

**PERTAINING TO THE FOURTEENTH AMENDMENT OF THE
CALVERT COUNTY SHERIFF'S OFFICE PENSION PLAN**

WHEREAS, the Board of County Commissioners of Calvert County, Maryland (the "County"), approved Ordinance No. 50-10 which adopted the Calvert County Sheriff's Office Pension Plan (the "Plan"), as amended and restated effective as of July 1, 2010;

WHEREAS, the Plan has been subsequently amended by Ordinance Numbers: 28-13; 09-15; 28-15; 12-16; 36-16; 19-17; 20-17; 36-17; 44-17; 51-17; 05-18; 49-20; and 50-20;

WHEREAS, the County now desires to amend the Plan to: (1) distinguish the concepts of year of eligibility service and year of benefit service; and (2) specify how a participant's final average earnings is calculated if the participant is on unpaid leave; and

WHEREAS, Section 14.1 of the Plan authorizes the County to amend the Plan from time to time.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the Plan be amended and hereby is amended by deleting Section 1.17 in its entirety and substituting the following new Section 1.17 in its place:

"Final Average Earnings" shall mean the arithmetic average of the Member's Applicable Compensation, as determined by the County, for that thirty-six (36) consecutive month period of employment, out of the Member's final sixty (60) months of employment, which produces the highest sum; or the average Applicable Compensation for any Member with less than thirty-six (36) months of continuous employment. If a Member is on unpaid leave on the last day of a given month, the Member's rate of pay for that month is equal to the rate of pay for the last preceding month when the Member was not on unpaid leave on the last day. For purposes of calculating Final Average Earnings, Applicable Compensation for a given month shall be defined as the Member's base rate of pay on the last day of that month.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the Plan be amended and hereby is amended by deleting Section 1.30 in its entirety and substituting the following new Section 1.30 in its place:

"Year of Benefit Service" shall have the following meanings when used in this Plan:

- (a) For Members hired prior to July 1, 1989, Years of Benefit Service shall mean the number of years and months of service equal to the total of the following periods of service:
 - (i) Service, subsequent to June 30, 1989, as an Eligible Class Employee with the County while a Member of this Plan and while making Member contributions required by this Plan pursuant to Article XI and/or permitted by this Plan pursuant to Section 1.30(d).

- (ii) Service protected by the Uniformed Services Employment and Reemployment Rights Act of 1994 or any other law, while on an active duty in the armed forces of the United States, except that, unless otherwise required by law, any such service may not exceed a total of four (4) years.
 - (iii) Service while a Member of the State of Maryland Employees Retirement System if the Employee on June 30, 1989 is currently an active Member of the Maryland Employees Retirement System and if said System transfers to the Fund the accumulated contributions of such Employee and the amount of reserve in said System resulting from contributions of the County on account of such Employee.
 - (iv) Service while a Member of the State of Maryland Employees Pension System and, if applicable, the State of Maryland Employees Retirement System, if the Employee on June 30, 1989 is currently participating in the Maryland Employees Pension System and if said System transfers to the Fund the amount of reserve in said System resulting from contributions on account of such Employee. Furthermore, the Employee must elect in writing to make payment or payments into the Fund equal to 5% of all compensation received while a member of the Retirement or Pension System brought forward to June 30, 1989 with 4% interest. Payment schedules of up to four (4) years may be instituted. In lieu of making the full amount of the above payment or payments, a Member may elect to make payment or payments of 0%, 25%, 50% or 75% of the full amount. If such an election is made, Years of Benefit Service granted under this item (iv) will be reduced by 25%, 18.75%, 12.5% or 6.25%, respectively for purposes of calculating benefits from the Plan.
- (b) For Members hired subsequent to June 30, 1989, Years of Benefit Service shall mean the number of years and months of service as an Eligible Class Employee, including:
- (i) any U.S. military service protected by the Uniformed Services Employment and Reemployment Rights Act of 1994 or any other law, provided the individual returned to employment and plan participation within three (3) months after separation from military service, or such longer period during which the Member's employment rights are protected by law,
 - (ii) any approved Excused Absence of not more than twelve (12) months, except that an Excused Absence without pay on or after September 1, 2000 is subject to the provisions of Section 1.30(d),
 - (iii) upon the Member's completion of ten (10) Years of Benefit Service under subparagraph 1.30(b) (excluding service credited pursuant to this subparagraph 1.30(b)(iii)), the Member's service, while on active duty in the armed forces of the United States, excluding service credited

under subparagraph 1.30(b)(i) above, except that any such service credited under this subparagraph 1.30(b)(iii) shall not exceed a total of four (4) years reduced (but not below zero) by the service credit, if any, granted to the Member under subparagraph 1.30(b)(ii),

