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June 5, 2024

D'Andrea L. Walker
County Administrative Officer
400 Washington Avenue
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Israel Patoka
Chair, Baltimore County Council
400 Washington Avenue
Towson, Maryland 21204

Re: OIG Investigative Report - Case No. 24-018

The mission of the Office of the Inspector General (hereafter “the Office”) is to provide increased accountability and oversight in the operations of the Baltimore County Government (hereafter “the County”) by identifying fraud, waste, and abuse, while also striving to find ways to promote efficiency, accountability, and integrity.

In December 2023, the Office received a complaint that the County had improperly rehired four of its retirees into the Baltimore County Police Department (BCPD). The complainant told the Office they had read OIG Investigative Report – Case No. 20-020 (hereafter “the Pension Report”) regarding the County’s rehiring of several of its retired employees in violation of the County Code, and they believed the practice was still ongoing in the BCPD.

After conducting an initial review of the complaint, the Office initiated an investigation. The investigation consisted of interviews and a review of various records. Among the records examined were documents associated with the Pension Report; County Council Bill 22-21, which was passed as a result of the Pension Report; the Baltimore County Code, records from the BCPD, and documents from the Baltimore County Council.

Based on the investigation, the Office determined that the four retirees hired by the BCPD were properly rehired under the conditions set forth by Council Bill 22-21. However, during the course of the investigation, the Office discovered that the required notifications to County Council of such rehires, which are mandated by Council Bill 22-21, were either not occurring or they were deficient. Finally, the Office found that several of the rehired retirees had been employed for a significant amount of time, which is inconsistent with the purpose of the program.

I. Applicable County Ordinance and Related County Code Sections

Listed below are excerpts from Council Bill 22-21 and Baltimore County Code Sections 4-8-101 and 5-1-236. Council Bill 22-21, Baltimore County Code Section 4-8-101, and Baltimore County Code Section 5-1-236 are attached in full as **Exhibit 1**, **Exhibit 2**, and **Exhibit 3** respectively.

Council Bill 22-21

WHEREAS, in May, 2010, the County Council passed Bill 30-10, which amended certain provisions of the Employees Retirement System, including the creation of Section 5-1-306 of the County Code. This section permitted certain members of the Retirement System to retire and return to active service with the County under certain circumstances. If approved, the member could defer receipt of their pension benefit into a deferral account while also receiving compensation during their return to service, and then later receive the proceeds of the deferral account; and

WHEREAS, in September 2017, the Council passed Bill 47-17 in order to repeal the provisions of Section 5-1-306. That Bill took effect 45 days after its enactment, and also contained an uncodified section that permitted a member to continue to receive benefits under Section 5-1-306 if the member had been retired from County service for one year or more prior to returning to active service; and

WHEREAS, also in September 2017, the Council passed Bill 50-17. Bill 50-17 added Section 5-1-236(f) of the County Code, which permitted retirees to return to active service as “seasonal or part-time” employees with the County or the Revenue Authority while also receiving their pension benefit. This Bill was passed to offset the effect of Bill 47-17 and to authorize the County or the Revenue Authority to hire retirees who could also receive pension benefits under certain circumstances. In so doing, Bill 50-17 also gave the Council oversight and reporting requirements over the hiring of retirees for these seasonal or part-time positions, and also required that retirees be retired for at least six months before returning to active service; and

WHEREAS, on October 21, 2020, the Office of the Inspector General (“OIG”) issued Report 20-020. The report detailed the OIG’s investigation, which found that although Section 5-1-306 was repealed by Bill 47-17, there were a number of retirees (51 retirees, 33 of whom were still employed with the County as of the date of the report) that returned to active service and received pension benefits under Section 5-1-306 prior to the effective date of Bill 47-17 or pursuant to the uncodified section of the Bill; and

WHEREAS, the report also identified 20 employees who are receiving both a salary and pension benefits in violation of the County Code, in that they do not meet either the requirements of the uncodified section of Bill 47-17 or the provisions created in Bill 50-17; and

WHEREAS, in light of the findings and recommendations in the OIG report and in order to assist the Administration in developing a program for the return of certain retirees to active service, the County Council believes it is appropriate to remove any ambiguity contained in Bill 47-17, as identified in the OIG report, as well as to clarify the hiring provisions of Section 5-1- 236(f) created in Bill 50-17; now therefore...

... AND BE IT FURTHER ENACTED, that it is the intent of the Act to completely and unequivocally repeal Section 5-1-306 of the County Code and to remove any uncodified exception contained in Bill 47-17 that allowed certain members of the Retirement System, who were retired from County service for at least one year and returned to active service, to continue to receive retirement benefits. Further, it is the intent of this Act that no members of the Retirement System be employed or hired by the County pursuant to Section 5-1-306, and that any such members be hired or re-hired, if applicable, under a program developed in accordance with Section 5-1-236(f) of the County Code as established in Bill 50-17, and as amended by this Act.

Baltimore County Code Section 4-8-101 – Personnel Rules

Rule 1.04 – Seasonal, part-time, or temporary employees are those employees hired to perform seasonal, part-time, or temporary duties.

Rule 8.01 – Seasonal, part-time, or temporary employees are excluded from the classified service, and such employees *shall not enjoy merit system status. Seasonal or temporary employees may not be retained in county employ for a period longer than one (1) year, unless approved after notification to the County Council in accordance with §5-1-236 (f)(4) of the Code.* [emphasis added].

Baltimore County Code Section 5-1-236 – Limitations on Benefits

(f)(1) Subject to paragraphs (2), (3), (4), and (5) of this subsection, a beneficiary of a service retirement benefit under this subtitle who returns to active service with the county may receive the service retirement benefit during the time in which the beneficiary remains in active service if the beneficiary is employed by the county or Revenue Authority as a seasonal or part-time employee.

(f)(2) An eligible beneficiary may be selected for active service by the chief, director, or superintendent of the requesting agency, and may initially be employed as a part-time or seasonal employee for up to one year pursuant to Section 4-8-101, Rule 8.01 of the Code.

(f)(3) At the conclusion of the one-year period, if the agency and the beneficiary desire to continue the part-time or seasonal employment, the beneficiary may enter into an agreement with the county not to exceed an additional one year outlining the terms of the continued part-time or seasonal employment, subject to paragraph (4) of this subsection.

(f)(4) *The members of the County Council shall be notified in writing by the County Administrative Officer if the county and the beneficiary intend to continue the part-time employment beyond the initial one-year period set forth in paragraph (3) of this subsection, including any renewals after the second year. The notification shall include a list of the names of the part-time or seasonal employees, the job title, the number of hours to be worked per week, and a description of the job duties.* [Emphasis added.] The employment agreement may be approved unless within 14 days after receipt of the notification, the county council requests in writing that the agreement, and any renewals thereof, be forwarded to the county council for approval or disapproval at a legislative session.

(f)(5) A service retirement beneficiary who returns to active service with the county under this subsection is not eligible for benefits afforded classified and exempt employees, and

may not credit any part-time active service time to an existing service retirement benefit and may not claim an additional service retirement benefit for this active service time.

II. The Significance of Council Bill 22-21

In the spring of 2021, the County Council unanimously passed Bill 22-21 (hereafter “the Bill”), which updated Section 5-1-236(f) and repealed 5-1-306 of the County Code. The Bill changed certain aspects of the rules governing retired employees who were receiving service retirement benefits, in the form of pension payments, and were returning to County employment on a “part-time” or “seasonal” basis. The changes brought about by the Bill were as follows:

- it increased the maximum amount of time that a seasonal or temporary employee could remain in County service from six months to one year;
- it provided an option for a seasonal or temporary employee to be extended beyond a one-year maximum term provided that such an extension was duly authorized after County Council was notified of the extension;
- it removed the requirement that a retiree, who was returning to County employment on a part-time or seasonal basis, must wait six months after retiring before returning to work for the County;
- it updated language to state that at the end of a rehired retiree’s initial one-year term, if the hiring County agency desired to continue the retiree’s part-time or seasonal employment, their employment term could be extended for up to a maximum of one year at a time as long as the County Administrative Officer notified County Council in writing prior to each of those renewals; and
- it instructed that any notifications sent to County Council from the County Administrative Officer regarding extending a rehired retiree’s employment include the name of the rehired retiree, their job title, the number of hours to be worked per week, and a description of their job duties.

