMBER TERMINATES CITY EMPLOYMENT BEFORE BECOMING
33 ELIGIBLE FOR A RETIREMENT BENEFIT OR A DEFERRED VESTED PENSION
34 BENEFIT UNDER THIS SECTION AND IS SUBSEQUENTLY REEMPLOYED AS AN
35 EMPLOYEE NOT MORE THAN 180 CONSECUTIVE DAYS AFTER TERMINATION, THE
36 EMPLOYEE:
37

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1 1. IMMEDIATELY ON REEMPLOYMENT, WILL AGAIN BECOME A CLASS D
2 MEMBER; AND

3 2. WILL BE CREDITED WITH HIS OR HER PRIOR CLASS D SERVICE AS
4 FOLLOWS:

5 A. IMMEDIATELY ON REEMPLOYMENT, UNLESS BEFORE
6 REEMPLOYMENT THE MEMBER RECEIVED THE VALUE OF HIS OR
7 HER ACCUMULATED CONTRIBUTIONS UNDER SUBSECTION
8 (K)(6)(I) OF THIS SECTION; OR

9 B. IF BEFORE REEMPLOYMENT THE MEMBER RECEIVED THE VALUE
10 OF HIS OR HER ACCUMULATED CONTRIBUTIONS UNDER
11 SUBSECTION (K)(6)(I) OF THIS SECTION, THEN ONLY IF THE
12 MEMBER PURCHASES THE SERVICE CREDIT UNDER SUBSECTION
13 (C)(6)(I) OF THIS SECTION.

14 (B) *TERMINATION LONGER THAN 180 DAYS.*

15 If a Class D member terminates City employment before becoming eligible
16 for a retirement benefit or a deferred vested pension benefit under this section
17 and is subsequently reemployed as an employee MORE THAN 180
18 CONSECUTIVE DAYS AFTER TERMINATION, the employee:

19 1. [(A)] on the 1st annual anniversary of his or her reemployment, will
20 again become a Class D member; and

21 2. [(B)] will be credited with his or her prior Class D service as follows:

22 A. [1.] immediately on reemployment, unless before
23 reemployment the member received the value of his or her
24 accumulated contributions under subsection (k)(6)(i) of this
25 section; or

26 B. [2.] if before reemployment the member received the value of
27 his or her accumulated contributions under subsection (k)(6)(i)
28 of this section, then only if the member purchases the service
29 credit under subsection (c)(6)(i) of this section.

30 (2) *Following pre-July 1, 2014, City employment.*

31 (i) *TERMINATION AFTER EARNING VESTED BENEFIT – REEMPLOYMENT NOT MORE THAN*
32 *180 DAYS LATER.*

33 (A) THIS SUBPARAGRAPH APPLIES TO ANY EMPLOYEE WHO:

34 1. WAS EMPLOYED BY THE CITY ON OR BEFORE JUNE 30, 2014;

35 2. TERMINATED THAT EMPLOYMENT AFTER EARNING A VESTED BENEFIT
36 UNDER THIS SYSTEM OR ANOTHER CITY RETIREMENT PLAN; AND

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- 1 3. IS REEMPLOYED BY THE CITY ON OR AFTER JULY 1, 2014, AND NOT
2 MORE THAN 180 CONSECUTIVE DAYS AFTER TERMINATION.

3 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, AN EMPLOYEE
4 DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH:

- 5 1. MUST, AS OF HIS OR HER REEMPLOYMENT WITH THE CITY, CEASE OR
6 POSTPONE RECEIVING ANY RETIREMENT BENEFITS FROM THIS SYSTEM;
7 AND
8 2. IMMEDIATELY ON REEMPLOYMENT:
9 A. WILL AGAIN BECOME A CLASS C MEMBER; AND
10 B. WILL BE CREDITED WITH HIS OR HER PRIOR CLASS C SERVICE.

11 (II) [(i)] *Termination after earning vested benefit – REEMPLOYMENT MORE THAN 180*
12 *DAYS LATER.*

13 (A) This subparagraph applies to any employee who:

- 14 1. was employed by the City on or before June 30, 2014;
15 2. terminated that employment [for more than 30 consecutive days] after
16 earning a vested benefit under this System or another City retirement
17 plan; and
18 3. is reemployed by the City on or after July 1, 2014, AND MORE THAN
19 180 CONSECUTIVE DAYS AFTER TERMINATION.

