



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Details (With Text)

File #: 20-0604 **Version:** 0 **Name:** Retirement Systems - Minor Child - Clarification
Type: Ordinance **Status:** Enacted
File created: 9/21/2020 **In control:** City Council
On agenda: **Final action:** 12/2/2020
Enactment date: **Enactment #:** 20-459

Title: Retirement Systems - Minor Child - Clarification
For the purpose of modifying and conforming the definition of minor child, in the Employees' Retirement System law, the Elected Officials' Retirement System law, and the Fire and Police Employees' Retirement System law.

Sponsors: City Council President (Administration)

Indexes: Minors, Retirement Systems

Code sections:

Attachments: 1. 20-0604~1st Reader, 2. ERS 20-0604, 3. Meeting Agenda - 20-0604, 4. Finance 20-0604, 5. Law 20-0604, 6. TFED Bill Synopsis 20-0604 FINAL COPY, 7. HR 20-0604, 8. TF&ED - Hearing Notes - CC20-0604(2), 9. Final Minutes - CC 20-0604, 10. 20-0604~3rd Reader, 11. Signed Ordinance 20-0604

Date	Ver.	Action By	Action	Result
12/7/2020	0	Mayor	Signed by Mayor	
11/16/2020	0	City Council	Approved and Sent to the Mayor	
11/2/2020	0	City Council	3rd Reader, for final passage	
11/2/2020	0	Taxation, Finance and Economic Development Committee	Recommended Favorably	
10/29/2020	0	Taxation, Finance and Economic Development Committee	Recommended Favorably	Pass
10/19/2020	0	Taxation, Finance and Economic Development Committee	Scheduled for a Public Hearing	
9/24/2020	0	The City Council	Refer to Dept. of Human Resources	
9/24/2020	0	The City Council	Refer to Dept. of Finance	
9/24/2020	0	The City Council	Refer to City Solicitor	
9/24/2020	0	The City Council	Refer to Employees' Retirement System	
9/24/2020	0	The City Council	Refer to Labor Commissioner	
9/21/2020	0	City Council	Introduced	
9/21/2020	0	City Council	Assigned	

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore Council Bill

Introduced by: The Council President
At the request of: The Administration (Employees' Retirement System)

A Bill Entitled

An Ordinance concerning

Retirement Systems - Minor Child - Clarification

For the purpose of modifying and conforming the definition of minor child, in the Employees' Retirement System law, the Elected Officials' Retirement System law, and the Fire and Police Employees' Retirement System law.

By repealing and reordaining, with amendments

Article 22 - Retirement Systems

Section(s) 6(a)(14), 6(b)(15)(i), 6(b-1)(2)(ii), 6(c)(12)(ii), 6(d)(12)(i), 6(d-1)(2)(ii), 6(f)(8)(ii), 6(f)(9)(ii), 6(f)(10)(ii)(B), 6(h)(4)(ii)(A)2. and (C), 6(i)(2)(i)B.2., 9(m)(1)(ii)(B), 9(o-1)(4)(v)(A)1.B. and 3., 9(o-2)(4)(ii)(B), 9-2(k)(1)(ii)(B), 9-2(m)(4)(v)(A)1.b. and 3., 9-2(n)(4)(ii)(B), 22(e)(1)(ii)(B), 22(g)(2)(i)(B)2., 34(h)(4)(B) and (C), 34(i)(2)(A)(ii)2. and (C), and 34(k)(1)(ii)(B)(iii) and (iv)

Baltimore City Code
(Edition 2000)

By adding

Article 22 - Retirement Systems

Section(s) 1(5), 17A(22), and 30(22)

Baltimore City Code
(Edition 2000)

By repealing

Article 22 - Retirement Systems

Section(s) 34(y) and 47(h)

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

Employees' Retirement System

§ 1. Definitions.

(5) *Minor child.*

“Minor child” means the child of a member, former member, or retiree who has not attained age 22.

§ 6. Benefits.

(a) *Service retirement benefits for any Class A or Class B member who was an employee on or after June 29, 1989.*

- (14) In the event that a member who was an employee on or after June 29, 1989, retires and elects to receive maximum benefits without optional modification later dies and is survived by a spouse to whom the member had been married for a least 1 year immediately prior to retirement, an amount equal to 35% (or such different amount as set forth below) of the allowance said member was receiving shall be paid to such surviving spouse to continue as long as he or she remains unmarried. If there is no such spouse or if the spouse dies or remarries before the youngest unmarried child of said deceased member shall have either attained the age of [18 years or, in the event said child is a full-time student, before he shall have attained the age of] 22 years, then an amount equal to 35% (or such different amount as set forth below) of the allowance said member was receiving shall be paid to such child or children, divided in such manner as the Board of Trustees in its discretion shall determine to continue for the benefit of such child or children until the last child marries, dies or [either attains the age of 18 years or in the event he is a full-time student,] attains the age of 22 years. For members who terminate employment with the City before June 29, 1990, the preceding two sentences shall be read by substituting “33_ %” for “35%” wherever such amounts appear therein.

