



M-NCPPC RESOLUTION NO. 23-28

**ADOPTION OF EMPLOYEES' RETIREMENT SYSTEM PLAN
DOCUMENT RESTATEMENT EFFECTIVE JANUARY 1, 2024**

WHEREAS, The Maryland-National Capital Park and Planning Commission (the "Commission"), as Plan Sponsor, entered into a Pension Trust Agreement ("the Agreement") as of July 26, 1972, with the Employees' Retirement System of the Maryland-National Capital Park and Planning Commission ("ERS" or the "Plan"), which was subsequently amended on June 13, 1979; and

WHEREAS, the ERS currently consists of five (5) plans, Plans A, B, C, D and E; and

WHEREAS, Section 3 of the Plan Document reserves the right of the Maryland-National Capital Park and Planning Commission ("Commission"), as Plan Sponsor, to amend any or all the provisions of the Plans from time to time, provided that no amendments shall adversely affect benefits that have accrued prior to the effective date of any such amendments; and

WHEREAS, At its February 15, 2023 meeting, the Commission approved Resolutions No. 23-04 which included negotiated retirement changes with the Fraternal Order of Police ("FOP") Lodge #30. Additionally, changes were included for compliance with certain provisions of the SECURE 2.0 Act of 2022 ("SECURE 2.0", as included in the Consolidated Appropriations Act of 2023).

WHEREAS, the ERS Board of Trustees voted to recommend amendment to Section 4.8 to clarify the requirements for recoupment of an overpayment to provide flexibility in the event of an inadvertent benefit overpayment, as set forth in Section 301 of SECURE 2.0.

WHEREAS, the ERS Board of Trustees voted to recommend amendment to Section 7.3(b) to update the definition of required beginning date to reflect the increase to age 73 under Section 107 of SECURE 2.0.

WHEREAS, the ERS Board of Trustees voted to recommend amendment to Section C-3.2(a) to clarify the creditability for accumulated sick leave section to update a cross-reference.

WHEREAS, the ERS Board of Trustees voted to recommend amendment to Section C-3.2(b) to add a new subsection to the creditability for accumulated sick leave section to allow for a lower conversion rate of earned and unused sick leave to Credited Service after a Member has met the normal retirement date requirements under Section C-1.6(a) (i.e., age 55 and 5 years of Credited Service), completed 13 years of Credited Service, and is at least age 56.

WHEREAS, the ERS Board of Trustees voted to recommend amendment to Section D-3.2(a) to clarify the creditability for accumulated sick leave section to update a cross-reference.

WHEREAS, the ERS Board of Trustees voted to approve an "Overpayment Policy" that will guide future actions regarding Plan overpayments, and which may be modified as IRS guidance is received.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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WHEREAS, the Board of Trustees recommends that the Plan Restatement be effective January 1, 2024.

NOW THEREFORE, BE IT RESOLVED THAT, that the Maryland-National Capital Park and Planning Commission does hereby adopt the attached Plan Restatement effective January 1, 2024.

APPROVED FOR LEGAL SUFFICIENCY:

/s/ *Michael W. Aniton*

Deputy General Counsel
Office of the General Counsel
M-NCPPC
November 30, 2023

This is to certify that the foregoing is a true and correct copy of Resolution 23-4: adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner Washington, seconded by Commissioner Doerner, Harris, Hedrick, Noyes, Pedoeem, Shapiro and Washington voting in favor of the motion, and Commissioner D'Amico being absent for the vote, at its regular meeting held on February 22, 2023, virtually and in person at the Prince George's Department of Parks and Recreation Auditorium in Riverdale, Maryland.


Asuntha Chiang-Smith
Executive Director