While the Bill alleviated or altered certain restrictions that had been placed on the rehiring of retirees through prior legislation, the Bill kept the mandate that County Council would have oversight over the process through mandatory reporting requirements. Such oversight is critical because, as the Office understands it, the hiring of such employees is intended to be temporary in that the rehired retirees, who are collecting both a pension and salary, are to be utilized in the short-term to fill critical staffing shortages while agencies recruit the necessary talent to permanently fill those vacancies and to ensure that the critical knowledge possessed by the retirees is transferred to less experienced staff.

III. The Resolution of the Complaint

In December 2023, the Office received a complaint that the BCPD had improperly hired four individuals (hereafter “the Subject Employees”), who had retired from the BCPD, such that the Subject Employees were improperly collecting both a salary and a pension from the County. In response, the Office obtained documents from the BCPD related to the rehiring of the Subject

Employees and interviewed one of the managers of the BCPD's Human Services Division about the circumstances surrounding the rehires. Based on the interview and the documents provided, the Office determined that the Subject Employees met the criteria set forth under Section 5-1-236(f) to be rehired as retirees and proper procedures were followed by the Administration in bringing the Subject Employees back onboard to fill positions that were considered "critical" to the BCPD.

IV. Notifications to County Council

During the investigation into the complaint, the Office asked the Secretary to the County Council to provide copies of the notifications the Council had received pursuant to Section 5-1-236(f), as amended by the Bill, regarding two of the Subject Employees who were believed to have been rehired by the BCPD in 2022; and thus, were believed to have been employed as rehired retirees for over a year. Based on the response received from the Secretary, the Office asked the Secretary to provide copies of any and all notifications received by the Council from the Administration since the implementation of Bill 22-21 in the spring of 2021. In response to the Office's request, the Secretary explained that County Council, to the Secretary's knowledge, had only received two notifications from the Administration since Bill 22-21 went into effect. Information about those two notifications is set forth in the following paragraphs.

The first notification (hereafter "Notification #1") was a memorandum from the County Administrative Officer to the Chairman of the County Council titled "Notice of Retired Employees who have Reestablished or have Renewed Employment with Baltimore County Government – Compliance Memorandum (Bill No. 22-21) As of December 31, 2023 – Revised." A copy of Notification #1 is attached as **Exhibit 4**. While Notification #1 was dated January 9, 2023, it should have been dated January 9, 2024 and the listing of the year as 2023 was done in error.

The second notification (hereafter "Notification #2") was also a memorandum from the County Administrative Officer to the Chairman of the County Council. Notification #2, which was dated January 9, 2024, was titled "14-Day Notice – Retired Rehires – Beyond Two-Year Term." A copy of Notification #2 is attached as **Exhibit 5**.

As an initial matter, Notification #1 and Notification #2 do not fully comply with the notification requirements set forth in Section 5-1-236(f). The County Code states "[t]he notification shall include a list of the names of the part-time or seasonal employees, the job title, the number of hours to be worked per week, and a description of the job duties." Because Notification #1 and Notification #2 do not contain the number of hours to be worked by the listed employees or a description of their job duties, they are deficient.

Other Deficiencies with Notification #1 (Exhibit 4)

There are two categories of rehired retirees listed on Notification #1: (1) "Retired Employees who have 'Reestablished Employment' within Baltimore County Government" and (2) "Retired Employees who have been 'Reestablished and are now Renewing for a 2nd Year of Employment' within Baltimore County Government." The first category represents retirees who were rehired sometime between January 2023 and January 2024 and are being renewed for a

second year of employment. The second category represents retirees who were rehired sometime in 2022 and are being renewed for a third year of employment.¹

Of the 45 employees listed in the first category, two of the employees had rehire dates prior to January 9, 2023, which means by the time Notification #1 was sent to County Council on January 9, 2024, those employees were already into their second-year term. Thus, the notice for these two employees was delinquent. In addition, one of the employees had a rehire date of January 17, 2023. Because County Council has “within 14 days after receipt of the notification” to request in writing that an agreement between the County and a retiree, or subsequent renewals of such an agreement, be forwarded to Council for approval or disapproval at a legislative session, the Council would have needed to receive notice of this employee’s one-year renewal by no later than January 3, 2024, which did not happen.

Of the 24 employees listed in the second category, 23 of them, all of whom were rehired by the County in 2022, never had a one-year notice sent to County Council in 2023, as required under Section 5-1-236(f). In addition, five of the 24 employees were rehired by the County on or before January 18, 2022. Thus, the two-year notice for these five rehires should have been received by County Council on or before January 4, 2024 when factoring in the 14-day review period. Because Notification #1 is dated January 9, 2024, all five of these second-year renewals were delinquent.

Other Deficiencies with Notification #2 (Exhibit 5)

Notification #2 to County Council is a request to extend the services of 39 rehired retirees “beyond the initial two-year term of appointment as required by sub-section (4) of Bill 22-21.” It should be noted that the document contains a “Retiree Rehire Commencement Date” of May 3, 2021 for 32 of the 39 employees, which is the date that Bill 22-21 was passed and not the actual date these 32 employees returned to employment with Baltimore County, which in most cases, was much earlier. It should also be noted that several of these 32 employees were subjects of the Pension Report. Regardless, even if one went by the dates as listed on Notification #2, all 39 of these rehired retirees would have returned to County service over two years ago as of the date of the notice. Thus, this request by the Administration to extend the service of these rehired retirees “Beyond [their] Two-Year Term,” is delinquent. In fact, there were also never any one-year notices sent to County Council for any of these 39 employees.

V. The Spirit of the Bill

During the April 13, 2021 work session of the County Council during which aspects of the Bill were discussed, the County Administrative Officer testified that the Bill is not intended to “have positions into perpetuity where the person retires, has a pension, and then becomes a part-time employee forever... [t]hese programs were not designed for that.” The County Administrative Officer also stated during their testimony that the intent of the Bill is to have rehired retirees “be on board no longer than two years.” Based on the Bill’s intent, the Office expected that the majority, if not all, of the rehired retirees, who are considered to be “temporary” employees by the County, would be employed by the County for a limited period of time, absent special circumstances. However, in the case of 38 of the 39 rehired retirees listed on Notification #2, all

¹ One of the rehired retirees listed in the second category was actually rehired by the County on October 3, 2023, and therefore, would have been more appropriately listed in the first category.

of whom are collecting a salary and a pension from the County, many have been re-employed by the County for well over two years.²

To illustrate how long many of the rehired retirees have been re-employed by the County, the Office composed a chart that shows the date of rehire as listed on Notification #2, which is what was submitted by the Administration to County Council, and the date of rehire per Workday, which is the official human resource platform used by the County. The chart is attached to the report as **Exhibit 6**. Using the data from the column titled “Date of Rehire per Human Resource Records (Workday)” from Exhibit 6, the Office summarized the number of rehired retirees based on the number of years they have been re-employed by the County as of January 9, 2024, which is the date of Notification #2. The summary is as follows:

Number of Rehired Retirees Per Notification #2	Number of Years of “Temporary” Employment
9	2 to 3 years
1	3 to 4 years
1	4 to 5 years
3	5 to 6 years
12	6 to 7 years
2	7 to 8 years
10	Over 8 years
Total Rehired Retirees = 38	

As seen in the above chart, 24 of the 38 active rehired retirees listed on Notification #2, which is about 63%, have been “temporarily” re-employed by the County for six or more years. In addition, more than a quarter of the employees (10 of the 38) have been back with the County for over eight years.