- (iv) in the case of a Member who, before becoming an Eligible Class Employee, was an Employee participating in the Calvert County Employees Retirement Plan and who elects to transfer the Member's Accrued Benefit under the Calvert County Employees Retirement Plan to this Plan pursuant to Section 2.5, the Member's Years of Benefit Service shall include for all purposes under this Plan the years of creditable service credited under that other plan,
 - (v) in the case of a Member who, within no more than three (3) years before becoming an Eligible Class Employee, was employed as a certified law enforcement or correctional officer in another jurisdiction and had successfully completed an entry level law enforcement or corrections training program either within the State of Maryland or recognized by the Calvert County Sheriff's Office as meeting the required standards for the State of Maryland program, the Member's Years of Benefit Service shall include the years of prior service credit purchased by the Member pursuant to Section 1.31(c).
- (c) In addition, at Normal or Deferred Retirement, a Member may convert unused sick leave into Years of Benefit Service with twenty (20) days of unused sick leave equaling one (1) month of Benefit Service. Unused sick leave credit is an addition to the Member's Years of Benefit Service for purposes of calculating benefits only and shall not be used to qualify for any benefits from this Plan.
- (d) Special Service Rules. Years of Benefit Service shall not be credited during an Excused Absence without pay on or after September 1, 2000. Notwithstanding the preceding sentence, an Eligible Class Employee who returns to active employment after an Excused Absence without pay, may elect to pay over to the Plan in one lump sum payment, at any time after return from that Excused Absence without pay, and before the Member's termination date, an amount equal to the Member contributions that the Member would have been required to make pursuant to Article XI had he or she continued receiving pay during the Excused Absence (based on what the Member's per-pay compensation would have been in the last paycheck prior to the Excused Absence had the Member worked regularly-scheduled hours), and, upon full payment of those Member contributions, the Member shall be credited with Years of Benefit Service credit for the period of the Excused Absence without pay, but for no more than two (2) years' credit.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the Plan be amended and hereby is amended by inserting the following new Section 1.31 and renumbering the current Section 1.31 appropriately:

“Year of Eligibility Service” shall have the following meanings when used in this Plan:

- (a) For Members hired prior to July 1, 1989, Years of Eligibility Service shall mean the number of years of elapsed time as an Eligible Class Employee, determined as follows:
 - (i) Service, subsequent to June 30, 1989, as an Eligible Class Employee with the County while a Member of this Plan and while making Member contributions required by this Plan pursuant to Article XI.
 - (ii) Service protected by the Uniformed Services Employment and Reemployment Rights Act of 1994 or any other law, while on an active duty in the armed forces of the United States, except that, unless otherwise required by law, any such service may not exceed a total of four (4) years.
 - (iii) Service while a Member of the State of Maryland Employees Retirement System if the Employee on June 30, 1989 is currently an active Member of the Maryland Employees Retirement System and if said System transfers to the Fund the accumulated contributions of such Employee and the amount of reserve in said System resulting from contributions of the County on account of such Employee.
 - (iv) Service while a Member of the State of Maryland Employees Pension System and, if applicable, the State of Maryland Employees Retirement System, if the Employee on June 30, 1989 is currently participating in the Maryland Employees Pension System.
 - (v) Service of an Employee while employed as a policeman, deputy or Correctional Officer for any municipality and while not a member in the State of Maryland Employees Retirement or Pension System if such service was earned while the Member was not employed by the Calvert County Sheriff's Office. Years of Eligibility Service earned pursuant to this item (v) shall count towards eligibility for any and all benefits from this Plan.
- (b) For Members hired subsequent to June 30, 1989, Years of Eligibility Service shall mean the number of years and months of elapsed time as an Eligible Class Employee, including:
 - (i) any U.S. military service protected by the Uniformed Services Employment and Reemployment Rights Act of 1994 or any other law, provided the individual returned to employment and plan participation within three (3) months after separation from military service, or such