However, effective June 28, 1992, any eligible surviving spouse, child or children of a member who retired and elected or who will retire and elect the maximum benefit under the above paragraph, shall receive 40% of the allowance the member was receiving.

- (b) *Service retirement benefits for Class A or Class B member who was an employee on or after July 1, 1987, but not after June 28, 1989.*

- (15) (i) If a member who was an employee on or after July 1, 1987, but not after June 28, 1989, retires and elects to receive maximum benefits without optional modification later dies and is survived by a spouse to whom the member had been married for at least 1 year immediately prior to retirement, an amount equal to 5% of the allowance the member was receiving shall be paid to the surviving spouse to continue as long as he or she remains unmarried. If there is no surviving spouse or if the spouse dies or remarries before the youngest unmarried child of the deceased member attains age [18 or, if the child is a full-time student, before he or she attains age] 22, then an amount equal to 5% of the allowance the member was receiving shall be paid to the child or children, divided in the manner that the Board of Trustees in its discretion determines, to continue for the benefit of the child or children until the last child marries, dies, or attains age [18 or, if a full-time student,] 22.

- (b-1) *Service retirement benefits for Class A or Class B member who terminated employment on or before June 30, 1987.*

- (2) *Survivorship benefits for members who selected maximum benefits and die on or after April 1, 2001.*

- (ii) If there is no surviving spouse or if the spouse dies or remarries before the youngest unmarried child of the deceased member attains age [18 or, if the child is a full-time student, before he or she attains age] 22, then an amount equal to 40% of the allowance the member was receiving shall be paid to the child or children, divided in the manner that the Board of Trustees in its discretion determines, to continue for the benefit of the child or children until the last child marries, dies, or attains [either age 18 or, if a full-time student,] age 22.

- (c) *Non-line-of-duty disability retirement benefit for any Class A or Class B member who was an employee on or after June 29, 1989.*

- (12) (ii) If there is no eligible surviving spouse or if the spouse dies or remarries before the youngest unmarried child of the deceased member has attained the age of [18 years or, if the child is a full-time student, before he or she has attained the age of] 22 years, then an amount equal to

35% (or such different amount as set forth below) of the allowance that the member was receiving shall be paid to the child or children, divided in the manner that the Board of Trustees in its discretion determines, to continue for the benefit of the child or children until the last child marries, dies, or attains [either age 18 or, if a full-time student,] age 22.

(d) *Ordinary disability retirement benefit for Class A or Class B member who was an employee on or after July 1, 1987, but not after June 28, 1989.*

- (12) (i) If a member who was an employee on or after July 1, 1987, but not after June 28, 1989, retires and elects to receive maximum benefits without optional modification later dies and is survived by a spouse to whom the member had been married for at least 1 year immediately prior to retirement, an amount equal to 5% of the allowance the member was receiving shall be paid to the surviving spouse to continue as long as he or she remains unmarried. If there is no surviving spouse or if the spouse dies or remarries before the youngest unmarried child of the deceased member attains age [18 or, if the child is a full-time student, before he or she attains age] 22, then an amount equal to 5% of the allowance the member was receiving shall be paid to the child or children, divided in the manner that the Board of Trustees in its discretion determines, to continue for the benefit of the child or children until the last child marries, dies, or attains age [18 or, if a full-time student,] 22.

(d-1) *Ordinary disability retirement benefits for Class A or Class B member who terminated employment on or before June 30, 1987.*

(2) *Survivorship benefits for members who selected maximum benefits and die on or after April 1, 2001.*

- (ii) If there is no surviving spouse or if the spouse dies or remarries before the youngest unmarried child of the deceased member attains age [18 or, if the child is a full-time student, before he or she attains age] 22, then an amount equal to 40% of the allowance the member was receiving shall be paid to the child or children, divided in the manner that the Board of Trustees in its discretion determines, to continue for the benefit of the child or children until the last child marries, dies, or attains [either age 18 or, if a full-time student,] age 22.