VI. Conclusion

While the Office was not able to substantiate that the Subject Employees were improperly re-hired into the BCPD as alleged, the Office did, during the course of its investigation, identify deficiencies on the part of the Administration in its notifications to County Council as to the rehiring of retirees in accordance with the requirements set forth under Section 5-1-236(f)(4). The Office also found, as highlighted in the chart in the prior section of the report, that the Administration has allowed a number of retirees to return to County service, such that they have been collecting both their County pension and a County salary, for numerous years, which is not in keeping with the spirit of the Bill and the concept that these rehired retirees are “temporary” employees.

While the Office understands the challenges associated with filling certain types of positions within County government and the need to incentivize retirees to transfer their institutional knowledge to a younger generation of County employees, the retiree rehire program was only intended to be a stop-gap for the Administration and not a mechanism that allows retired


² It should be noted that while Notification #2 lists 39 rehired retirees, one of the employees is no longer working for the County as of the date of this report.

employees to collect both a pension and salary from the County for numerous years. Accordingly, the Office makes the following recommendations:

- the notification from the Administration to County Council needs to be updated to include the number of hours to be worked by the rehired retiree and a description of their job duties, as required under Section 5-1-236(f)(4);
- the Administration should consider changing its notification to County Council under Section 5-1-236(f)(4) from what is now a wholesale annual notification to one that is done on a rolling basis, such as monthly or quarterly;
- the Administration should devise a plan, to be submitted to County Council for review and approval, as to how it intends to deal with the dozens of rehired retirees who have now been re-employed by the County for more than two years, which is contrary to the purpose of the program;
- the County Council should consider amending the Code such that any rehired retiree, who is to be re-employed by the County for longer than two years, must be approved by County Council; and
- the language in County Code Section 4-8-101 (Rule 8.01) and County Code Section 5-1-236(f)(2) should be updated so that they are consistent as to terminology as the former uses “seasonal and temporary employees” and the latter uses “part-time or seasonal employee” when referring to individuals who may be employed for up to one year.

This matter is being referred to you for an official response. Please respond in writing by July 5, 2024. In the response, please indicate what actions have been taken or what actions you intend to take regarding this matter. If those actions include personnel matters, please include that information as well. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Kelly Madigan

Inspector General

Office of the Inspector General

cc: John A. Olszewski, Jr., County Executive
Dori Henry, Chief of Staff
James R. Benjamin, Jr., County Attorney
Renee Coleman, Director, Office of Human Resources
Thomas Bostwick, Secretary, County Council

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2021, Legislative Day No. 6

Bill No. 22-21

Councilmembers Quirk and Marks

By the County Council, March 15, 2021

A BILL
ENTITLED

AN ACT concerning

Employees Retirement System

FOR the purpose of repealing certain uncodified language from Bill 47-17 that permits certain retired beneficiaries of the retirement system to return to active service and continue to receive service retirement benefits; repealing a separate section of the County Code that requires a retired beneficiary to be retired for a certain period before the retired beneficiary is authorized to return to active service as a seasonal or part time employee and receive a service retirement benefit under certain circumstances; amending the period for which a seasonal or temporary employee may be retained, including the period for which a retired beneficiary may be retained; and generally relating to the Personnel Rules and the Employees Retirement System.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

Exhibit 1

BY repealing

Section 3 of Bill 47-17

BY repealing and re-enacting, with amendments

Section 4-8-101, Rule 8.01
Article 4 – Human Resources
Title 8 – The Personnel Rules
Baltimore County Code, 2015

BY repealing and re-enacting, with amendments

Section 5-1-236(f)(~~5~~)
Article 5 – Pensions and Retirement
Title 1 – Employees Retirement System
Subtitle 2 – Retirement System
Baltimore County Code, 2015

WHEREAS, in May, 2010, the County Council passed Bill 30-10, which amended certain provisions of the Employees Retirement System, including the creation of Section 5-1-306 of the County Code. This section permitted certain members of the Retirement System to retire and return to active service with the County under certain circumstances. If approved, the member could defer receipt of their pension benefit into a deferral account while also receiving compensation during their return to service, and then later receive the proceeds of the deferral account; and

WHEREAS, in September 2017, the Council passed Bill 47-17 in order to repeal the provisions of Section 5-1-306. That Bill took effect 45 days after its enactment, and also contained an uncodified section that permitted a member to continue to receive benefits under Section 5-1-306 if the member had been retired from County service for one year or more prior to returning to active service; and

WHEREAS, also in September 2017, the Council passed Bill 50-17. Bill 50-17 added

Section 5-1-236(f) of the County Code, which permitted retirees to return to active service as “seasonal or part-time” employees with the County or the Revenue Authority while also receiving their pension benefit. This Bill was passed to offset the effect of Bill 47-17 and to authorize the County or the Revenue Authority to hire retirees who could also receive pension benefits under certain circumstances. In so doing, Bill 50-17 also gave the Council oversight and reporting requirements over the hiring of retirees for these seasonal or part-time positions, and also required that retirees be retired for at least six months before returning to active service; and

WHEREAS, on October 21, 2020, the Office of the Inspector General (“OIG”) issued Report 20-020. The report detailed the OIG’s investigation, which found that although Section 5-1-306 was repealed by Bill 47-17, there were a number of retirees (51 retirees, 33 of whom were still employed with the County as of the date of the report) that returned to active service and received pension benefits under Section 5-1-306 prior to the effective date of Bill 47-17 or pursuant to the uncodified section of the Bill; and

WHEREAS, the report also identified 20 employees who are receiving both a salary and pension benefits in violation of the County Code, in that they do not meet either the requirements of the uncodified section of Bill 47-17 or the provisions created in Bill 50-17; and

WHEREAS, in light of the findings and recommendations in the OIG report and in order to assist the Administration in developing a program for the return of certain retirees to active service, the County Council believes it is appropriate to remove any ambiguity contained in Bill 47-17, as identified in the OIG report, as well as to clarify the hiring provisions of Section 5-1-236(f) created in Bill 50-17; now therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 3 of Bill 47-17 is hereby repealed and ~~Section~~ Sections
3 4-8-101, Rule 8.01 and 5-1-236(f)(5) of the Baltimore County Code ~~is~~ are hereby repealed and
4 re-enacted as follows:

5
6 BILL 47-17

7 [SECTION 3. AND BE IT FURTHER ENACTED, that, the repeal of Section 5-1-306 of
8 the Code shall not apply, and shall be of no effect, to benefits conferred to a member under that
9 section who was retired from county service for one year or more prior to returning to active
10 service.]

11
12 ARTICLE 4 – HUMAN RESOURCES

13 Title 8 – The Personnel Rules

14 § 4-8-101. Personnel Rules.

15 Rule 8. Seasonal, Part-Time, or Temporary Employees

16 Rule 8.01. Seasonal, part-time, or temporary employees are excluded from the classified
17 service, and such employees shall not enjoy merit system status. Seasonal or temporary
18 employees may not be retained in county employ for a period longer than [six (6) months] ONE
19 (1) YEAR, UNLESS APPROVED AFTER NOTIFICATION TO THE COUNTY COUNCIL IN
20 ACCORDANCE WITH § 5-1-236(F)(4) OF THE CODE. Except for part-time 30 to 39 hour
21 employees, part-time employees shall be granted pro rata vacation and sick leave allowances in
22 accordance with a pro rata schedule developed by the Director of Human Resources.