longer period during which the Member's employment rights are protected by law,

- (ii) upon the Member's completion of ten (10) Years of Eligibility Service under subparagraph 1.31(b) (excluding service credited pursuant to this subparagraph 1.31(b)(ii)), the Member's service, while on active duty in the armed forces of the United States, excluding service credited under subparagraph 1.31(b)(i) above, except that any such service credited under this subparagraph 1.31(b)(ii) shall not exceed a total of four (4) years,
 - (iii) in the case of a Member who, before becoming an Eligible Class Employee, was an Employee participating in the Calvert County Employees Retirement Plan and who elects to transfer the Member's Accrued Benefit under the Calvert County Employees Retirement Plan to this Plan pursuant to Section 2.5, the Member's Years of Eligibility Service shall include for all purposes under this Plan the years of eligibility service credited under that other plan, and
 - (iv) in the case of a Member who, before becoming an Eligible Class Employee, was an Employee participating in the Calvert County Employees Retirement Savings Plan, the Member's Years of Eligibility Service under this Plan for vesting purposes shall include the years of eligibility service credited to under the Calvert County Employees Retirement Savings Plan.
 - (v) in the case of a Member who, within no more than three (3) years before becoming an Eligible Class Employee, was employed as a certified law enforcement or correctional officer in another jurisdiction and had successfully completed an entry level law enforcement or corrections training program either within the State of Maryland or recognized by the Calvert County Sheriff's Office as meeting the required standards for the State of Maryland program, the Member's Years of Eligibility Service shall include the years of prior service credit purchased by the Member pursuant to Section 1.31(c), below.
- (c) Purchase of Prior Law Enforcement Service. A Member who qualifies to purchase prior service under Section 1.31(b)(v), above, may purchase at least one (1) and not more than three (3) Years of Benefit and Eligibility Service corresponding to a continuous period of whole years and months of prior service as a law enforcement or correctional officer in another jurisdiction, which period ended no more than three years before the date the Member becomes an Eligible Class Employee, provided that for a Member hired after October 18, 2016, the number of Years of Benefit and Eligibility Service purchased under this Section 1.31(c) shall be reduced (not below zero) by any service credit granted to the Member for military service under Sections 1.30(b)(iii) and 1.31(b)(ii), respectively, above. The

service credit purchased under this Section 1.31(c) shall be credited to the Member at the later of (1) the date the applicable purchase price is completely paid to the Plan or (2) in the case of a Member who is an Active Member on the effective date of this Section 1.31(c), the later of that effective date or the date the Member completes twenty (20) Years of Eligibility Service (ignoring service credited under Section 1.31(b)(ii) and this Section 1.31(c)) and, in the case of a Member who became an Eligible Class Employee after the effective date of this Section 1.31(c), the date the Member completes twenty-five (25) Years of Eligibility Service (ignoring service credited under Section 1.31(b)(ii) and this Section 1.31(c)). The applicable purchase price for the prior service credit under this section shall be 8% of the amount that would equal the Member's initial base salary in effect when the Member became an Eligible Class Member paid over a period of ten (10) years from the date of hire. The purchase price shall be paid to the Plan pursuant to procedures established by the Plan Administrator and may be paid: in one or more lump sum cash payments; by payroll deduction; by the surrender of unused paid leave; by the transfer of amounts credited to the Member in the Calvert County, Maryland Deferred Compensation Plan for Public Employees 457 Governmental Plan and Trust; or any combination of those payment methods. The surrender of unused, paid leave as a means of payment, in whole or in part, of the purchase price for Years of Eligibility Service shall be in accordance with Chapter 86 of the Code of Public Local Laws of Calvert County, Maryland. Amounts paid by the Member toward the prior service credit shall be deemed Employee Contributions for all purposes of the Plan and shall be credited with the interest described in Section 11.2. Notwithstanding anything to the contrary, in the event the Member's status as an Active Member terminates before the prior service credit under this Section 1.31(c) has been credited to the Member, the Employee Contributions paid to purchase that service credit shall immediately be returned to the Member with the interest provided under Section 11.2. In the event the Member withdraws the Employee Contributions made under this Section 1.31(c) pursuant to Section 7.4, the prior service credit that has been or would have been credited to the Member under this section shall be cancelled. If the Member is reemployed as an Eligible Class Employee and repays those Employee Contributions with interest as described in Section 11.2, the prior service credit under this Section 1.31(c) shall be restored.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the Plan be amended and hereby is amended by deleting Section 3.1 in its entirety and substituting the following new Section 3.1 in its place:

