

ANN ARBOR CITY NOTICE

ORDINANCE NO. ORD-13-10

EMPLOYEES RETIREMENT SYSTEM

AN ORDINANCE TO AMEND SECTION 1:581 OF CHAPTER 18, EMPLOYEES RETIREMENT SYSTEM, TITLE I OF THE CODE OF THE CITY OF ANN ARBOR TO IMPLEMENT CHANGES NEGOTIATED WITH THE AAPOA RELATED TO DISPATCH CONTRACT WITH WASHTENAW COUNTY

The City of Ann Arbor Ordains:

Section 1. That Section 1:581 of Chapter 18 of Title I of the Code of the City of Ann Arbor be amended to read as follows:

1:581. - Former Employees Transferred to Washtenaw County.

(1) Former City health department and Ann Arbor Training Employment Center employees transferred to Washtenaw County in 1975 and 1983, respectively. For former City health department and Ann Arbor Training and Employment Center employees who transferred to similar positions with Washtenaw County upon the dissolution of those City departments in 1975 and 1983, respectively, the following provisions shall apply, notwithstanding any other provision in this chapter.

- (4a) Credited Service in the Washtenaw County Employees' Retirement System shall be considered City Service for the purpose of meeting all Service requirements of this chapter, but not for the purpose of computing benefit amounts under this chapter.
- (2b) Compensation paid by Washtenaw County shall be considered City compensation for the purpose of computing Final Average Compensation under the City Retirement System.
- (3c) In cases where age or Service Requirements differ between the City Retirement System and the Washtenaw County Retirement System, the lower age or Service requirements shall apply under this chapter.

- (4d) When a person applies for Retirement System benefits, the person shall make simultaneous application to both City and County Retirement Systems to be eligible for City benefits.
- (5e) A determination of disability by the Washtenaw County Retirement Commission shall be binding on the Board.

(2) Former City dispatch employees hired by Washtenaw County in 2011-2012, as part of the City/County dispatch consolidation. For Dispatch Consolidation Members, the following provisions shall apply, notwithstanding any other provision in this chapter.

- (a) Definition of 2011 - 2012 Dispatch Consolidation Member. For purposes of this Section 1:581(2), a "Dispatch Consolidation Member" shall mean: a former eligible General City Member who was a dispatch employee of the City who, as a result of the City's 2011 dispatch contract with Washtenaw County (as approved by City Council on December 5, 2011), terminated employment with the City and commenced employment with Washtenaw County dispatch between September 1, 2011 and July 1, 2012, and who would have been eligible for Early Retirement or Normal Retirement within ten (10) years of the date of termination of employment with the City if they had remained employed with the City.
- (b) Provisions of dispatch consolidation program applicable to the Retirement System.
 - (i) By this Section 1:581(2), a Dispatch Consolidation Member who continues employment with Washtenaw County dispatch until such Dispatch Consolidation Member would have satisfied the applicable age and Service requirements for Early Retirement or Normal Retirement as provided under Section 1:562(1) or 1:562(2), respectively, had such Dispatch Consolidation Member continued to be employed as a dispatch employee by the City throughout such period, shall, upon such date, be eligible to commence receiving a vested benefit from this Retirement System as provided under Section 1:562(1) or 1:562(2) respectively, of the Retirement System.

- (ii) Any Dispatch Consolidation Member described in paragraph (b)(i) above shall be entitled to a Retirement Allowance from the Retirement System based solely on Final Average Compensation and years of Credited Service (and any fraction thereof) accrued as of the effective date of the Dispatch Consolidation Member's termination of employment with the City. The Dispatch Consolidation Member's accrued benefit under the Retirement System shall be frozen as of the Dispatch Consolidation Member's actual effective date of termination of employment with the City, and such Member shall not accrue any additional benefits under the Retirement System after that date (employment after such date of employment with Washtenaw County being counted only for purposes of satisfying the eligibility requirements of paragraph (b)(i) above). For avoidance of doubt, no further Credited Service or additional Compensation accrued after the effective date of the Dispatch Consolidation Member's termination of employment with the City will be counted towards a Dispatch Consolidations Member's Retirement Allowance. The computation of the Dispatch Consolidation Member's Retirement Allowance shall be in accordance with the provisions of the Retirement System as in effect on the effective date of the Dispatch Consolidation Member's termination from City employment.
- (iii) Any Dispatch Consolidation Member of the Retirement System who pursuant to this Section 1:581(2) terminates employment with the City and commences employment with Washtenaw County dispatch under the City's 2011 dispatch consolidation contract with Washtenaw County shall be considered a Terminated Vested Member in this Retirement System. Any such Terminated Vested Member, not having retired from the City with an immediate pension or Retirement Allowance payable by the Retirement System, shall not be eligible for retiree medical benefits under the City of Ann Arbor Code of Ordinances Chapter 21 – Retiree Health Care Benefits Plan and Trust.

Section 2: In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 3: This Ordinance shall take effect ten days after passage and publication.

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of June 3, 2013.

Jacqueline Beaudry, Ann Arbor City Clerk
John Hieftje, Mayor

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