20 (B) Notwithstanding any other provision of this subtitle, an employee described in
21 sub-subparagraph (A) of this subparagraph:

- 22 1. [shall] MUST, as of [after] his or her reemployment with the City, cease
23 or postpone receiving any City retirement benefits in accordance with
24 § 48 {“Contemporaneous benefits from 2 or more City systems”} of
25 this article;
26 2. may not, as of his or her reemployment with the City, again become a
27 member of this System or any other City retirement plan, except as
28 provided in item 3 of this sub-subparagraph (B)[:]; and
29 3. automatically becomes, on the 30th day after the date on which his or
30 her reemployment began, a non-hybrid member of the Retirement
31 Savings Plan.

32 (C) Prior service earned under this System or any other City retirement plan is not
33 credited under the Retirement Savings Plan, and the employee is not entitled
34 to any contributions under the Retirement Savings Plan with respect to that
35 prior service.

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1 (III) *TERMINATION ON OR BEFORE JUNE 30, 2014, AND BEFORE EARNING VESTED BENEFIT*
2 – *REEMPLOYMENT BEFORE EXPIRATION OF PARITY TIME PERIOD.*

3 (A) THIS SUBPARAGRAPH APPLIES TO ANY EMPLOYEE WHO:

- 4 1. TERMINATED EMPLOYMENT WITH THE CITY ON OR BEFORE JUNE 30,
5 2014, AND BEFORE EARNING A VESTED BENEFIT UNDER THIS SYSTEM OR
6 ANOTHER CITY RETIREMENT PLAN; AND
- 7 2. IS REEMPLOYED BY THE CITY ON OR AFTER JULY 1, 2014, AND BEFORE
8 THE EXPIRATION OF A TIME PERIOD EQUAL TO THE PARITY TIME PERIOD
9 DEFINED IN § 1(28) OF THIS SUBTITLE.

10 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, AN EMPLOYEE
11 DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH:

- 12 1. ON THE 1ST ANNUAL ANNIVERSARY OF HIS OR HER REEMPLOYMENT,
13 WILL AGAIN BECOME A CLASS C MEMBER;
- 14 2. IMMEDIATELY ON REEMPLOYMENT, WILL AUTOMATICALLY BE CREDITED
15 WITH HIS OR HER PRIOR CLASS C SERVICE FOR PERIODS BEFORE JULY 1,
16 2013; AND
- 17 3. WILL BE CREDITED WITH HIS OR HER PRIOR SERVICE FOR PERIODS ON OR
18 AFTER JULY 1, 2013, AS FOLLOWS:
- 19 A. IMMEDIATELY ON REEMPLOYMENT, UNLESS BEFORE
20 REEMPLOYMENT THE MEMBER RECEIVED THE VALUE OF HIS OR
21 HER ACCUMULATED CONTRIBUTIONS UNDER SUBSECTION
22 (K)(6)(I) OF THIS SECTION; OR
- 23 B. IF BEFORE REEMPLOYMENT THE MEMBER RECEIVED THE VALUE
24 OF HIS OR HER ACCUMULATED CONTRIBUTIONS UNDER
25 SUBSECTION (K)(6)(I) OF THIS SECTION, THEN ONLY IF THE
26 MEMBER PURCHASES THE SERVICE CREDIT UNDER SUBSECTION
27 (C)(6)(I) OF THIS SECTION.

28 (IV) [(ii)] *Termination ON OR BEFORE JUNE 30, 2014, AND before earning vested*
29 *benefit – REEMPLOYMENT AFTER EXPIRATION OF PARITY TIME PERIOD.*

30 (A) This subparagraph applies to any employee who:

- 31 1. was employed by the City on or before June 30, 2014;
- 32 2. terminated that employment [for more than 30 consecutive days] ON
33 OR BEFORE JUNE 30, 2014, AND before earning a vested benefit under
34 this System or another City retirement plan; and
- 35 3. is reemployed by the City on or after July 1, 2014, AND AFTER THE
36 EXPIRATION OF A TIME PERIOD EQUAL TO THE PARITY TIME PERIOD
37 DEFINED IN § 1(28) OF THIS SUBTITLE.