Subject to the provisions of Article XIV, a Member's Accrued Benefit shall be equal to the sum of (A) plus (B), where:

(A) is equal to 2.4% percent of the Member's Final Average Earnings times Years of Benefit Service up to twenty (20), and

(B) is equal to 2% percent of the Member's Final Average Earnings times Years of Benefit Service in excess of twenty (20) and up to thirty-one (31).

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the Plan be amended and hereby is amended by deleting Section 4.1 in its entirety and substituting the following new Section 4.1 in its place:

"Normal Retirement Date" shall mean the first day of the month coincident with or next following the Member's fifty-fifth (55th) birthday or completion of twenty-five (25) Years of Eligibility Service, whichever is earlier.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the Plan be amended and hereby is amended by deleting Section 5.2 in its entirety and substituting the following new Section 5.2 in its place:

Any Member who incurs a Total Disability (while an Eligible Class Employee) not in the line of active duty for the Sheriff's Office of Calvert County after completing at least five (5) Years of Eligibility Service shall be eligible to receive a monthly Disability Retirement benefit commencing the first day of the month coincident with or next following the date of Total Disability and payable for life. The monthly Disability Retirement benefit for Members who incur a Total Disability after June 30, 2005 shall equal the sum of (i) 25% of the Member's Final Average Earnings as of the date of Total Disability; and (ii) 1% of the Member's Final Average Earnings as of the date of Total Disability times Years of Benefit Service. The monthly Disability Retirement benefit for Members who incur a Total Disability on or before June 30, 2005 shall equal 25% of the Member's Final Average Earnings as of the date of Total Disability. The provisions of this Section 5.2 are effective as of July 1, 2005.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the Plan be amended and hereby is amended by deleting Section 5.3(a) in its entirety and substituting the following new Section 5.3(a) in its place:

Except as otherwise provided in Section 5.3(b), in the event a disabled Member receiving payments under this Article V recovers from disability prior to the Member's Normal Retirement Date, benefits under this Article shall cease. In this event, the period of disability shall not count as Years of Benefit Service nor shall it constitute a break in Years of Eligibility Service. The Pension Committee may verify by medical examination at any time whether a Member who is receiving a Disability Retirement Pension due to Total Disability has ceased to be totally disabled. If any such Member should refuse to permit such examination, such refusal shall be justification for the determination that the Total Disability no longer exists. The Pension Committee may also request at any time from a Member who is receiving a Disability Retirement Pension due to Total Severe Disability verification of that Member's continued entitlement to total and permanent

disability benefits under the Federal Social Security Act. If any such Member shall fail to provide evidence of continued entitlement to disability benefits under the Federal Social Security Act, such failure shall be justification for the determination that the Total Severe Disability no longer exists.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the Plan be amended and hereby is amended by deleting Section 7.1(a) in its entirety and substituting the following new Section 7.1(a) in its place:

If a Member ceases to be an Employee, he shall be entitled to a vested interest in the Member's Accrued Benefit to the date of such termination or break in Years of Eligibility Service as specified in the table below:

<u>Member's Years of Eligibility Service</u>	<u>Vested Percentage</u>
Fewer than 5 years	0%
5 years but less than 6 years	50%
6 years but less than 7 years	55%
7 years but less than 8 years	60%
8 years but less than 9 years	65%
9 years but less than 10 years	70%
10 years but less than 11 years	75%
11 years but less than 12 years	80%
12 years but less than 13 years	85%
13 years but less than 14 years	90%
14 years but less than 15 years	95%
15 or more years	100%

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the Plan be amended and hereby is amended by deleting Section 7.2 in its entirety and substituting the following new Section 7.2 in its place:

