



Legislation Text

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: President Rawlings-Blake
At the request of: The Administration (Employees' Retirement System)
A BILL ENTITLED

AN ORDINANCE concerning
Retirement Systems - Defining Job Removal

FOR the purpose of defining and clarifying the circumstances under which the agency head of a member of the Employees' Retirement System or the Fire and Police Employees' Retirement System would be authorized to request that he or she be granted a "job removal" retirement and providing for a special effective date.

BY amending and reordaining with amendments

Article 22 - Retirement Systems

Section(s) 9(f)(3)

Baltimore City Code

(Edition 2000)

By deleting

Article 22 - Retirement Systems

Section 32(k)(2)

Baltimore City Code

(Edition 2000)

By adding

Article 22 - Retirement Systems

Section 32(j-1)

Baltimore City Code

(Edition 2000)

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

Baltimore City Code

Article 22 - Retirement Systems

Subtitle - Employees' Retirement System

§ 9. Class C membership

(f) Early retirement.

(3) RETIREMENT ON ACCOUNT OF JOB REMOVAL.

(I) SCOPE OF PARAGRAPH. THIS PARAGRAPH WILL BE APPLIED EXCLUSIVELY UPON RECEIPT BY THE SYSTEM OF A WRITTEN DETERMINATION FROM THE AGENCY HEAD OF A MEMBER OF THIS SYSTEM, COUNTERSIGNED BY AN APPROPRIATE DESIGNEE OF: (1) THE OFFICE OF THE MAYOR, (2) THE DIRECTOR OF HUMAN RESOURCES, OR (3) THE DEPARTMENT OF LAW, CERTIFYING ONE OF THE FOLLOWING CRITERIA FOR A JOB REMOVAL RETIREMENT BENEFIT:

(A) THE MEMBER IS BEING LAID OFF WITHOUT FAULT ON HIS OR HER PART DUE TO A REDUCTION IN FORCE OR DIMINISHED NEED FOR THE SERVICES PERFORMED BY THE HOLDER OF SUCH POSITION AND IS NOT BEING REMOVED FOR POOR PERFORMANCE IN THE JOB,

(B) IN THE CASE OF AN EXEMPT MEMBER WORKING IN AN "AT WILL" POSITION NOT COVERED BY CIVIL SERVICE, THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART, AT THE INITIATION OF THE AGENCY AND PURSUANT TO ITS ABSOLUTE DISCRETION, AND IS NOT BEING REMOVED FOR POOR PERFORMANCE IN THE JOB,

(c) THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART DUE TO PHYSICAL OR MENTAL INCAPACITY,

(D) THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART AND THE MUTUAL BEST INTERESTS OF THE AGENCY AND THE MEMBER WOULD BE SERVED THROUGH THE REMOVAL INSOFAR AS THE REMOVAL WILL RESOLVE A PERSONNEL OR DISCIPLINARY DISPUTE BETWEEN THE AGENCY AND THE MEMBER, OR

(E) THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART AND THE MUTUAL BEST INTERESTS OF THE AGENCY AND THE MEMBER WOULD BE SERVED THROUGH THE REMOVAL, THE AGENCY HEAD SO CERTIFIES IN GOOD FAITH, AND THE MEMBER REPRESENTS IN WRITING TO THE AGENCY AND TO THE SYSTEM THAT HE OR SHE HAS NOT SECURED, AND HAS NO IMMEDIATE PROSPECT OF SECURING, OTHER EMPLOYMENT AS OF THE EFFECTIVE OF HIS OR HER REMOVAL.

(II) JOB REMOVAL RETIREMENT BENEFIT. [Notwithstanding anything to the contrary in this subtitle,] Should any member appointed for a fixed term set by law not be reappointed either voluntarily or involuntarily, after acquiring 20 years of service, or should a Class C member be removed from a regular permanent position of the City without fault on his or her part after the acquisition of 20 years of service (30 years of service if removed before July 1, 1987), [but has not attained] PRIOR TO ATTAINING the age of 65, such member shall be entitled to receive a retirement benefit based on the actual years of service credit and equal to the pension the member would receive if

he or she had already attained the age of 65, the normal retirement age. The reduction contained in [§ 9(f)(2) of this subtitle] PARAGRAPH (2) shall not apply. [In addition, for any member who terminates employment with the City on or before June 28, 1993, the Primary Social Security Benefit will be calculated on the assumption that the member would have no earnings after the calendar year prior to the year of retirement under this § 9(f)(3), notwithstanding the provisions of § 9(f)(1)(ii) or any other provisions of this subtitle which provides for the use of level future earnings.]