1 ARTICLE 5 – PENSIONS AND RETIREMENT

2 Title 1 – Employees Retirement System

3 Subtitle 2 – Retirement System

4
5 § 5-1-236. Limitations on Benefits.

6 (f) (1) Subject to paragraphs (2), (3), (4), and (5) of this subsection, a beneficiary of
7 a service retirement benefit under this subtitle who returns to active service with the county may
8 receive the service retirement benefit during the time in which the beneficiary remains in active
9 service if the beneficiary is employed by the county or Revenue Authority as a seasonal or part-
10 time employee.

11 (2) An eligible beneficiary may be selected for active service by the chief,
12 director, or superintendent of the requesting agency, and may initially be employed as a part-time
13 OR SEASONAL employee for up to [six months] ONE YEAR pursuant to Section 4-8-101,
14 Rule 8.01 of the Code.

15 (3) At the conclusion of the [six month] ONE YEAR period, if the agency and
16 the beneficiary desire to continue the part-time OR SEASONAL employment, the beneficiary
17 may enter into an agreement with the county not to exceed AN ADDITIONAL one year
18 outlining the terms of THE continued part-time OR SEASONAL employment, SUBJECT TO
19 PARAGRAPH (4) OF THIS SUBSECTION.

20 (4) The members of the county council shall be notified in writing [that an
21 agency] BY THE COUNTY ADMINISTRATIVE OFFICER IF THE COUNTY AND THE
22 BENEFICIARY [intends] INTEND to continue the part-time employment BEYOND THE
23 INITIAL ONE YEAR PERIOD SET FORTH IN PARAGRAPH (3) OF THIS SUBSECTION.

1 including any renewals [of the initial one year term] AFTER THE SECOND YEAR. The
2 notification shall include a list of the names of the part-time OR SEASONAL employees, the job
3 title, the number of hours to be worked per week, and a description of the job duties. The
4 employment agreement may be approved unless within 14 days after receipt of the notification,
5 the county council requests in writing that the agreement, and any renewals thereof, be
6 forwarded to the county council for approval or disapproval at a legislative session.

7 (5) [i] A SERVICE RETIREMENT beneficiary who returns to active service
8 with the county under this subsection is not eligible for benefits afforded classified and exempt
9 employees, and may not credit any part-time active service time to an existing service retirement
10 benefit and may not claim an additional service retirement benefit for this active service time.

11 [(ii) Except for a person selected under this subsection prior to the effective date
12 of this act, a beneficiary who returns to active service must have been retired from the county for
13 a period of not less than six months.]

14
15 SECTION 2. AND BE IT FURTHER ENACTED, that it is the intent of this Act to
16 completely and unequivocally repeal Section 5-1-306 of the County Code and to remove any
17 uncodified exception contained in Bill 47-17 that allowed certain members of the Retirement
18 System, who were retired from County service for at least one year and returned to active
19 service, to continue to receive retirement benefits. Further, it is the intent of this Act that no
20 members of the Retirement System be employed or hired by the County pursuant to Section 5-1-
21 306, and that any such members be hired or re-hired, if applicable, under a program developed in
22 accordance with Section 5-1-236(f) of the County Code as established in Bill 50-17, and as
23 amended by this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by
2 the affirmative vote of five members of the County Council, shall take effect on May 3, 2021.

§ 4-8-101. PERSONNEL RULES.

Rule 1. Definitions

Rule 1.04. Seasonal, part-time, or temporary employees are those employees hired to perform seasonal, part-time, or temporary duties.

Rule 8. Seasonal, Part-Time, or Temporary Employees

Rule 8.01. Seasonal, part-time, or temporary employees are excluded from the classified service, and such employees shall not enjoy merit system status. Seasonal or temporary employees may not be retained in county employ for a period longer than one (1) year, unless approved after notification to the County Council in accordance with § 5-1-236(f)(4) of the Code. Except for part-time 30 to 39 hour employees, part-time employees shall be granted pro rata vacation and sick leave allowances in accordance with a pro rata schedule developed by the Director of Human Resources.

§ 5-1-236. LIMITATIONS ON BENEFITS.

- (a) Notwithstanding anything to the contrary in this subtitle, the limitations on benefits shall apply as provided in this section.
 - (b) For years beginning after 1988, the earnable compensation, for purposes of computing benefits may not exceed the maximum dollar limitation specified in § 401(a)(17) of the Internal Revenue Code as adjusted from time to time by the Secretary of the Treasury in accordance with § 401(a)(17)(B) of the Internal Revenue Code; provided however for a member who first established membership before July 1, 1996, the compensation for computing benefits shall be determined in accordance with § 13212(d)(3) of the Omnibus Budget Reconciliation Act of 1993.
 - (c) (1) (i) 1. In addition to other limitations set forth in this subtitle, the aggregate annual benefit to which a member is entitled under this subtitle and Subtitle 3 of this title may not, in any calendar year, which shall be the "limitation year," exceed the applicable limitations of § 415 of the Internal Revenue Code and the regulations adopted under § 415 of the Internal Revenue Code.
 - 2. As applicable, the Board of Trustees shall determine an amortization schedule for the benefit paid under Subtitle 3 of this title for the purposes of this subsection.
 - (ii) If the benefit payable under this subtitle and Subtitle 3 of this title would, but for subparagraph (i) of this paragraph, exceed the limitations of § 415 of the Internal Revenue Code by reason of a benefit payable under another defined benefit plan aggregated with the retirement plan under § 414(f) of the Internal Revenue Code, the benefit under the retirement system shall be reduced only after all reductions have been made under the other plan.
 - (iii) As of January 1 of each calendar year commencing on or after January 1, 2009, the dollar limitation as determined by the Commissioner of Internal Revenue for that calendar year shall become effective as the maximum permissible dollar amount of benefit payable under the retirement system during that calendar year.
 - (2) (i) The compensation to be used for purposes of applying the applicable limitations under § 415 of the Internal Revenue Code with respect to any member shall mean compensation from the employer and all affiliated employers required to be aggregated with the employer under § 414(f) of the Internal Revenue Code as defined in U.S. Treasury Department Regulation § 1.415(c)-2(d)(4) (i.e., information to required to be reported under § 6041, 6051 and 6052 ("W-2 pay") of the Internal Revenue Code plus amounts that would be included in wages but for an election under § 125(a), § 132(f)(4), § 402(e)(3), § 402(h)(1)(B), § 402(k), § 403(b), or § 457(b) of the Internal Revenue Code.
 - (ii) For limitation years beginning on or after July 1, 2007, the preceding definition of compensation shall be modified as required under the provisions of U.S. Treasury Department Regulation § 1.415(c)-2(e) and shall include all amounts permitted to be recognized under the provisions of U.S. Treasury Regulation § 1.415(c)-2(e)(3).
 - (iii) Compensation may not exceed the limitation on compensation under § 401(a)(17) of the Internal Revenue Code.
- (d) A beneficiary of a service retirement benefit under this subtitle who returns to active service with the county may receive the service retirement benefit during the time in which the beneficiary remains in the active service if the beneficiary is employed by the board of education as:
 - (1) A school bus driver; or
 - (2) A safety manager in the Office of School Safety.