If a former Member or Vested Member once again becomes an Employee, the Member's Years of Eligibility Service and Years of Benefit Service shall be cumulative with the Member's former Accrued Benefit being replaced except as below and as provided in Section 10.2(a)(2):

If the Member, at the time of the break in Years of Eligibility Service, has no vested interest, and has incurred a break in Years of Eligibility Service or a series of consecutive breaks in Years of Eligibility Service equal to or exceeding the greater of:

- (1) his prior Years of Eligibility Service, or

(2) five (5) years,

then the Member's period of prior service shall be disregarded for all purposes under the Plan.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the Plan be amended and hereby is amended by deleting Section 10.2(a)(1) in its entirety and substituting the following new Section 10.2(a)(1) in its place:

Any Former Member who (i) received a distribution of Employee Contributions plus interest upon termination pursuant to Section 7.4, (ii) is subsequently reemployed by the County as an Eligible Class Employee, and (iii) is again admitted to membership in the Plan shall be permitted to repay the distribution he received earlier with interest at the rate of 5% from the date of distribution to the date of repayment. If this repayment of Employee Contributions is not made, then any Accrued Benefit to which the Member is subsequently entitled based on Years of Benefit Service prior to the date of reemployment shall be reduced by the actuarial value of the Employee Contributions and interest he previously received.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the Plan be amended and hereby is amended by deleting Section 11.2 in its entirety and substituting the following new Section 11.2 in its place:

Effective for each pay period beginning after August 9, 2017:

- (a) Except as provided in subparagraph (b) below, each Member of the Plan shall contribute to the Fund with respect to each pay period during which he or she is an Active Member, an amount equal to eight percent (8%) of the Member's Applicable Compensation with respect to such pay period. The Member shall be fully vested in these contributions at all times. Any Member on an Excused Absence with pay shall continue to make Employee Contributions, in which he or she shall continue to be credited with Years of Benefit Service. Employee Contributions will be credited with interest thereon from the last day of the Plan Year in which the contributions are made to the end of the month preceding termination of employment, or, where the Member has elected a return of Employee Contributions, the date of that return, at the rate of five percent (5%) per annum or such other rate as may be determined by the Pension Committee from time to time.
- (b) An Active Member who has been credited with thirty-one (31) Years of Benefit Service has no obligation to, and may not, contribute to the Fund any portion of the Member's Applicable Compensation with respect to any pay period beginning after the later of the foregoing effective date or the date he or she is credited with thirty-one (31) Years of Benefit Service.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the Plan be amended and hereby is amended by deleting Section C.6(b)(1) in its entirety and substituting the following new Section C.6(b)(1) in its place:

Solely for purposes of calculating a DROP Participant's Accrued Benefit under the Plan, the DROP Participant's Final Average Earnings and Years of Benefit Service will be determined as if the DROP Participant's employment had terminated as of the beginning date of the DROP Participation Period.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

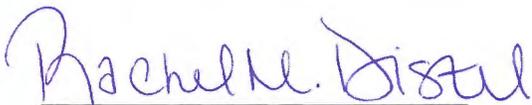
BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are hereby incorporated and adopted as if fully set forth.

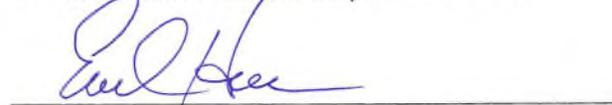
BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be effective upon recordation and publication of a fair summary.

DONE, this 25th day of May, 2021, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**


Rachel M. Distel, Clerk


Earl F. "Buddy" Hance, President

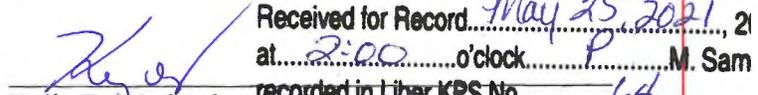

Steven R. Weems, Vice President

Approved for Form and Legal
Sufficiency:


Mike Hart


Thomas E. "Tim" Hutchins

By: 
Paolo Pasicolan, Plan Attorney


Kelly D. McConkey
Received for Record May 25, 2021, 21
at 2:00 o'clock P. M. Sam
recorded in Liber KPS No. 64
Folio 23 COUNTY COMMISSIO
ORDINANCES AND RESOLUTION.

