

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

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

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

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

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

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22 City of St. Louis, Missouri (the “City”) is hereby repealed and enacted in lieu thereof is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

July 2, 2010

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Board Bill No. 122 Sponsored by Alderman Gregali

1 13. Final Average Compensation.

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

4 (i) The annual Compensation received by a Member for the
5 two (2) consecutive years of Creditable Service in which the highest
6 Compensation was received preceding the termination of his or her
7 employment; and

8 (ii) The balance of a Member’s sick leave pay as accrued on or
9 before July __, 2010, [the effective date of this Ordinance] less sick leave
10 hours included in such balance and paid to the Member upon termination
11 of his or her employment and less sick leave hours included in such
12 balance and considered as Creditable Service for the purpose of
13 determining eligibility for and/or calculation of retirement benefits, except
14 that portion of such balance used in calculating Final Average
15 Compensation shall not exceed twenty-five percent (25%) of a Member’s
16 total sick leave as accrued on or before July __, 2010, [the effective date
17 of this Ordinance].

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

22 (i) The sum of monthly Compensation received by the
23 member for each consecutive month of Creditable Service immediately

1 preceding the termination of his or her employment; and

2 (ii) The balance of a Member's sick leave pay as accrued on or
3 before July __, 2010, [the effective date of this Ordinance] less sick leave
4 hours paid to the Member upon termination of his/her employment and
5 less sick leave hours considered as Creditable Service for the purpose of
6 determining eligibility for and /or calculation of retirement benefits,
7 except that the portion of such balance used in calculating Final Average
8 Compensation shall not exceed twenty-five percent (25%) of a Member's
9 total sick leave as accrued on or before July __, 2010, [the effective date
10 of this Ordinance];

11 (iii) The number of consecutive months of Creditable Service
12 immediately preceding the termination of his or her employment;

13 (iv) Twelve (12).

14 C. Notwithstanding anything to the contrary contained herein, no
15 future Member hired by an Employer after the effective date of this
16 Ordinance shall have any portion of his or her sick leave or medical leave
17 used in determining such future Member's Final Average Compensation.

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

20 1. Calculation.

21 The years of Creditable Service of a Member shall be the number of years
22 and full calendar months of service during which he or she receives
23 Compensation from the first day of each employment with an Employer

1 until his or her employment is terminated, subject to the provisions of this
2 Section. The years of Creditable Service of an Employee hired after the
3 Operative Date who had attained the age of sixty (60) years at initial
4 employment shall be the number of years and completed months of
5 service during which he or she receives Compensation from October 1,
6 1988, and hereafter, from the first day on or after October 1, 1988, of the
7 beginning of each employment with an Employer until his or her
8 employment is terminated. No Creditable Service shall be granted for any
9 period of employment before October 1, 1988, after the calendar month in
10 which the member attains age seventy (70). No Creditable Service for
11 prior employment shall be granted an Employee who becomes a Member
12 after April 1, 1960, unless he or she was employed by an Employer on
13 April 1, 1960. A Member's sick leave balance as accrued on or before
14 July __, 2010, [the effective date of this Ordinance], less the sum of (A)
15 and (B) below, shall be considered as additional Creditable Service in
16 determining eligibility for and calculation of retirement benefits under any
17 provision of Ordinance 66511, as amended:

18 A. sick leave hours paid to the Member upon termination of his or her
19 employment; and

20 B. sick leave hours used in determining Final Average Compensation.

21 Notwithstanding anything to the contrary contained herein, no future
22 Member hired by an Employer after the effective date of this Ordinance

1 shall have any portion of his or her sick or medical leave used in
2 determining such future Member's Creditable Service.

3 SECTION THREE. SEVERABILITY. Each provision of this ordinance shall be
4 severable. In the event any provision of this Ordinance is found by a court of competent
5 jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance are
6 valid, unless the court finds the valid provisions of this Ordinance are so essentially and
7 inseparably connected with, and so dependent upon, the void provision(s) that it cannot
8 be presumed that the Board of Aldermen would have enacted the valid provisions without
9 the void one(s); or unless the court finds that the valid provisions, standing alone, are
10 incomplete and are incapable of being executed in accordance with the legislative intent.

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