(f) *Allowance on line-of-duty disability retirement.*

- (8) (ii) If there is no eligible surviving spouse or if the spouse dies or remarries before the youngest unmarried child of the deceased member attains age [18 or, if the child is a full-time student, before he or she attains age] 22, then an amount equal to 5% of the allowance the member was receiving shall be paid to the child or children, divided in the manner that the Board of Trustees in its discretion determines, to continue for the benefit of the child or children until the last child marries, dies, or attains [either age 18 or, if a full-time student,] age 22.
- (9)(ii) If there is no eligible surviving spouse or if the spouse dies or remarries before the youngest unmarried child of the deceased member has attained the age of [18 years or, if the child is a full-time student, before he or she has attained the age of] 22 years, then an amount equal to 35% (or such different amount as set forth below) of the allowance that the member was receiving shall be paid to the child or children, divided in the manner that the Board of Trustees in its discretion determines, to continue for the benefit of the child or children until the last child marries, dies, or attains [either age 18 or, if a full-time student,] age 22.

(10) *Survivorship benefits for beneficiaries of members who terminated employment on or before June 30, 1987 and selected maximum benefits.*

(ii) *Members who die on or after April 1, 2001.*

(B) If there is no eligible surviving spouse or if the spouse dies or remarries before the youngest unmarried child of the deceased member attains age [18 or, if the child is a full-time student, before he or she attains age] 22, then an amount equal to 40% of the allowance the member was receiving shall be paid to the child or children, divided in the manner that the Board of Trustees in its discretion determines, to continue for the benefit of the child or children until the last child marries, dies, or attains [either age 18 or, if a full-time student,] age 22.

(h) *Non-line-of-duty death benefit.*

(4) *40% survivorship death benefit.*

(ii) This benefit shall be paid:

(A) to the member's designated beneficiary, as long as that designated beneficiary is limited to:

...

2. the member's unmarried minor children, to be paid to each child in equal shares, until that child marries or is no longer a minor, as defined in § [47(h)] 1(5) of this article; or

...

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

(i) *Line-of-duty death benefit.*

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

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

B. a pension of 100% of the member's current compensation:

...

2. if there is no surviving spouse or if the surviving spouse dies or remarries, to the member's minor children to be paid to each child, in equal shares, until that child is no longer minor, as defined in § [47(h)] 1(5) of this article; or

...

§ 9. Class C Membership.

(m) *Method of payment.*

(1) *Maximum retirement allowance.*

(ii) *Retired member's death - In general.*

...

(B) if there is no qualifying surviving spouse or if the surviving spouse remarries before age 70 or dies, then the benefit shall be paid to the surviving spouse's minor children, in equal shares, to continue until the children are no longer minors, as defined in § [47(h)] 1(5) of this article.

...

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

(4) *40% survivorship death benefit.*

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

(A) The benefit shall be paid as follows:

1. to the member's designated beneficiary, if that designated beneficiary is:

...

B. the member's minor children, to be paid to each child, in equal shares, until that child is no longer a minor, as defined in § [47(h)] 1(5) of this article;

...

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

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

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

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

...

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

...

(B) the member's minor children, to be paid to each child, in equal shares,

until that child is no longer a minor, as defined in § [47(h)] 1(5) of this article, if:

...

§ 9-2. Class D membership.

(k) *Method of payment.*

(1) *Maximum retirement allowance.*

...

(ii) *Retired member's death - In general.*

...

(B) if there is no qualifying surviving spouse or if the surviving spouse remarries before age 70 or dies, then the benefit shall be paid to the retired member's minor children, in equal shares, to continue until the children are no longer minors, as defined in § [47(h)] 1(5) of this article.

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

(4) *40% survivorship death benefit.*

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

(A) The benefit shall be paid as follows:

1. to the member's designated beneficiary, if that designated beneficiary is:

...
b. the member's minor children, to be paid to each child, in equal shares, until that child is no longer a minor, as defined in § [47(h)] 1(5) of this article;

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

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

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

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

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

...
(B) the member's minor children, to be paid to each child in equal shares until that child is no longer a minor, as defined in § [47(h)] 1(5) of this article, if:

... .

Elected Officials' Retirement System

§ 17A. Definitions.

...
(22) *Minor child.*

"Minor child" means the child of a member, former member, or retiree who has not attained age 22.

§ 22. Benefits.

(e) *Method of payment.*

(1) *Maximum retirement allowance.*

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

...
(B) if there is no qualifying surviving spouse or if the surviving spouse

remarries before age 70 or dies, then the benefit shall be paid to the retired member's minor children, in equal shares, to continue until the children are no longer minors, as defined in § [47(h)] 17A(22) of this article.

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

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

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

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

2. if there is no surviving spouse or if the surviving spouse remarries before age 70 or dies, to the member's minor children to be paid to each child, in equal shares, until that child is no longer a minor, as defined in § [47(h)] 17A(22) of this article;

...

Fire and Police Employees Retirement System

§ 30. Definitions.

In this subtitle, unless a different meaning is plainly required by the context, the following words and phrases have the meanings indicated:

...

(22) "Minor child" means the child of a member, former member, or retiree who has not attained age 22.