Exhibit 3

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- (e) (1) Subject to paragraphs (2) and (3) of this subsection, a retired county police officer who is a beneficiary of a service retirement benefit under this subtitle who returns to active service with the county as a uniformed security officer to provide security for county owned, rented, occupied or leased buildings and properties may receive the service retirement benefit during the time in which the beneficiary remains in the active service of the county.
- (2) A beneficiary who returns to active service with the county under this paragraph shall at all times be a special police officer in good standing as defined in Title 3, Subtitle 3 of the Public Safety Article of the Annotated Code of Maryland.
- (3) A beneficiary who returns to active service with the county under this paragraph may not credit any uniformed security officer active service time to an existing service retirement benefit and may not claim an additional service retirement benefit for this active service time.
- (f) (1) Subject to paragraphs (2), (3), (4), and (5) of this subsection, a beneficiary of a service retirement benefit under this subtitle who returns to active service with the county may receive the service retirement benefit during the time in which the beneficiary remains in active service if the beneficiary is employed by the county or Revenue Authority as a seasonal or part-time employee.
- (2) An eligible beneficiary may be selected for active service by the chief, director, or superintendent of the requesting agency, and may initially be employed as a part-time or seasonal employee for up to one year pursuant to Section 4-8-101, Rule 8.01 of the Code.
- (3) At the conclusion of the one year period, if the agency and the beneficiary desire to continue the part-time or seasonal employment, the beneficiary may enter into an agreement with the county not to exceed an additional one year outlining the terms of the continued part-time or seasonal employment, subject to paragraph (4) of this subsection.
- (4) The members of the County Council shall be notified in writing by the County Administrative Officer if the county and the beneficiary intend to continue the part-time employment beyond the initial one year period set forth in paragraph (3) of this subsection, including any renewals after the second year. The notification shall include a list of the names of the part-time or seasonal employees, the job title, the number of hours to be worked per week, and a description of the job duties. The employment agreement may be approved unless within 14 days after receipt of the notification, the county council requests in writing that the agreement, and any renewals thereof, be forwarded to the county council for approval or disapproval at a legislative session.
- (5) A service retirement beneficiary who returns to active service with the county under this subsection is not eligible for benefits afforded classified and exempt employees, and may not credit any part-time active service time to an existing service retirement benefit and may not claim an additional service retirement benefit for this active service time.

(1988 Code, § 23-66) (Bill No. 90-99, § 1, 11-5-1999; Bill No. 73-01, § 1, 9-10-2001; Bill No. 32-03, § 1, 6-30-2002, 7-1-2004; Bill No. 114-04, 1, 11-28-2004; Bill No. 30-10, § 2, 7-1-2010; Bill No. 50-17, § 1, 9-18-2017; Bill No. 22-21, § 1, 5-3-2021; Bill No. 34-23, § 1, 7-1-2023)

Editor's note:

Section 2 of Bill No. 22-21, effective May 3, 2021, states "it is the intent of this Act to completely and unequivocally repeal Section 5-1-306 of the County Code and to remove any uncodified exception contained in Bill 47-17 that allowed certain members of the Retirement System, who were retired from County service for at least one year and returned to active service, to continue to receive retirement benefits. Further, it is the intent of this Act that no members of the Retirement System be employed or hired by the County pursuant to Section 5-1-306, and that any such members be hired or re-hired, if applicable, under a program developed in accordance with Section 5-1-236(f) of the County Code as established in Bill 50-17, and as amended by this Act.




JOHN A. OLSZEWSKI, JR.
County Executive

STACY L. RODGERS
County Administrative Officer

MEMORANDUM

TO: The Honorable Israel Patoka
Chairman
Baltimore County Council

FROM: 
Stacy L. Rodgers
County Administrative Officer

DATE: January 9, 2023

SUBJECT: Notice of Retired Employees who have Reestablished or have Renewed Employment with Baltimore County Government – Compliance Memorandum (Bill No. 22-21) As of December 31, 2023.

Pursuant to Baltimore County Council Bill No. 22-21, Employees Retirement System and in accordance with Article 5- Pensions and Retirement § 5-1-236 (f) of the Code to amend the “term and process” for rehiring Baltimore County Government Retirees (also referred to as retiree rehires), the Critical Review Process was created to allow Department and Office heads the ability to request to:

- 1.) Rehire a retiree as a seasonal or temporary employee for up to one (1) year “term,” or
- 2.) Renew a retiree rehire for a second (2) year “term,” upon notification of the County Council at a legislative session, by repealing and reenacting certain provisions of Sections 5-1-236(f) of the Code.

The retiree rehires are provided an initial appointment letter outlining the terms and conditions of their temporary re-employment status to include, but not be limited to, the following information: assignment location, appointment commencement and anticipated termination date, work hours, position status and compensation rate, etc.

Please find attached herewith a summary of retired employees who have been rehired or have a renewed (extended term appointment) within Baltimore County Government under these terms, Fiscal Years 2023 and 2024, as of December 2023. The rehired employees’ tenure will continue to be tracked to ensure compliance with the provisions of the legislation. All requests for rehiring retirees are reviewed on a case-by-case basis, approved by the Director of Human Resources and the Director of Budget & Finance, and presented for my review and approval. The Retired Rehires provide critical support to County operations.

Please let me know if you have questions or need further clarification. As always, thank you and the Council’s support of the Retired Rehire Program.

cc: Thomas Bostwick, Secretary of County Council
Dori Henry, Chief of Staff
James Benjamin, County Attorney
Renee Coleman, Acting Director, Office of Human Resources
Kevin Reed, Director, Office of Budget and Finance
Shronda Evans, HR Liaison, Office of the County Administrator

**County Retired Rehires Annual Report
January 9, 2023**

**Retired Employees who have "Reestablished Employment" within Baltimore County Government
(January 2023 - December 2024)**

First Name	Last Name	Class Code	Class Title	Department/Unit	Date of Retirement	Date of Rehire	End of 1st Term
		10.555	Police Assistant	Police-Security Officer	6/30/1995	11/20/2023	11/20/2024
		10.555	Police Assistant	Police-Background	9/18/2022	11/6/2023	11/6/2024
		10.555	Police Assistant	Police-Prof. Standards	12/1/2023	1/13/2024	1/13/2025
		10.555	Police Assistant	Police-Operations	11/1/2023	1/13/2024	1/13/2025
		NM.100	Administrative Lead	OBF-Budget	2/1/2023	3/1/2023	12/31/2024
		10.536	Crossing Guard	School Crossing Guard	7/1/2022	3/14/2023	3/14/2024
		10.555	Police Assistant	Police-Prof. Standards	12/16/2023	1/13/2024	1/13/2025
		10.555	Police Assistant	Police-Criminal Invest.	7/1/2017	1/13/2024	1/13/2025
		10.555	Police Assistant	Police-Range Instruction	12/28/2019	4/10/2023	4/10/2024
		1.411	HR Analyst I	Police-PHR	9/24/2021	4/24/2023	4/24/2024
		NM.142	Correctional Officer Assistant	Corrections	10/1/2021	4/3/2023	4/3/2024
		10.555	Police Assistant	Police-Security Officer	5/6/2017	12/6/2023	12/6/2023
		10.555	Police Assistant	Police-Background	5/1/2015	3/13/2023	3/13/2024
		NM.139	Medical Record Reviewer	Health	12/10/2022	10/20/2023	10/20/2024
		NM.146	Temp Support II-Fire Dispatcher	911 Center	5/2/2023	7/8/2023	7/8/2024
		10.536	Crossing Guard	School Crossing Guard	1/17/2023	1/8/2023	1/8/2024
		10.555	Police Assistant	Police-Operations	1/1/2021	5/22/2023	5/22/2024
		10.555	Police Assistant	Police Assistant	7/1/2022	3/13/2023	3/13/2024
		NM.142	Correctional Officer Assistant	Corrections	1/1/2021	3/20/2023	3/20/2024
		10.555	Police Assistant	Police-Security Officer	10/16/1992	12/6/2023	12/6/2024
		NM.103	Admin. Officer-Budget	Police-Budget	6/3/2023	9/11/2023	9/11/2024
		10.555	Police Assistant	Police-Prof. Standards	3/25/2017	1/13/2024	1/13/2025
		10.555	Police Assistant	Police-Security Officer	9/17/2019	12/6/2023	12/6/2024
		10.555	Police Assistant	Police-Prof. Standards	12/1/2023	1/13/2024	1/13/2025
		10.536	Crossing Guard	School Crossing Guards	7/25/1995	1/3/2023	1/3/2024
		10.555	Police Assistant	Police-Operations	7/1/2023	1/13/2024	1/13/2025
		2.407	Engineer III	DPWT	4/7/2023	4/10/2023	4/10/2024
		10.555	Police Assistant	Police-Traffic	10/18/2022	3/27/2023	3/27/2024
		10.555	Police Assistant	Police-Criminal Invest.	7/1/2023	1/13/2024	1/13/2025
		10.555	Police Assistant	Police-Prof. Standards	12/23/2022	1/13/2024	1/13/2025
		10.555	Police Assistant	Police-SVU Cold Case	5/1/2021	8/14/2023	8/14/2024
		10.536	Crossing Guard	School Crossing Guards	3/9/2017	1/31/2023	1/31/2024
		10.555	Police Assistant	Police-Operations	11/1/2023	1/13/2024	1/13/2025
		10.536	Crossing Guard	School Crossing Guard	7/13/2019	1/17/2023	1/17/2024
		10.536	Crossing Guard	School Crossing Guards	6/18/2016	3/14/2023	3/14/2024
		10.555	Police Assistant	Police-Operations	7/1/2023	1/13/2024	1/13/2025
		10.555	Police Assistant	Police-Background	7/1/2022	2/27/2023	2/27/2024