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1 (B) Notwithstanding any other provision of this subtitle, an employee described in
2 sub-subparagraph (A) of this subparagraph:

3 1. shall make an election in accordance with § 9.1 of this subtitle; and

4 2. based on that election, will become either:

5 a. a Class D member of this System, commencing on the 1st
6 annual anniversary of his or her reemployment, and a hybrid
7 member of the Retirement Savings Plan, commencing on the
8 180th day after the date on which his or her reemployment
9 began; or

10 b. a non-hybrid member of the Retirement Savings Plan,
11 commencing on the 180th day after the date on which his or her
12 reemployment began.

13 (C) On commencement of participation [in the Retirement Savings Plan and, if
14 applicable,] as a Class D member of this System, the employee will be
15 credited with the prior service that she or he earned under this System or
16 another City retirement system ONLY IF THE EMPLOYEE PURCHASES THE
17 SERVICE CREDIT UNDER SUBSECTION (C)(6)(I) OF THIS SECTION.

18 (V) *TERMINATION ON OR AFTER JULY 1, 2014, AND BEFORE EARNING VESTED BENEFIT –*
19 *REEMPLOYMENT NOT MORE THAN 180 DAYS LATER.*

20 (A) THIS SUBPARAGRAPH APPLIES TO ANY EMPLOYEE WHO:

21 1. WAS EMPLOYED BY THE CITY ON OR BEFORE JUNE 30, 2014;

22 2. TERMINATED THAT EMPLOYMENT ON OR AFTER JULY 1, 2014, AND
23 BEFORE EARNING A VESTED BENEFIT UNDER THIS SYSTEM OR ANOTHER
24 CITY RETIREMENT PLAN; AND

25 3. IS REEMPLOYED BY THE CITY NOT MORE THAN 180 CONSECUTIVE DAYS
26 AFTER TERMINATION.

27 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, AN EMPLOYEE
28 DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH:

29 1. IMMEDIATELY ON REEMPLOYMENT, WILL AGAIN BECOME A CLASS C
30 MEMBER;

31 2. IMMEDIATELY ON REEMPLOYMENT, WILL AUTOMATICALLY BE CREDITED
32 WITH HIS OR HER PRIOR CLASS C SERVICE FOR PERIODS BEFORE JULY 1,
33 2013; AND

34 3. WILL BE CREDITED WITH HIS OR HER PRIOR SERVICE FOR PERIODS ON OR
35 AFTER JULY 1, 2013, AS FOLLOWS:

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1 A. IMMEDIATELY ON REEMPLOYMENT, UNLESS BEFORE
2 REEMPLOYMENT THE MEMBER RECEIVED THE VALUE OF HIS OR
3 HER ACCUMULATED CONTRIBUTIONS UNDER SUBSECTION
4 (K)(6)(I) OF THIS SECTION; OR

5 B. IF BEFORE REEMPLOYMENT THE MEMBER RECEIVED THE VALUE
6 OF HIS OR HER ACCUMULATED CONTRIBUTIONS UNDER
7 SUBSECTION (K)(6)(I) OF THIS SECTION, THEN ONLY IF THE
8 MEMBER PURCHASES THE SERVICE CREDIT UNDER SUBSECTION
9 (C)(6)(I) OF THIS SECTION.

10 (VI) *TERMINATION ON OR AFTER JULY 1, 2014, AND BEFORE EARNING VESTED BENEFIT –*
11 *REEMPLOYMENT MORE THAN 180 DAYS LATER.*

12 (A) THIS SUBPARAGRAPH APPLIES TO ANY EMPLOYEE WHO:

- 13 1. WAS EMPLOYED BY THE CITY ON OR BEFORE JUNE 30, 2014;
14 2. TERMINATED THAT EMPLOYMENT ON OR AFTER JULY 1, 2014, AND
15 BEFORE EARNING A VESTED BENEFIT UNDER THIS SYSTEM OR ANOTHER
16 CITY RETIREMENT PLAN; AND
17 3. IS REEMPLOYED BY THE CITY MORE THAN 180 CONSECUTIVE DAYS
18 AFTER TERMINATION.

