

St. Louis City Ordinance 62792

FLOOR SUBSTITUTE

BOARD BILL NO. [92] 224

INTRODUCED BY ALDERMAN Willie Williams

An ordinance to adjust several retirement conditions in accordance with the Federal Age Discrimination in Employment Act by repealing Section One, Section Two, and subsection 8 of Section Four of Ordinance No. 61249, approved February 15, 1989, Section 59.060 of Ordinance No. 57354, approved April 1, 1977, and enacting new sections relating to the same subject matter; and repealing paragraph 3 of Section 1 of Ordinance No. 58694, approved November 18, 1982; and containing an emergency clause.

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

Section One. Section One of Ordinance No. 61249, approved February 15, 1989, is hereby repealed and the following new section is enacted in lieu thereof to be read as follows:

Section One. Membership

(1) All employees shall become members upon employment, provided that employees hired after the operative date who have attained the age of sixty years at initial employment shall become members on October 1, 1988, and hereafter.

(2) All employees shall provide such enrollment information as required by the Secretary of the Board of Trustees to qualify for membership, in addition to meeting other provisions of this part.

(3) Membership ceases on the termination of employment by resignation, discharge, death, retirement, layoff or if for any reason except military service he is not on the payroll of an employer for more that twelve consecutive months.

Section Two. Section Two of Ordinance No. 61249, approved February 15, 1989, is hereby repealed and the following new section is enacted in lieu thereof to be read as follows:

Section Two. Creditable Service

(1a) The years of creditable service of a member other than an elective employee shall be the number of years and completed months of service during which he receives compensation from the first day of the calendar month following the date of the beginning of each employment with an employer until his employment is terminated, subject to the provisions of this section. The years of creditable service of an employee hired after the operative date who had attained the age of sixty years at initial employment shall be the number of years and completed months of service during which he 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 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. No creditable service for prior employment shall be granted an employee who becomes a member after April 1, 1960, unless he was employed by an employer on April 1, 1960. A member's sick leave balance at time of retirement shall be converted to additional creditable service for the purpose of determining a pension benefit.

(1b) The years of creditable service of an elective employee shall be the number of years and completed months of service during which he receives compensation from the first day of each employment with an employer until his employment is terminated, subject to the provisions of this section. No creditable service for prior employment shall be granted an employee who becomes a member after April 1, 1960, unless he was employed by an employer on April 1, 1960.

(2) If a member resumes employment with an employer within six months after his employment is terminated for reasons other than early service retirement, or in the event of maternity leave within the period of time provided for re-employment, his creditable service as of date of termination shall be restored. If a member resumes employment with an employer after his employment is terminated by reason of layoff, his creditable service as of date of termination shall be restored.

(3) Creditable service to date of absence shall not be forfeited by reason of any absence without pay due to leave granted by an employer because of military service, or leave for any other reason including maternity, provided the employee returns to active service with his employer prior to the expiration of his leave.

(4) The Board of Trustees shall fix and determine by proper rules and regulations how much service in any year is equivalent to one year of creditable

service, but in no event shall more than one year of service be creditable for all service in one calendar year, nor shall the Board of Trustees allow credit as service for any period of more than one month's duration during which the member was absent without pay except as provided in subsection 5 of this section.

(5) Absence from employment with an employer because of compulsory military service or military service in time of war shall be considered a leave of absence granted by the employer, provided the employee returns to active employment with his employer within the period of time during which he has reemployment rights under any applicable federal law or within 90 days from and after discharge from such military service if no federal law is applicable and such service shall be included in creditable service, and provided he has not withdrawn his accumulated contributions. Any other military service will be creditable up to two years if leave of absence is granted by the employer prior to such service.

(6) If the employment of a member is terminated for reasons other than disability retirement and he is employed by any employer thereafter he shall be considered a new employee for all purposes of the retirement system except as provided by subsection 2 of this section.

(7) Each member claiming creditable service prior to the operative date shall at the request of the Secretary of the Board of Trustees file such detailed statement as may be required to establish such claimed creditable service.

Section Three. Subsection 8 of Section Four of Ordinance No.61249, approved February 15, 1989, is hereby repealed and the following new section is enacted in lieu thereof to be read as follows:

Section Three. OPTIONAL FORM OF BENEFITS TO SPOUSE

A member may elect prior to his retirement date to receive, in lieu of his normal or early retirement pension, a reduced pension payable for so long as he shall live with such reduced pension continuing to his spouse for her lifetime following his death. Such reduced pension shall be the actuarial equivalent, determined on the date such pension is to commence, of the pension regularly payable.

Section Four. Section 59.060 of Ordinance No.57354, approved April 1, 1977, is hereby repealed and the following new section is enacted in lieu thereof to be read as follows:

Section Four. DISABILITY RETIREMENT

- (1) If a member who has attained age forty and completed ten years of creditable service is totally disabled as defined hereafter prior to his normal retirement date he will be retired upon written application to the Board of Trustees by him or by his appointing authority and he will receive a disability retirement pension.
- (2) A member will be considered totally disabled if the medical board certifies that he is wholly prevented from engaging in any occupation for wage or profit and the Board of Trustees approves his application for benefits. The medical board will apply as a guideline standards of impairment and disability of the whole person as established by special committees of the various specialists for the American Medical Association. The degree of impairment of part or parts of the body, including mental illness, each or all in relation to the whole person, to be determined by the medical board.
- (3) Upon retirement for disability a member will be entitled to receive a disability retirement pension calculated as for normal service retirement using the benefit compensation base for the year of his disability retirement but based on his years of creditable service and final average compensation as of his last day on the payroll of the employer, provided that the years of creditable service used in the calculation of benefits if less than fifteen shall be increased to fifteen.
- (4) The Board of Trustees in approving the application for disability retirement shall determine the date from which benefits are payable, which date shall be the first of the month that is not less than six months after the date of disability and not over two months prior to date of approval. No disability benefits shall be payable during any period the member is receiving compensation from his employer.
- (5) Once each year during the first five years following the retirement of the member on a disability retirement pension and once in every three-year period thereafter, the Board of Trustees may, and upon his application shall, require any member who has retired because of total disability to undergo a medical examination. Such examination will be made at a place designated by the medical board, and by a physician or physicians designated by such board. Should such retirant refuse to submit to such medical examination his pension may be discontinued until his withdrawal of such refusal and should his refusal continue for one year, all rights in and to his pension may be revoked by the Board of Trustees.

(6) Should the medical board report and certify to the Board of Trustees that a retired member receiving a disability pension, at any time before attainment of age sixty-five is able to engage in a gainful occupation, and should the Board of Trustees concur in such report, the Board of Trustees shall direct that the disability retirement pension be discontinued. Should the Board of Trustees find that a retired member receiving a disability pension is engaged in a gainful occupation at any time before attainment of age sixty-five, the pension may be reduced or discontinued at the option of the Board of Trustees.

(7) Should a retired member receiving a disability pension again become an employee his disability retirement pension shall cease and he shall immediately become a member of the retirement system as of the date of reemployment. His creditable service at the time of his disability retirement shall be restored in full force and effect. If his disability paid benefits were less than his accumulated contributions at retirement, the difference will be restored to his member's savings account.

Section Five. Paragraph 3 of Section One of Ordinance No 58694, approved November 18, 1982, is hereby repealed.

Section Six. This being an ordinance deemed immediately necessary for the public health, safety and welfare, it is hereby declared to be an emergency measure and shall become effective immediately upon its approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
11/13/92	11/13/92	PE		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
12/04/92			12/18/92	12/18/92
ORDINANCE	VETOED		VETO OVR	
62792				