

ORDINANCE #68712
Board Bill No. 122
Committee Substitute

An Ordinance pertaining to the Employees Retirement System of the City of St. Louis (the "Retirement System"); repealing Subsection 13 of Section Four and Subsection 1 of Section Six of Ordinance 66511 and enacting in lieu thereof new provisions freezing the amount of sick leave that can be taken into account in calculating the benefits of current members and prohibiting the use of sick leave or medical leave in calculating the benefits of future members hired after the effective date of this Ordinance; and containing a severability clause and an emergency clause.

WHEREAS, the City of St. Louis, Missouri (the "City") established the Retirement System by City ordinance effective April 1, 1960 pursuant to that state statute currently codified as Section 95.540 of Missouri Revised Statutes 2000, as amended, in order to provide for the pensioning of certain City employees and the employees of certain other governmental entities providing services to the inhabitants of the City; and

WHEREAS, the City has determined it is in the best interest of the Retirement System to freeze the amount of sick leave used in calculating benefits for current members who retire after the effective date of this Ordinance; and

WHEREAS, the City has determined it is in the best interest of the Retirement System to prohibit the use of sick leave or medical leave in calculating the benefits of future members hired after the effective date of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Subsection 13 of Section Four of Ordinance No. 66511 of the City of St. Louis, Missouri (the "City") is hereby repealed and enacted in lieu thereof is the following:

13. Final Average Compensation.

A. "Final Average Compensation" is equal to one-half of the sum of (i) and (ii) below:

(i) The annual Compensation (as that term is defined in Subsection 7 of Section Four of Ordinance 66511) received by a Member (as that term is defined in Subsection 16 of Ordinance 66511) for the two (2) consecutive years of Creditable Service (as that term is defined in Subsection 8 of Section Four of Ordinance 66511 and as modified by Section Two below) in which the highest Compensation was received preceding the termination of his or her employment; and

(ii) The Member's sick leave balance as accrued on the effective date of this Ordinance, less the sum of the following: (a) sick leave hours used by the Member as for sick leave purposes prior to retirement; (b) sick leave hours paid to the Member upon termination of his or her employment; and (c) sick leave hours considered as Creditable Service for the purpose of determining eligibility for and/or calculation of retirement benefits. Notwithstanding the foregoing, the sick leave balance used in calculating Final Average Compensation shall not exceed twenty-five percent (25%) of a Member's total sick leave balance on the effective date of this Ordinance, less sick leave hours used by the Member for sick leave purposes prior to retirement.

B. If a Member has less than two (2) consecutive years of Creditable Service his or her Final Average Compensation shall be equal to the sum of (i) and (ii) below, divided by (iii) below and then multiplied by (iv) below:

i. The sum of monthly Compensation received by the member for each consecutive month of Creditable Service immediately preceding the termination of his or her employment; and

ii. The Member's sick leave balance on the effective date of this Ordinance less the sum of the following: (a) sick leave hours used by the Member as for sick leave purposes prior to retirement; (b) sick leave hours paid to the Member upon termination of his/her employment; and (c) less sick leave hours considered as Creditable Service for the purpose of determining eligibility for and /or calculation of retirement benefits. Notwithstanding the foregoing, the sick leave balance used in calculating Final Average Compensation shall not exceed twenty-five percent (25%) of a Member's total sick leave balance on the effective date of this Ordinance, less sick leave hours used by the Member for sick leave purposes prior to retirement.

iii. The number of consecutive months of Creditable Service immediately preceding the termination of

his or her employment;

- iv. Twelve (12).

C. Notwithstanding anything to the contrary contained herein, for purposes of the calculations set forth in this Section, a Member's sick leave balance at the time of retirement shall not exceed the Member's sick leave balance on the effective date of this Ordinance.

D. Notwithstanding anything to the contrary contained herein, no future Member hired by an Employer (as that term is defined in Subsection 12 of Section Four of Ordinance 66511) after the effective date of this Ordinance shall have any portion of his or her sick leave balance or medical leave balance used in determining such future Member's Final Average Compensation.

E. Notwithstanding anything to the contrary contained herein, if a member does not make written application for retirement prior to termination of employment and does not retire within 90 days after said member terminates employment, the sick leave balance or medical leave balance shall not be used to increase such Member's Final Average Compensation.

SECTION TWO. Subsection 1 of Section Six of Ordinance No. 66511 is hereby repealed and enacted in lieu thereof is the following:

- 1. Calculation.

The years of Creditable Service of a Member shall be the number of years and full calendar months of service during which he or she receives Compensation from the first day of each employment with an Employer until his or her employment is terminated, subject to the provisions of this Section. The years of Creditable Service of an Employee (as that term is defined in Subsection 11 of Section Four of Ordinance 66511) hired after the Operative Date (as that term is defined in Subsection 18 of Section Four of Ordinance 66511) who had attained the age of sixty (60) years at initial employment shall be the number of years and completed months of service during which he or she receives Compensation from October 1, 1988, and hereafter, from the first day on or after October 1, 1988, of the beginning of each employment with an Employer until his or her employment is terminated. No Creditable Service shall be granted for any period of employment before October 1, 1988, after the calendar month in which the member attains age seventy (70). No Creditable Service for prior employment shall be granted an Employee who becomes a Member after April 1, 1960, unless he or she was employed by an Employer on April 1, 1960. A Member's sick leave balance as accrued on the effective date of this Ordinance, less the sum of (A), (B) and (C) below, shall be considered as additional Creditable Service in determining eligibility for and calculation of retirement benefits under any provision of Ordinance 66511, as amended:

- A. sick leave hours used by the Member for sick leave purposes prior to retirement;
- B. sick leave hours paid to the Member upon termination of his or her employment; and
- C. sick leave hours used in determining Final Average Compensation.

Notwithstanding anything to the contrary contained herein, for purposes of the calculations set forth in this Section, a Member's sick leave balance at the time of retirement shall not exceed the Member's sick leave balance on the effective date of this Ordinance.

Notwithstanding anything to the contrary contained herein, no future Member hired by an Employer after the effective date of this Ordinance shall have any portion of his or her sick leave balance or medical leave balance used in determining such future Member's Creditable Service.

Notwithstanding anything to the contrary contained herein, if a member does not make written application for retirement prior to termination of employment and does not retire within 90 days after said member terminates employment, the sick leave balance or medical leave balance shall not be used to increase such Member's Creditable Service..

SECTION THREE. SEVERABILITY. Each provision of this ordinance shall be severable. In the event any provision of this Ordinance is found by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this

Ordinance are valid, unless the court finds the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision(s) that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void one(s); or unless the court finds that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION FOUR. EMERGENCY CLAUSE. This being an Ordinance providing for the public peace, health, or safety, it is hereby declared to be an emergency measure as defined in Article IV, Section 20 of the City of St. Louis' Charter and shall become effective immediately upon its approval by the Mayor of the City of St. Louis.

Approved: July 9, 2010