19 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, AN EMPLOYEE
20 DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH SHALL BE
21 TREATED IN ACCORDANCE WITH SUBPARAGRAPH (IV)(B) AND (C) OF THIS
22 PARAGRAPH.

23 (m) *Non-line-of-duty death benefit.*

24 (2) *Lump-sum death benefit.*

25 (i) *“Beneficiary” defined.*

26 In this paragraph, “beneficiary” means the member’s designated beneficiary or
27 surviving spouse, [minor] children, or parents, as qualified and prioritized under
28 subparagraph (v)(A)-(D) of this paragraph.

29 (3) *100% survivorship death benefit.*

30 (v) *Qualifications and priorities of potential beneficiaries.*

31 (A) The benefit shall be paid as follows:

- 32 . . .
33 2. if the designated beneficiary is not one of the persons listed in [sub-
34 subparagraph (A)] ITEM 1. of this SUB-subparagraph and that
35 beneficiary predeceases the member, or if there is no designated
36 beneficiary, then to the member’s surviving spouse, to continue
37 [during] FOR her or his lifetime.

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1 (B) If a member designates a beneficiary other than one of the persons listed in
2 sub-subparagraph [(A)] (A)1. of this subparagraph, and if that beneficiary
3 does not predecease the member, the benefit provided by this paragraph is not
4 payable.

5 (4) *40% survivorship death benefit.*

6 (i) *Definitions.*

7 (B) *Beneficiary.*

8 “Beneficiary” means the member’s surviving spouse or [unmarried] minor
9 children, as qualified and prioritized under subparagraph (v) of this
10 paragraph[.].

11 (iv) *Amount of benefit.*

12 (A) The benefit shall be equal to 40% of the member’s accrued service retirement
13 benefit, calculated as provided in subsection (g)(1)(ii) or (4) of this section
14 based on the member’s average final compensation and years of service (and
15 fractions of those years) as of the date of the member’s death.

16 (B) The calculation required by sub-subparagraph (A) of this [paragraph]
17 SUBPARAGRAPH shall be made with the assumption that the member had
18 attained age 65 as of the date of his or her death[;]. [accordingly]
19 ACCORDINGLY, the reduction [contained] DESCRIBED in subsection (g)(2)(ii)
20 of this section does not apply.

21 (v) *Qualifications and priorities of potential beneficiaries.*

22 (A) The benefit shall be paid as follows:

23 1. to the member’s designated beneficiary, if that designated beneficiary
24 is:

25 a. the member’s surviving spouse, to continue [during] FOR the
26 spouse’s lifetime or until [his or her remarriage] THE SPOUSE
27 REMARRIES BEFORE AGE 70; or

28 b. the member’s [unmarried] minor children, to be paid to each
29 child, in equal shares, until that child [marries or] is no longer a
30 minor, as defined in § 47(h) of this article;

31 2. if the designated beneficiary is not one of the persons listed in sub-
32 subparagraph (A) of this subparagraph and that beneficiary
33 predeceases the member, or if there is no designated beneficiary, then
34 to the member’s surviving spouse, to continue [during] FOR the
35 spouse’s lifetime or until [his or her remarriage] THE SPOUSE
36 REMARRIES BEFORE AGE 70; or

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1 3. if there is no qualifying surviving spouse under sub-subparagraph (A)
2 or (B) of this subparagraph, or if the surviving spouse [dies or]
3 remarries BEFORE AGE 70 OR DIES, then to the member's [unmarried]
4 minor children, to be paid to each child in equal shares until that child
5 [marries or] is no longer a minor, as defined in § 47(h) of this article.

6 (vi) *Allocations among children.*

7 For purposes of this paragraph, when a member's child [marries or] is no longer a
8 minor and, consequently, ceases to receive benefits under this paragraph, each
9 remaining [unmarried] minor child [will] SHALL THEN begin to receive, in
10 addition to his or her existing benefit, an equal share of the benefit formerly paid
11 to the other child. This process continues until the member's youngest child
12 [marries or] is no longer a minor.