**County Retired Rehires Annual Report
January 9, 2023**

First Name	Last Name	Class Code	Class Title	Department/Unit	Date of Retirement	Date of Rehire	End of 1st Term
		10.555	Police Assistant	Police-Background	10/1/2022	3/27/2023	3/27/2024
		10.555	Police Assistant	Police-Range Instruction	12/27/2022	4/10/2023	4/10/2024
		10.555	Police Assistant	Police-Prof. Standards	10/16/2023	1/13/2024	1/13/2025
		10.536	Crossing Guard	School Crossing Guards	2/5/2017	2/28/2023	2/28/2024
		NM.142	Correctional Officer Assistant	Corrections	12/30/2022	7/24/2023	7/24/2024

1. Retired Employees Who have been "Reestablished and are now Renewing for a 2nd Year of Employment" within Baltimore County Government (as of December 2023)

First Name	Last Name	Class Code	Class Title	Department/Unit	Date of Retirement	Date of Rehire	End of 1st Term	End of 2nd Term
		10.555	Police Assistant	Police-Background	1/1/2022	1/18/2022	1/18/2023	1/18/2024
		NM.102	Management Assistant	OHR	10/9/2021	2/22/2022	2/22/2023	2/23/2024
		NM.142	Correctional Officer Assistant	Corrections	12/24/2021	5/31/2022	5/31/2023	5/31/2024
		1.182	PHR Director	Police-PHR	1/8/2022	9/15/2022	1/24/2023	1/24/2024
		10.555	Police Assistant	Police-BWC Proc.	12/17/2022	2/14/2022	2/14/2023	2/14/2024
		NM.142	Correctional Officer Assistant	Corrections	1/18/2020	2/7/2022	2/7/2023	6/30/2024
		10.555	Police Assistant	Police-Background	1/1/2022	1/31/2022	1/31/2023	1/31/2024
		10.555	Police Assistant	Police-Background	7/1/2022	8/29/2022	8/29/2023	8/29/2024
		10.555	Police Assistant	Police-Facilities	1/1/2022	1/18/2022	1/18/2023	1/18/2024
		1.551	Specialist Officer II	Sheriff	3/11/2022	3/14/2022	3/13/2023	3/13/2024
		NM.146	Temp Support II-Fire Dispatcher	911 Center	7/9/2022	9/3/2022	9/3/2023	9/3/2024
		NM.145	Nurse Practitioner	Health	7/1/2022	8/23/2022	7/31/2023	7/31/2024
		NM.146	Temp Support II-Fire Dispatcher	911 Center	9/4/2021	1/7/2022	1/7/2023	1/7/2024
		NM.142	Correctional Officer Assistant	Corrections	9/30/2021	1/10/2022	1/10/2023	6/30/2024
		10.555	Police Assistant	Police-Evidence	3/1/1996	3/20/2022	3/20/2023	3/20/2024
		10.555	Police Assistant	Police-Security Guard	3/1/2022	5/11/2022	5/11/2023	5/11/2024
		10.555	Police Assistant	Police-Background	6/2/2020	8/1/2022	8/1/2023	8/1/2024
		1.905	Liquor License Inspector	Liquor	10/3/2022	10/3/2023	10/3/2024	
		10.555	Police Assistant	Police-BWC Proc.	7/1/2022	8/15/2022	8/15/2023	8/15/2024
		10.605	Deputy Sheriff	Sheriff	9/3/2022	9/19/2022	9/19/2023	9/19/2024
		10.555	Police Assistant	Police-Range Inst.	6/2/2020	8/15/2022	8/15/2023	8/15/2024
		10.555	Police Assistant	Police-BWC Proc.	1/29/2022	5/3/2022	5/3/2023	5/3/2024
		1.405	HR Assistant	Police-HR Asst.	12/31/2021	3/28/2022	1/30/2023	1/30/2024
		10.555	Police Assistant	Police-Background	12/25/2021	1/18/2022	1/18/2023	1/18/2024



JOHN A. OLSZEWSKI, JR.
County Executive

STACY L. RODGERS
County Administrative Officer

MEMORANDUM

TO: Israel Patoka, Chairman, Baltimore County Council
Stacy L. Rodgers

FROM: Stacy L. Rodgers, County Administrative Officer

DATE: January 9, 2024

SUBJECT: 14-Day Notice – Retired Rehires – Beyond Two-Year Term

Pursuant to Baltimore County Council Bill No. 22-21, Employees Retirement System and in accordance with Article 5-Pensions and Retirement § 5-1-236 (4) please find below the County's Retiree Rehires that we request extension of their services beyond the initial two-year term of appointment as required by sub-section (4) of Bill 22-21.

As reflected in the summary, the vast majority of our current retiree rehire assistance is with our Public Safety Departments. These departments continue to have significant vacancies and would have difficulty carrying out their operational responsibilities without the assistance of the retired rehires.

Retired rehires assist with a broad range of support across the government. This assistance is critical to departmental operations at this time. The Departments are working aggressively to fill vacancies and to complete critical knowledge transfer activities with departmental staff.

If you have questions or need additional information, I am happy to talk with you further.

Thank you in advance for your review and assistance.

cc: Thomas Bostwick, Secretary of County Council
Lauren Smelkinson, County Auditor
Dori Henry, Chief of Staff
Elisabeth Sachs, Deputy Administrative Officer
Sameer Sidh, Senior Deputy Administrative Officer
Rebecca Young, Deputy Administrative Officer
James R. Benjamin, Jr., County Attorney
Renee Coleman, Acting Director, Office of Human Resources
Kevin Reed, Director, Office of Budget, and Finance

CORRECTIONS

We are in need of continuing Retiree Rehires due to the number of vacancies within the department. These retiree rehires assist Departments that have division staff shortages to catch up on everyday tasks and duties. We are requesting the following Retiree Rehires to be continued for an additional year.