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

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

Subtitle - Fire and Police Employees' Retirement System

34. Benefits.

(k) Optional allowances.

[(2) Notwithstanding anything to the contrary in this subtitle, should a member be removed from a regular permanent position of the City without fault upon his part, or should a member appointed or elected for a fixed term not be reappointed or reelected after the completion of 15 years of service, such member may elect, in lieu of the withdrawal of his accumulated contributions, to have such contributions paid to him in an annuity of equivalent actuarial value, in which event he shall also be paid a pension equal to the ordinary disability pension that would have been payable at such time had he been retired on an ordinary disability retirement.

Effective December 2, 1991, in applying the preemployment military credit provision of § 32(f) to a member described in the above paragraph, the requirement that the member shall have attained age 50 shall be disregarded. However, any benefit for which the member could be eligible shall be determined before the military service credit provided for herein is added to the service credit acquired by the member. This Ordinance 91-829 shall also apply to any member who retired under the provision of the above paragraph. Any increased benefits due to such a retired member, shall be paid prospectively from the effective date of this Ordinance. Furthermore, variable benefits, if any, paid to such a retired member shall not be changed as a result of this Ordinance.

Should such a beneficiary be restored to active service, his retirement allowance shall cease, he shall again become a member of the Retirement System, and he shall contribute thereafter at the same rate he paid prior to his retirement; provided, however, that should such beneficiary be appointed or elected to any office, the salary or compensation of which is paid by the City, his retirement allowance shall cease, and he may again become a member of the Retirement System and shall contribute thereafter at the same rate he paid before his retirement. Any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect and, in addition, upon his subsequent retirement he shall be credited with all his service as a member.]

(J-1) RETIREMENT ON ACCOUNT OF JOB REMOVAL.

(1) SCOPE OF PARAGRAPH. THIS PARAGRAPH WILL BE APPLIED EXCLUSIVELY UPON RECEIPT BY THE SYSTEM OF A WRITTEN DETERMINATION FROM THE AGENCY HEAD OF A MEMBER OF THIS SYSTEM, COUNTERSIGNED BY AN APPROPRIATE DESIGNEE OF: (1) THE OFFICE OF THE MAYOR, (2) THE DIRECTOR OF HUMAN RESOURCES, OR (3) THE DEPARTMENT OF LAW, CERTIFYING ONE OF THE FOLLOWING CRITERIA FOR A JOB REMOVAL RETIREMENT BENEFIT:

(I) THE MEMBER IS BEING LAID OFF WITHOUT FAULT ON HIS OR HER PART DUE TO A REDUCTION IN FORCE OR DIMINISHED NEED FOR THE SERVICES PERFORMED BY THE HOLDER OF SUCH POSITION AND IS NOT BEING REMOVED FOR POOR PERFORMANCE IN THE JOB,

(II) IN THE CASE OF AN EXEMPT MEMBER WORKING IN AN "AT WILL" POSITION NOT COVERED BY CIVIL SERVICE, THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART, AT THE INITIATION OF HIS OR HER AGENCY AND PURSUANT TO ITS ABSOLUTE DISCRETION, AND IS NOT BEING REMOVED FOR POOR PERFORMANCE IN THE JOB,

(III) THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART DUE TO PHYSICAL OR MENTAL INCAPACITY,

(IV) THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART AND THE MUTUAL BEST INTERESTS OF THE AGENCY AND THE MEMBER WOULD BE SERVED THROUGH THE REMOVAL INSOFAR AS THE REMOVAL WILL RESOLVE A PERSONNEL OR DISCIPLINARY DISPUTE BETWEEN THE AGENCY AND THE MEMBER, OR

(V) THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART AND THE MUTUAL BEST INTERESTS OF THE AGENCY AND THE MEMBER WOULD BE SERVED THROUGH THE REMOVAL, THE AGENCY HEAD SO CERTIFIES IN GOOD FAITH, AND THE MEMBER REPRESENTS IN WRITING TO THE AGENCY AND TO THE SYSTEM THAT HE OR SHE HAS NOT SECURED, AND HAS NO IMMEDIATE PROSPECT OF SECURING, OTHER EMPLOYMENT AS OF THE EFFECTIVE OF HIS OR HER REMOVAL.