13 (n) *Line-of-duty death benefit.*

14 (4) *Amount of benefit; Qualifications and priorities of potential beneficiaries.*

15 On an award by the hearing examiner, the Board of Trustees shall pay:

16 (ii) a pension of 100% of the member's current compensation to:

17 (A) the member's surviving spouse, to continue [during] FOR the spouse's
18 lifetime or until [his or her remarriage] THE SPOUSE REMARRIES BEFORE
19 AGE 70, unless the member has designated his or her children as
20 beneficiaries;

21 (B) the member's minor children, to be paid to each child in equal shares
22 until that child is no longer a minor, as defined in § 47(h) of this
23 article, if:

- 24 1. the member designated his or her children as beneficiaries;
- 25 2. there is no surviving spouse on the date of the member's death;
26 or
- 27 3. the surviving spouse, [has died or remarried] after having
28 received benefits payments under [item 1] SUB-ITEM (A) of this
29 [sub-subparagraph] ITEM (II), HAS REMARRIED BEFORE AGE 70
30 OR HAS DIED; or

31 (C) the member's surviving parents in equal shares, to continue during
32 their lifetimes, if:

- 33 1. the member has not designated his or her children as
34 beneficiaries;
- 35 2. there is no surviving spouse on the date of the member's death;
36 and

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1 3. the member has no minor children at the date of his or her
2 death.

3 (5) *Allocations among children or between parents.*

4 (i) For purposes of [this] paragraph (4) OF THIS SUBSECTION, when a member's child
5 is no longer a minor and, consequently, ceases to receive a benefit under [this]
6 THAT paragraph, each remaining minor child shall then begin to receive, in
7 addition to his or her existing benefit, an equal share of the benefit formerly paid
8 to the other child. This process continues until the member's youngest child is no
9 longer a minor.

10 (ii) For purposes of [this] paragraph (4) OF THIS SUBSECTION, if a member's line-of-
11 duty death benefit is paid to both of the member's surviving parents and one
12 parent dies, the remaining parent shall then begin to receive, in addition to his or
13 her existing benefit, the benefit formerly paid to the deceased parent.

14 (p) *Panel of hearing examiners.*

15 (10) *Hearings - Burden of proof.*

16 (i) *Disability benefit.*

17 At the hearing on a claim for a disability benefit, the member has the burden of
18 proving, by a preponderance of the evidence:

19 . . .

20 (C) that, under the relevant facts and circumstances, she or he otherwise meets
21 all of the eligibility requirements [set by law] TO QUALIFY for the
22 applicable benefit.

23 (11) *Hearings – Examiner's determination.*

24 (ii) *Non-line-of-duty disability benefit.*

25 (A) If the claim is for non-line-of-duty disability benefits UNDER THIS SYSTEM,
26 the hearing examiner shall determine whether the member's disability
27 qualifies under subsection (h) of this section.

28 (B) IF THE CLAIM IS FOR NON-LINE-OF-DUTY DISABILITY BENEFITS UNDER THE
29 ELECTED OFFICIALS' RETIREMENT SYSTEM, THE HEARING EXAMINER SHALL
30 DETERMINE WHETHER THE MEMBER'S DISABILITY QUALIFIES UNDER § 22(B) OF
31 THIS ARTICLE.

32 (iii) *Line-of-duty disability benefit.*

33 (A) If the claim is for line-of-duty disability benefits UNDER THIS SYSTEM,, the
34 hearing examiner shall determine whether the member's disability qualifies
35 under subsection (i) of this section.

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1 (B) IF THE CLAIM IS FOR LINE-OF-DUTY DISABILITY BENEFITS UNDER THE ELECTED
2 OFFICIALS' RETIREMENT SYSTEM, THE HEARING EXAMINER SHALL DETERMINE
3 WHETHER THE MEMBER'S DISABILITY QUALIFIES UNDER § 22(C) OF THIS
4 ARTICLE.

5 (v) *Line-of-duty death benefit.*

6 (A) If the claim is for line-of-duty death benefits UNDER THIS SYSTEM, the hearing
7 examiner shall determine whether the member's death qualifies under
8 subsection (n) of this section.