Name	Assignment	Retiree Rehire Commencement Date	Request Extension to Date
[REDACTED]	Correctional Officer Assistant	05/03/2021	11/30/2024
[REDACTED]	Correctional Officer Assistant	05/03/2021	11/30/2024
[REDACTED]	Correctional Officer Assistant	05/03/2021	11/30/2024
[REDACTED]	Correctional Officer Assistant	05/03/2021	11/30/2024
[REDACTED]	Correctional Officer Assistant	05/03/2021	11/30/2024
[REDACTED]	Correctional Officer Assistant	05/03/2021	11/30/2024
[REDACTED]	Correctional Officer Assistant	05/03/2021	11/30/2024
[REDACTED]	Correctional Officer Assistant	05/03/2021	11/30/2024

HEALTH

We are requesting to have [REDACTED] return for a 3rd term serving as an HR Specialist within the HHS/Human Resources Division. Her role will include conducting recruitments, vacancy management for the Bureau of Behavioral Health and assisting with additional programs as needed. The overall goal is to reduce the number of vacancies within the Health Department over the next year. [REDACTED] has the historical knowledge of County recruitment and class/comp. rules to assist with this goal. We are requesting [REDACTED] to continue for an additional year.

Name	Assignment	Retiree Rehire Commencement Date	Request Extension to Date
[REDACTED]	Human Resources Specialist	02/01/2020	12/26/2024

LIQUOR

We are requesting to have [REDACTED] go into his 3rd term as the Liquor License Inspector. The department has a vacant position open that is causing extra coverage from current inspectors performing the same duties.

Name	Assignment	Retiree Rehire Commencement Date	Request Extension to Date
[REDACTED]	Liquor License Inspector	5/3/2021	7/31/2024

14 Day-Letter
Retiree Rehires

OBF

Payroll Services is a critical operation. While we have migrated to a new HRM and payroll system we still have significant need for expertise in using the legacy system. Further Pay Services needs a full staff to maintain sufficient redundancy to guarantee continuity of operations.

Name	Assignment	Retiree Rehire Commencement Date	Request Extension to Date
[REDACTED]	Office Administrator I	12/03/2021	12/03/2024

OHR

Due to the recent vacancies (2) in HRIS and pending personnel FMLA leave (2), continued support from [REDACTED] is needed. This includes gathering and transferring critical institutional knowledge on processes in anticipation of the aforementioned impact to the workload for HRIS/HCM. Additionally, continued transitional support is needed to assist with the ongoing conversion records between the legacy system and the newly implemented Workday Human Resources system.

Name	Assignment	Retiree Rehire Commencement Date	Request Extension to Date
[REDACTED]	Management Assistant PT	08/02/2021	08/02/2024
[REDACTED]	Management Assistant PT	08/02/2021	08/02/2024
[REDACTED]	Management Assistant PT	04/19/2021	04/19/2024

POLICE

RECRUITMENT FOR POLICE ASSISTANTS:

The Police Department, through the Office of Human Resources (OHR), continuously recruits and accepts applications for the position of Police Assistant. The minimum qualification for Police Assistant is very specific in that it requires the applicant be retired from a sworn (police officer, firefighter or EMS provider) position. Baltimore County accepts applicants from other jurisdiction police or fire departments. However, other jurisdictions also hire into similar positions for retired sworn police and fire, therefore impacting the overall applicant pool. Qualified applicants bring a unique set of public safety skills and experience to the various assignments throughout the Department and upon hire are able to contribute to the mission of the Department without extensive training. Often these positions provide support and perform duties that would otherwise be assigned to full-duty sworn Police Officers, or highly specialized and difficult to fill civilian public safety positions. Assistance provided by Retired Rehires are critical for the effective operations of the Department.

Background Investigation: Police Assistants assigned to the Police Employment Section conduct extensive background investigations for applicants for Police Officers, Police Cadets and essential civilian positions supporting the County's Public Safety services. Each investigator is assigned to several cases and are at varying stages of completion. The length of time for an investigation to be completed is six (6) weeks to six (6) months, and sometimes longer, depending upon the complexity of the applicant's prior employment and life experiences.

14 Day-Letter
 Retiree Rehires

Evidence Management, Court Liaison, and Summons Server: Police Assistants assigned to these positions are responsible for duties that would otherwise be assigned to full-duty Police Officers.

Security Team: Police Assistants assigned to these positions that would otherwise be assigned to a full-time Security Officer, a difficult to fill job classification. Recruitment for Security Officer is ongoing in cooperation with the OHR.

Tech Team – Body Worn Camera (BWC) Process: Police Assistants assigned to these positions that would otherwise be assigned to a civilian Video Management Technician, a highly specialized and difficult to fill job classification. Additionally, these Police Assistants provide specialized training to civilian Video Management Technician employees from the law enforcement perspective. The recruitment for these positions presents challenges to locate qualified candidates. The Retired Rehires assigned to this function are critical to the department’s effective operations.

OTHER PROFESSIONAL STAFF:

Professional staff continues to be a challenge to recruit and retain qualified candidates. Compensation competitiveness with other jurisdictions require additional processing times to make competitive offers to highly qualified candidates. For highly specialized and competitive positions, this extra processing times may result in a missed opportunity in such a highly competitive employment market. Additionally, since these are highly specialized positions which need institutional knowledge transfer, a retiree incumbent may be a best practice solution utilized for appropriate succession planning. The institutionalization of knowledge capture and knowledge transfer may assist the agency with strategically developing and executing succession plans. The professional staff positions filled by retirees are assisting the agency with the knowledge capture and transfer in their respective roles as well as fill a need where a full-time position may not be necessary.

Name	Assignment	Retiree Rehire Commencement Date	Request Extension to Date
	Background Investigator	05/03/2021	05/03/2024
	Background Investigator	05/03/2021	05/03/2024
	Background Investigator	05/03/2021	05/03/2024
	Background Investigator	05/03/2021	05/03/2024
	Background Investigator	05/03/2021	05/03/2024
	Background Investigator	05/03/2021	05/03/2024
	Background Investigator	05/03/2021	05/03/2024
	Background Investigator	05/03/2021	05/03/2024
	Background Investigator	05/03/2021	05/03/2024
	Background Investigator	05/03/2021	05/03/2024
	Background Investigator	05/03/2021	05/03/2024
	Background Investigator	05/03/2021	05/03/2024
	Background Investigator	07/31/2021	07/30/2024
	Background Investigator	07/31/2021	07/30/2024
	Evidence Mgmt/Patrol Squad	05/03/2021	05/03/2024
	Evidence Mgmt/Patrol Squad	05/03/2021	05/03/2024
	Security Team - PSB	05/03/2021	05/03/2024
	Security Team – Circuit Court	05/03/2021	05/03/2024
	Security Team – Circuit Court	05/03/2021	05/03/2024
	Security Team – Circuit Court	05/03/2021	05/03/2024
	Court Liaison	05/03/2021	05/03/2024

14 Day-Letter
Retiree Rehires

	Tech Team – BWC Process	05/03/2021	05/03/2024
	Tech Team – BWC Process	05/03/2021	05/03/2024
	Tech Team – BWC Process	05/03/2021	05/03/2024
	Tech Team – BWC Process	05/03/2021	05/03/2024
	Tech Team – BWC Process	05/03/2021	05/03/2024
	Summons Server	05/03/2021	05/03/2024

