

ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2023 LEGISLATIVE SESSION

LEGISLATIVE DAY NO. 11

LEGISLATIVE BILL 2023-05

INTRODUCED BY: The President of the Council at the request of the County Executive.

AN ACT TO AMEND THE WICOMICO COUNTY CODE, CHAPTER 59 – PERSONNEL RULES, SECTION 59-15 – ACCIDENTAL DISABILITY BENEFIT.

WHEREAS, the County Executive and the Human Resources Department recommend changes to the County Code, Chapter 59 – Personnel Rules, to amend Section 59-15 (c) regarding accidental disability payments to coordinate language with the Wicomico County Pension Plan and the Wicomico County Collective Bargaining Agreement with the Wicomico County Fraternal Order of Police, Lodge #111; and

WHEREAS, the County Council endorses the amendment to Chapter 59 – Personnel Rules, Section 59-15 regarding accidental disability payments.

NOW, THEREFORE, UPON THE RECOMMENDATION OF THE COUNTY EXECUTIVE AND THE DIRECTOR OF HUMAN RESOURCES;

SECTION I: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that:

1. The Wicomico County Code, Chapter 59 – Personnel Rules, Section 59-15 (c) is amended to read:

CHAPTER 59 – PERSONNEL RULES

Section 59-15

C. Accidental disability payment. Subject to the terms of the applicable collective bargaining agreement, ~~the amount of each monthly accidental disability payment will equal the amount determined in Subsection C(1) reduced by any amount received by the member in Subsection C(2) and (3) below:~~

~~(1) Sixty six and two thirds percent of the member's final average earnings, as defined in the retirement plan for employees of Wicomico County and the Board of Education of Wicomico County.~~

~~(2) Any related workers' compensation benefits, and any other income replacement benefits funded in whole or in part by the employer, such as sickness and accident payment benefits, short term disability, long term disability, sick pay or salary continuation benefits paid or payable after the effective date of the certified accidental disability benefit determination by the Medical Advisory Board and the Trustee's subcommittee, provided that such benefits:~~

- ~~(a) Are paid or payable while an accidental disability benefit is paid or payable; and~~

~~(b) Are for personal injury or illness arising out of and in the course of the member's employment with the employer.~~

~~(c) An amount equivalent to net earnings received from secondary employment (after taking into account deductions for applicable taxes) up to a maximum of \$15,000 during any calendar year. The member shall account to the County Department of Human Resources for all sources of secondary employment income.~~

THE AMOUNT OF EACH MONTHLY ACCIDENTAL DISABILITY BENEFIT PAYMENT WILL EQUAL THE AMOUNT DETERMINED IN SUBSECTION (I) REDUCED BY ANY AMOUNT RECEIVED BY THE MEMBER IN SUBSECTION (II) BELOW:

(I) 66.67% OF THE MEMBER'S FINAL AVERAGE EARNINGS.

(II) ANY RELATED WORKERS' COMPENSATION BENEFITS, PAID OR PAYABLE AFTER THE EFFECTIVE DATE OF THE CERTIFIED ACCIDENTAL DISABILITY BENEFIT DETERMINATION BY THE MEDICAL ADVISORY BOARD, PROVIDED THAT SUCH BENEFITS:

(A) ARE PAID OR PAYABLE WHILE AN ACCIDENTAL DISABILITY BENEFIT IS PAID OR PAYABLE; AND

(B) ARE FOR PERSONAL INJURY OR ILLNESS ARISING OUT OF AND IN THE COURSE OF THE MEMBER'S EMPLOYMENT WITH THE EMPLOYER.

ANY WORKER'S COMPENSATION BENEFITS PAID OR PAYABLE PRIOR TO THE EFFECTIVE DATE OF THE CERTIFIED ACCIDENTAL DISABILITY BENEFIT SHALL NOT REDUCE THE MEMBER'S MONTHLY ACCIDENTAL DISABILITY BENEFIT PAYMENT AMOUNT.

SECTION II: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that the County Code is hereby amended to include the changes recited in Chapter 59 – Personnel Rules, Section 59-16 (c) set forth above.

SECTION III: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION THAT this bill shall be known as Legislative Bill No. 2023-05 of Wicomico County, Maryland, and shall take effect sixty (60) days after its final passage, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

2023 Legislative Session

Legislative Day No. 11

LEGISLATIVE BILL NO. 2023-05

INTRODUCED BY: President of the Council at the request of the County Executive

Legislative Bill No. 2023-05: An Act to Amend The Wicomico County Code, Chapter 59 – Personnel Rules, Section 59-15 – Accidental Disability Benefit.

Introduced and read first time on June 6, 2023. Ordered posted and public hearing scheduled for July 5, 2023 at 6:00 p.m.

Laura Hurley
Laura Hurley, Council Administrator

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on July 5, 2023.

Laura Hurley
Laura Hurley, Council Administrator

CERTIFICATION: The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 5th day of July, 2023.

Laura Hurley
Laura Hurley, Council Administrator

Presented to the County Executive for approval this 6th day of July at 12:15 p.m. (5 days §411)

Laura Hurley
Laura Hurley, Council Administrator

BY THE COUNTY EXECUTIVE:

[Signature]
County Executive

APPROVED
Date: 7/7/23
(21 days §411)

VETOED
Date: _____

BY THE COUNCIL:

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on July 7, 2023 and effective on: September 5, 2023.
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the County Executive with 21 days of its presentation, stands enacted on _____ and becomes effective on _____.
(60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on _____ and becomes effective on _____. (Charter Section 305)

ENROLLMENT: Legislative Bill No. 2023-05 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

Laura Hurley
Laura Hurley, Council Administrator

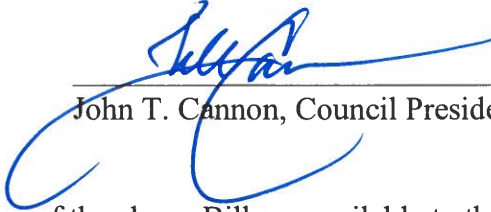
Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 5th day of July, 2023.

ATTEST:

COUNTY COUNCIL OF
WICOMICO COUNTY, MARYLAND




Laura Hurley, Council Administrator



John T. Cannon, Council President (SEAL)

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.



By: Laura Hurley, Council Administrator (SEAL)