(2) JOB REMOVAL RETIREMENT BENEFIT. SHOULD A MEMBER BE REMOVED FROM A REGULAR PERMANENT POSITION OF THE CITY WITHOUT FAULT UPON HIS OR HER PART, OR SHOULD A MEMBER APPOINTED OR ELECTED FOR A FIXED TERM NOT BE REAPPOINTED OR REELECTED AFTER THE COMPLETION OF 15 YEARS OF SERVICE, SUCH MEMBER MAY ELECT, IN LIEU OF THE WITHDRAWAL OF HIS ACCUMULATED CONTRIBUTIONS, TO HAVE SUCH CONTRIBUTIONS PAID TO HIM OR HER IN AN ANNUITY OF EQUIVALENT ACTUARIAL VALUE, IN WHICH EVENT HE OR SHE SHALL ALSO BE PAID A PENSION EQUAL TO THE ORDINARY DISABILITY PENSION THAT WOULD HAVE BEEN PAYABLE AT SUCH TIME HAD HE OR SHE BEEN RETIRED ON AN ORDINARY DISABILITY RETIREMENT.

(3) PREEMPLOYMENT MILITARY SERVICE CREDIT. EFFECTIVE DECEMBER 2, 1991, IN APPLYING THE PREEMPLOYMENT MILITARY CREDIT PROVISION OF §32(F) TO A MEMBER DESCRIBED IN SUBSECTION 2, THE REQUIREMENT THAT THE MEMBER SHALL HAVE ATTAINED AGE 50 SHALL BE DISREGARDED. HOWEVER, ANY BENEFIT FOR WHICH THE MEMBER COULD BE ELIGIBLE SHALL BE DETERMINED BEFORE THE MILITARY SERVICE CREDIT PROVIDED FOR HEREIN IS ADDED TO THE SERVICE CREDIT ACQUIRED BY THE MEMBER.

(4) SPECIAL EFFECTIVE DATE. ORDINANCE 91-829 SHALL ALSO APPLY TO ANY MEMBER WHO

RETIRED UNDER THE PROVISION OF THE ABOVE PARAGRAPH. ANY INCREASED BENEFITS DUE TO SUCH A RETIRED MEMBER, SHALL BE PAID PROSPECTIVELY FROM THE EFFECTIVE DATE OF THIS ORDINANCE. VARIABLE BENEFITS, IF ANY, PAID TO SUCH A RETIRED MEMBER SHALL NOT BE CHANGED AS A RESULT OF THIS ORDINANCE.

(5) RETURN TO WORK OF MEMBER RETIRED UNDER THIS SUBSECTION. SHOULD A MEMBER RETIRED UNDER THIS SUBSECTION BE RESTORED TO ACTIVE SERVICE, HIS OR HER RETIREMENT ALLOWANCE SHALL CEASE, HE OR SHE SHALL AGAIN BECOME A MEMBER OF THE SYSTEM, AND HE OR SHE SHALL CONTRIBUTE THEREAFTER AT THE SAME RATE PAID PRIOR TO HIS OR HER RETIREMENT. ANY PRIOR SERVICE CERTIFICATE ON THE BASIS OF WHICH A MEMBER'S SERVICE WAS COMPUTED AT THE TIME OF HIS OR HER RETIREMENT SHALL BE RESTORED TO FULL FORCE AND EFFECT AND, IN ADDITION, UPON HIS OR HER SUBSEQUENT RETIREMENT HE OR SHE SHALL BE CREDITED WITH ALL MEMBERSHIP SERVICE.

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

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

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