9 (B) IF THE CLAIM IS FOR LINE-OF-DUTY DEATH BENEFITS UNDER THE ELECTED
10 OFFICIALS' RETIREMENT SYSTEM, THE HEARING EXAMINER SHALL DETERMINE
11 WHETHER THE MEMBER'S DEATH QUALIFIES UNDER § 22(G) OF THIS ARTICLE.

12 § 12. [Protection against fraud; validating] RECOVERY OF OVERPAYMENTS.

13 [(a) Any person who shall knowingly make any false statement, or shall falsify or permit to
14 be falsified any records of this Retirement System in any attempt to defraud such system
15 as a result of such act, shall be guilty of a misdemeanor, and shall be punishable therefor
16 under the laws of the State of Maryland. Should any change or error in the records result
17 in any member or beneficiary receiving from the Retirement System more or less than he
18 would have been entitled to receive had the records been correct, the Board of Trustees
19 shall correct such error, and as far as practicable, shall adjust the payments in such a
20 manner that the actuarial equivalent of the payment to which such member or beneficiary
21 was correctly entitled, shall be paid. Provided, however, that any overpayments of
22 benefits which have been made or which may be made prior to April 19, 1974, by the
23 Retirement System as a result of administrative errors, with the exception of
24 overpayments resulting from the fraud or deliberate misrepresentation of a beneficiary or
25 potential beneficiary, are hereby waived to the extent that they have not been recovered
26 by the system before that date, and no request or demand for reimbursement thereof shall
27 be made after April 19, 1974, upon any retired member or his beneficiary who shall have
28 received same. No request or demand shall be made upon the Retirement system for the
29 return of any such overpayments which may have been recovered by the system before
30 April 19, 1974.]

31 [(b) Any member who was retired as of April 18, 1974, and who was receiving periodically
32 paid retirement benefits, including supplemental payments, on that date, regardless of
33 what basis was used for calculating the benefits, and even though the benefits may have
34 been incorrectly determined, shall continue to receive such retirement benefits on April
35 19, 1974, and thereafter, subject to the conditions, deductions and limitations contained
36 in this subtitle. Those receiving disability benefits, however, will still be subject to the
37 offsets contained in this subtitle. Any surviving beneficiary of a member, who was
38 retired and subsequently died before April 19, 1974, and which beneficiary was receiving
39 periodically paid retirement benefits, including supplemental payments, on April 18,
40 1974, regardless of what basis was used for calculating the benefits and even though the
41 benefits may have been incorrectly determined, shall continue to receive such retirement
42 benefits on April 19, 1974, and thereafter, subject to the conditions, deductions and
43 limitations contained in this subtitle.]

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1 IF THE BOARD OF TRUSTEES DETERMINES THAT A MEMBER OR BENEFICIARY HAS RECEIVED
2 FROM THIS SYSTEM BENEFIT PAYMENTS THAT EXCEED THE AMOUNT TO WHICH THE MEMBER OR
3 BENEFICIARY WAS ENTITLED, THE BOARD MUST TAKE ALL NECESSARY STEPS TO RECOVER THE
4 OVERPAYMENT.

5 § 15. ADMINISTRATIVE APPEAL; JUDICIAL REVIEW.

6 (A) ADMINISTRATIVE APPEAL.

7 (1) RIGHT OF APPEAL.

8 ANY PERSON AGGRIEVED BY A DETERMINATION MADE OR ACTION TAKEN WITH RESPECT
9 TO A PERSON'S ELIGIBILITY FOR MEMBERSHIP IN OR BENEFITS UNDER THIS SYSTEM MAY
10 APPEAL THAT DETERMINATION OR ACTION TO THE BOARD OF TRUSTEES.

11 (2) WHEN AND HOW TAKEN.

12 A NOTICE OF APPEAL MUST BE FILED WITH THE BOARD WITHIN 1 YEAR OF THE
13 DETERMINATION OR ACTION IN QUESTION.

14 (3) HEARING.

15 (I) ON RECEIPT OF A NOTICE OF APPEAL, THE BOARD MUST HOLD A HEARING ON THE
16 APPEAL AS SOON AS ADMINISTRATIVELY PRACTICABLE.