§ 34. Benefits.

(h) *Non-line-of-duty death benefit.*

(4) *25% plus death benefit.*

...
(B) This benefit shall be paid:

(i) to the member's designated beneficiary, as long as that designated beneficiary is limited to:

1. the member's surviving spouse, to continue for life or until remarriage; or
2. the member's minor children, to be paid to each child, in equal shares, until that child is no longer minor, as defined in § [47(h)] 30(22) of this article; or

(ii) if the designated beneficiary is not the member's spouse or minor child, as defined in § [47(h)] 30(22) of this article, and that beneficiary predeceases the member, or if there is no designated beneficiary, then to the member's surviving spouse, to continue for life or until remarriage, if the member was married to that spouse for at least 1 year immediately before the date of the member's death; or

- (iii) if there is no qualifying surviving spouse under subparagraph (B)(i) or (ii), or if the surviving spouse dies or remarries, then to the member's minor children, to be paid to each child, in equal shares, until that child is no longer minor, as defined in § [47(h)] 30(22) of this article.

(C) For purposes of this paragraph (4), when a member's child is no longer a minor, as defined in § [47(h)] 30(22) of this article, and consequently ceases to receive benefits under this paragraph (4), each remaining minor child shall begin to receive, in addition to his or her existing benefit, an equal share of the benefit formerly paid to the other child. This process continues until the member's youngest child is no longer a minor.

...

(i) *Line-of-duty death benefit.*

...

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

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

...

- (ii) a pension of 100% of the member's current compensation, *to be paid as follows, regardless of whom the member designated as beneficiary:*

- ...
- 2. if there is no surviving spouse or if the surviving spouse dies, to the member's minor children to be paid to each child, in equal shares, until that child is no longer minor, as defined in § [47(h)] 30(22) of this article;

...

(C) For purposes of this paragraph (2), when a member's child is no longer a minor, as defined in § [47(h)] 30(22) of this article, and consequently ceases to receive benefits under this paragraph (2), each remaining minor child shall begin to receive, in addition to his or her existing benefit, an equal share of the benefit formerly paid to the other child. This process continues until the member's youngest child is no longer a minor.

...

(k) *Retirement payment options.*

(1) *Maximum retirement allowance.*

...

(ii) *Retired member's death - In general.*

As of the 1st day of the calendar month following the death of a retired member who is receiving this maximum retirement allowance, the following beneficiaries are entitled to receive periodic payments in an amount equal to 50% of the periodic payment that the retired member was receiving at the time of his or her death:

- ...
- (B) if there is no qualifying surviving spouse or if the surviving spouse remarries before age 70 or dies, then the benefit shall be paid to the retired member's minor children, in equal shares, to continue until the children are no longer minors, as defined in § [47(h)] 30(22) of this article.

(iii) *Retired member's death - Share of minor child who attains majority.*

For purposes of this paragraph, when a retired member's child is no longer a

minor, as defined in § [47(h)] 30(22) of this article, and consequently ceases to receive benefits under this paragraph, each remaining minor child shall begin to receive, in addition to his or her existing benefit, an equal share of the benefit formerly paid to the other child. This process continues until the youngest child is no longer a minor.

(iv) *Retired member's death - Before contributions and DROP or DROP 2 account recovered.*

If a retired member who is receiving the maximum retirement allowance dies before the member has received in annuity payments a sum equal to the amount of his or her accumulated contributions and DROP or DROP 2 account at the time of retirement, and if there is no qualifying surviving spouse or minor child, as defined in § [47(h)] 30(22) of this article, entitled to receive further benefits as a result of the member's death, the difference between the amount of the deceased member's accumulated contributions and DROP or DROP 2 account at the time of his or her retirement and the sum of the annuity payments that he or she had received during his or her lifetime shall be paid in the form of a lump-sum cash payment as follows:

...

[(y) *Retroactive payment of full-time student benefits.*

The Board of Trustees shall establish rules and regulations governing deferral of payments to minor children over 18 years of age until their full-time student status has been verified.]

General Provisions

§ 47. Definitions.

...
[(h) *Minor child.*]

[(1) For purposes of § 34 of this article, "minor child" means the child of a member,
former member, or retiree who has not attained age 22.]

the [(ii) if the child is a full-time student, as verified to the satisfaction of
Executive Director in accordance with policies set by the Board of
Trustees, has not attained age 22.]

[(2) For purposes of §§ 9, 9.2, and 22 of this article, "minor child" means the
child of a member, former member, or retiree who:]

[(i) has not attained age 18; or]

Executive [(ii) if the child is a student, as verified to the satisfaction of the
Director in accordance with policies set by the Board of Trustees, has not

attained age 22.]

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 30th day after the date it is enacted.