	A	B	C	D
1	Rehired Retiree per Notification #2	Date of Rehire per Notification #2	Date of Rehire per Human Resource Records (Workday)	Number of Years as a "Temporary" Employee per Workday
2		5/3/2021	3/6/2012	11 to 12 years
3		5/3/2021	5/22/2012	11 to 12 years
4		5/3/2021	7/16/2012	11 to 12 years
5		5/3/2021	1/2/2013	11 to 12 years
6		5/3/2021	5/7/2013	10 to 11 years
7		5/3/2021	8/13/2013	10 to 11 years
8		5/3/2021	9/28/2015	8 to 9 years
9		5/3/2021	9/28/2015	8 to 9 years
10		5/3/2021	11/2/2015	8 to 9 years
11		5/3/2021	1/4/2016	8 to 9 years
12		5/3/2021	4/18/2016	7 to 8 years
13		5/3/2021	11/7/2016	7 to 8 years
14		5/3/2021	1/11/2017	6 to 7 years
15		5/3/2021	2/8/2017	6 to 7 years
16		5/3/2021	4/3/2017	6 to 7 years
17		5/3/2021	4/17/2017	6 to 7 years
18		5/3/2021	4/18/2017	6 to 7 years
19		5/3/2021	4/19/2017	6 to 7 years
20		5/3/2021	4/19/2017	6 to 7 years
21		5/3/2021	6/5/2017	6 to 7 years
22		5/3/2021	6/5/2017	6 to 7 years
23		5/3/2021	6/12/2017	6 to 7 years
24		5/3/2021	6/12/2017	6 to 7 years
25		5/3/2021	10/2/2017	6 to 7 years
26		5/3/2021	3/5/2018	5 to 6 years
27		5/3/2021	4/2/2018	5 to 6 years
28		5/3/2021	8/6/2018	5 to 6 years
29		5/3/2021	5/28/2019	4 to 5 years
30		2/1/2020	2/1/2020	3 to 4 years
31		5/3/2021	4/3/2021	2 to 3 years
32		4/19/2021	4/26/2021	2 to 3 years
33		5/3/2021	7/31/2021	2 to 3 years
34		7/31/2021	7/31/2021	2 to 3 years
35		8/2/2021	8/2/2021	2 to 3 years
36		8/2/2021	8/2/2021	2 to 3 years
37		5/3/2021	9/7/2021	2 to 3 years
38		12/3/2021	12/6/2021	2 to 3 years
39		5/3/2021	12/27/2021	2 to 3 years
40		7/31/2021	7/31/2022	no longer active

Exhibit 6



**County Council
of
Baltimore County**

Court House
Towson, Maryland 21204

410-887-3196
Fax: 410-887-5791

Pat Young
FIRST DISTRICT

Izzy Patoka
SECOND DISTRICT

Wade Kach
THIRD DISTRICT

Julian E. Jones, Jr.
FOURTH DISTRICT

David Marks
FIFTH DISTRICT

Michael Ertel
SIXTH DISTRICT

Todd K. Crandell
SEVENTH DISTRICT

Thomas H. Bostwick
LEGISLATIVE COUNSEL
SECRETARY

July 3, 2024

Via Email

Kelly Madigan, Inspector General
Office of the Inspector General
Baltimore County Government
400 Washington Avenue
Towson, Maryland 21204

RE: OIG Investigative Report - Case No. 24-018

Dear Ms. Madigan,

Thank you for your Office's Investigative Report in the above-referenced case, and the opportunity to respond. Please accept this letter on behalf of the Chairman and members of the Baltimore County Council.

As your Report correctly states in the "WHEREAS" clauses to Bill 22-21, the County Council was concerned in 2021 that the original intent of Bill 50-17 was not being realized. Bill 50-17 allowed County retirees to be rehired for certain seasonal or part-time positions in County Government or the Revenue Authority while also continuing to receive pension benefits. Bill 50-17 also gave the Council oversight and placed reporting requirements on the hiring of retirees for these seasonal or part-time positions. Bill 22-21 clarified Bill 50-17 and § 5-1-236(f) of the County Code. The bill gave the County and the Revenue Authority necessary latitude to hire County retirees as seasonal or part-time employees, while also providing parameters and "guardrails" on the duration of that employment and oversight after a certain period in the form of a 14-day notification to the County Council.

I believe one of the main issues identified in your Report – at least from the Council's perspective – is the proper interpretation of the paragraphs in § 5-1-236(f), and the type and frequency of notification to the Council that is required. My interpretation has been that: a retiree could be brought back and rehired as a seasonal or part time employee for up to one year without specific formalities, and no required Council notification or reporting under paragraphs (f)(1) and (f)(2). After that first year, under paragraph (f)(3), if a retiree and the County desired to continue the employment, the parties could enter into an employment agreement for up to an additional year outlining the terms of the employment and subject to paragraph (f)(4). Under paragraph (f)(4), if the employment continued beyond the initial one year period including any renewals after the second year, the Council was to be notified with a 14-day notice setting forth all the relevant information in paragraph (f)(4) for the continued employment. So, in short, the first year would not require Council notification; and in a second year and any renewals after the second year, notification to the Council would be required.

I believe the Administration has interpreted subsection (f) differently. I had spoken previously about the issue with former CAO Stacy Rodgers and it was their view that no notifications were required in the first and second year, and that Council notification was only required for any renewal after the second year (essentially beginning in a third year). Candidly, I did not take issue with this interpretation, mainly because I had always been most concerned that a meaningful level of Council notification and reporting was occurring.

We will review your Report and are more than willing to work with the Administration to clarify legislatively any aspect of § 5-1-236(f) or Personnel Rule 8:01 that promotes better practices and transparency. Thank you again for the opportunity to respond.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. H. Bostwick", written over a light blue circular stamp or watermark.

Thomas H. Bostwick, Legislative Counsel/Secretary
Baltimore County Council

CC: The Honorable Israel Patoka, Chair, Baltimore County Council
All Councilmembers
D'Andrea Walker, County Administrative Officer
James Benjamin, County Attorney



JOHN A. OLSZEWSKI, JR.
County Executive

D'ANDREA L. WALKER
County Administrative Officer

July 16, 2024

Ms. Kelly Madigan
Inspector General
Office of the Inspector General
Baltimore County Government
400 Washington Avenue
Towson, Maryland 21204

RE: Investigative Report 24-018

Dear Ms. Madigan:

Thank you for providing an opportunity to respond to Investigative Report 24-018. The Administration has carefully reviewed the report findings and recommendations. Reflected below are the Administration's responses.

OIG Recommendation #1:

The notification from the Administration to County Council needs to be updated to include the number of hours to be worked by the rehired retiree and a description of their job duties, as required under Section 5-1-236(£)(4);

Response #1:

As required under Section 5-1-236(£)(4), moving forward the notification to Council will include the number of hours to be worked by the rehired retiree in the updated notification process.

OIG Recommendation #2:

The Administration should consider changing its notification to County Council under Section 5-1-236(£)(4) from what is now a wholesale annual notification to one that is done on a rolling basis, such as monthly or quarterly;

Response #2:

As part of the updates made to the critical review process, notification will be made to the County Council prior to any renewals after the second year.

OIG Recommendation #3:

The Administration should devise a plan, to be submitted to County Council for review and approval, as to how it intends to deal with the dozens of rehired retirees who have now been re-employed by the County for more than two years, which is contrary to the purpose of the program;

Response #3:

The bill allows the Administration to keep rehired retirees more than two years with proper notification to the County Council.

Ms. Kelly Madigan
Response to Investigate Report 24-018
July 16, 2024
Page 2

OIG Recommendation #4:

The County Council should consider amending the Code such that any rehired retiree, who is to be re-employed by the County for longer than two years, must be approved by the County Council.

Response #4:

This recommendation does not fall under the purview of the Administration.

OIG Recommendation #5:

The language in County Code Section 4-8-101 (Rule 8.01) and County Code Section 5-1-236(£)(2) should be updated so that they are consistent as to terminology as the former uses "seasonal and temporary employees" and the latter uses "part-time or seasonal employee" when referring to individuals who may be employed for up to one year.

Response #5:

The Administration will take the recommendation under advisement.

Thank you for the opportunity to respond. Please let me know if you have questions or need further information.

Sincerely,



D'Andrea L. Walker
County Administrative Officer

cc: John A. Olszewski, Jr. County Executive
Israel Patoka, Chair, Baltimore County Council
Dori Henry, Chief of Staff
James R. Benjamin, Jr., County Attorney
Renee Coleman, Director, Office of Human Resources
Thomas Bostwick, Secretary, County Council