17 (II) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION OR BY RULE OR REGULATION
18 OF THE BOARD:

19 (A) THE HEARING MUST BE CONDUCTED IN AN ORDERLY BUT INFORMAL
20 MANNER; AND

21 (B) FORMAL RULES OF EVIDENCE AND TRIAL PROCEDURES DO NOT APPLY.

22 (4) COUNSEL.

23 (I) THE PERSON FILING THE APPEAL MAY BE REPRESENTED BY COUNSEL AT THE
24 HEARING.

25 (II) THIS SYSTEM WILL BE REPRESENTED BY THE CITY SOLICITOR OR THE SOLICITOR'S
26 DESIGNEE.

27 (5) WITNESSES.

28 ALL WITNESSES TESTIFYING AT THE HEARING MUST DO SO UNDER OATH OR BY
29 AFFIRMATION, SUBJECT TO THE PENALTIES OF PERJURY.

30 (6) DECISION.

31 (I) AS SOON AS ADMINISTRATIVELY PRACTICABLE AFTER THE HEARING, THE BOARD
32 MUST RENDER ITS DECISION AND NOTIFY THE PERSON FILING THE APPEAL OF THAT
33 DECISION.

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1 (II) IN ITS DECISION, THE BOARD MAY AFFIRM, MODIFY, OR REVERSE THE
2 DETERMINATION OR ACTION FROM WHICH THE APPEAL WAS TAKEN.

3 (B) *JUDICIAL REVIEW AND APPELLATE REVIEW.*

4 (1) *JUDICIAL REVIEW.*

5 A PARTY AGGRIEVED BY A FINAL DECISION OF THE BOARD OF TRUSTEES UNDER
6 SUBSECTION (A) OF THIS SECTION MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY
7 PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE
8 MARYLAND RULES OF PROCEDURE.

9 (2) *APPELLATE REVIEW.*

10 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE
11 COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF
12 PROCEDURE.

13 **Subtitle – Elected Officials' Retirement System**

14 **§ 17A. Definitions.**

15 (7) (i) “Regular interest” for the accumulation of member contributions means [interest at
16 5.25% per year compounded annually]:

17 (A) EFFECTIVE ON OR BEFORE DECEMBER 31, 2016, INTEREST AT 5.25% PER YEAR,
18 COMPOUNDED ANNUALLY; AND

19 (B) EFFECTIVE ON OR AFTER JANUARY 1, 2017, INTEREST AT 3.0% PER YEAR,
20 COMPOUNDED ANNUALLY.

21 (7) (ii) “Regular interest” for valuation purposes means:

22 (A) FOR FISCAL YEARS BEGINNING ON OR BEFORE JULY 1, 2015, interest at 7.25%
23 per year, compounded annually;

24 (B) FOR FISCAL YEARS BEGINNING ON JULY 1, 2016, AND ON JULY 1, 2017,
25 INTEREST AT 7.0% PER YEAR, COMPOUNDED ANNUALLY; AND

26 (C) FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2018, INTEREST AT 6.75%
27 PER YEAR, COMPOUNDED ANNUALLY.

28 (18) “Actuarial equivalent”, for purposes of determining the amount of an optional retirement
29 benefit under this subtitle, means a benefit of equivalent value when calculated using:

30 (I) regular interest for actuarial equivalent purposes; and

31 (II) MORTALITY ASSUMPTIONS BASED ON THE FOLLOWING TABLES:

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1 (A) FOR RETIREMENTS EFFECTIVE ON OR BEFORE JUNE 30, 2016, the UP-84
2 mortality table with no set forward, except that in the case of disability
3 retirements under this subtitle, the table is set forward 9 years; AND

4 (B) FOR RETIREMENTS EFFECTIVE ON OR AFTER JULY 1, 2016, THE RP-2000
5 MORTALITY TABLES FOR MALES AND FEMALES SET FORWARD 2 YEARS AND
6 PROJECTED 15 YEARS USING 50% OF SCALE AA AND THEN BLENDED 50%
7 FOR MALES AND FEMALES.

8 **§ 22. Benefits.**

9 (e) *Method of payment.*

10 (1) *Maximum retirement allowance.*

11

12 (ii) On receipt of proper proof of death of a retired member receiving the maximum
13 benefit, the Board of Trustees shall pay an amount equal to 40% of the retired
14 member's retirement allowance as of the date of the retired member's death, to
15 one of the following beneficiaries:

16 (A) if the retired member is survived by a spouse to whom the retired member
17 was married for at least 1 year immediately before the retired member's
18 retirement date, the benefit shall be paid to the surviving spouse, to
19 continue for [life] THE SPOUSE'S LIFETIME or until [remarriage] THE SPOUSE
20 REMARRIES BEFORE AGE 70; or

21 (B) if there is no qualifying surviving spouse or if the surviving spouse [dies
22 or] remarries BEFORE AGE 70 OR DIES, then the benefit shall be paid to the
23 retired member's minor children, in equal shares, to continue until the
24 children are no longer [minor] MINORS, as defined in § 47(h) of this
25 article.

26 (g) *Line-of-duty death benefit.*

27 (2) *Line-of-duty death benefit.*

28 (i) On the receipt of a written application, proper proof of death, and an award by a
29 hearing examiner of a line-of-duty death benefit, the Board of Trustees shall pay:
30 . . .

31 (B) a pension of 100% of the member's current annual compensation on the
32 date of the member's death:

- 33 1. to the member's surviving spouse, to continue for [life] THE
34 SPOUSE'S LIFETIME or [remarriage] UNTIL THE SPOUSE REMARRIES
35 BEFORE AGE 70;
- 36 2. if there is no surviving spouse or if the surviving spouse [dies or]
37 remarries BEFORE AGE 70 OR DIES, to the member's minor children

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1 to be paid to each child, in equal shares, until that child is no
2 longer a minor, as defined in § 47(h) of this article;
3

4 **§ 26. APPEAL AND JUDICIAL REVIEW.**

5 (A) *ADMINISTRATIVE APPEAL.*

6 ANY PERSON AGGRIEVED BY A DETERMINATION MADE OR ACTION TAKEN WITH RESPECT TO
7 A PERSON’S ELIGIBILITY FOR MEMBERSHIP IN OR BENEFITS UNDER THIS SYSTEM MAY
8 APPEAL THAT DETERMINATION OR ACTION TO THE BOARD OF TRUSTEES UNDER THE
9 PROCEDURES SET FORTH IN § 15(A) OF THIS ARTICLE.

10 (B) *JUDICIAL REVIEW AND ADMINISTRATIVE REVIEW.*

11 (1) *JUDICIAL REVIEW.*

12 A PARTY AGGRIEVED BY A FINAL DECISION OF THE BOARD OF TRUSTEES UNDER
13 SUBSECTION (A) OF THIS SECTION MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY
14 PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE
15 MARYLAND RULES OF PROCEDURE.

16 (2) *APPELLATE REVIEW.*

17 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT’S FINAL JUDGMENT TO THE
18 COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF
19 PROCEDURE.

20 **Subtitle – General Provisions**

21 **§ 47. Definitions.**

22 (h) *Minor child.*

23 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, “[Minor] MINOR child” means the
24 child of a member, former member, or retiree who:

25 (I) [(1)] has not attained [the] age [of] 18; or

26 (II) [(2)] if the child is a full-time student, as verified to the satisfaction of the
27 [Administrator] EXECUTIVE DIRECTOR in accordance with [the] policies set by
28 the Board of Trustees, has not attained [the] age [of] 22.

29 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, FOR PURPOSES OF §§ 9, 9.2,
30 AND 22 OF THIS ARTICLE, “MINOR CHILD” MEANS THE CHILD OF A MEMBER, FORMER
31 MEMBER, OR RETIREE WHO:

32 (I) HAS NOT ATTAINED AGE 18; OR

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1 (II) IF THE CHILD IS A STUDENT, AS VERIFIED TO THE SATISFACTION OF THE
2 EXECUTIVE DIRECTOR IN ACCORDANCE WITH POLICIES SET BY THE BOARD OF
3 TRUSTEES, HAS NOT ATTAINED AGE 22.

4 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
5 are not law and may not be considered to have been enacted as a part of this or any prior
6 Ordinance.

7 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect when it is
8 enacted.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City