

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 306

Approved July 18, 2005

WHEREAS, Detective Sergeant James Allen served honorably as a police officer for the City of Providence, State of Rhode Island for twenty-seven years; and

WHEREAS, Detective Sergeant James Allen's service as an officer of the Providence Police Department was, and continues to be, exemplary of dedication and commitment to the police profession and the civic duty which that profession seeks to fulfill; and

WHEREAS, Detective Sergeant James Allen gave his life on April 17, 2005 while in the performance of his duty as a police officer and public servant to the City of Providence, an act of sacrifice for which he has been awarded the Medal of Valor and Purple Heart Ribbons; and

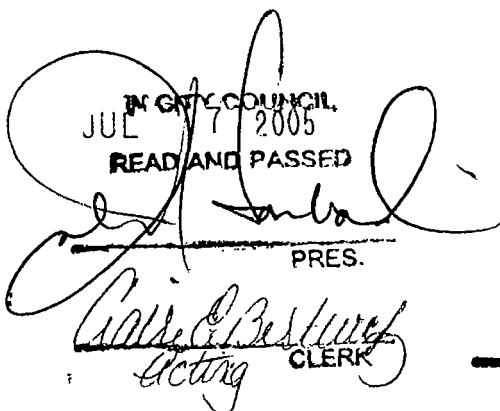
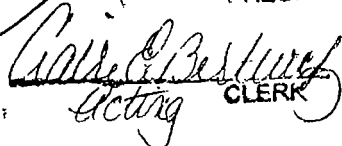
WHEREAS, The citizens of the City of Providence have expressed, through acts both public and private, gratitude for the aforementioned sacrifice, and mourning at the loss of a valued public servant; and

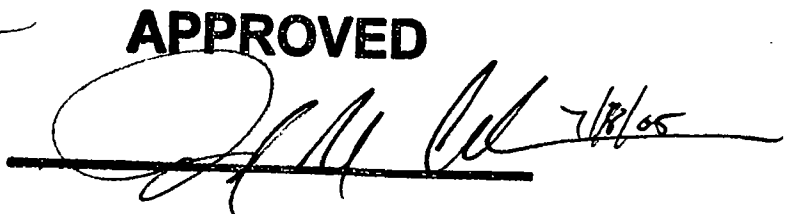
WHEREAS, The Providence City Council is empowered, under the Home Rule Charter Article IV, Section 401, to exercise its legislative authority to insure the welfare and good order of the City; and

WHEREAS, The Providence City Council seeks to express the ongoing gratitude of the City of Providence and its citizens to the family of Detective Sergeant James Allen for his sacrifice in service to the City of Providence;

NOW, THEREFORE, BE IT RESOLVED, That the City of Providence hereby suspends the definition of "Final Compensation" as it applies to Detective Sergeant James Allen, and substitutes the following:

"Final compensation, as defined in Section 17-181 of the Code of Ordinances, shall mean the average of the highest 52 weeks of compensation, excluding payments made for overtime or payments made for temporary or extra duties beyond the normal or regular work day. "

IN CITY COUNCIL
JUL 17 2005
READ AND PASSED

PRES.

CLERK

APPROVED

MAYOR

IN CITY COUNCIL
MAY 5 2005
FIRST READING
REFERRED TO COMMITTEE ON
FINANCE
Michael P. Clement CLERK

THE COMMITTEE ON
Finance
Recommends
Ann M. Steyer
CLERK
6-14-05 Con 4

THE COMMITTEE ON
FINANCE
Approves Passage of
The Within Resolution, As Amended
Ann M. Steyer
6-27-05 Clerk

Council President Lombardi, By Request

RETIREMENT BOARD

EMPLOYEES' RETIREMENT SYSTEM

Room 409, City Hall

Providence, Rhode Island 02903

Tel. (401) 421-7740 (Extensions, 291, 292, 293, 294, 299, 427)

Fax (401) 453-6175

To: John

From: Archie

Date: 5-9-05

RE: Calculation of Accidental
Death pension of James A. Allen
based on average of highest
3 yrs and on high 1 yr

Any questions please feel
free to call me.

NUMBER OF PAGES INCLUDING COVER PAGE: 2

If any questions and/or problems receiving this transmission

please call me at (401) 421-7740 ext. 291, 427, 293, & 292.

Wick

453-392.

National Brand 46-104 Cyo-Band®
Made in USA

James E. Allen
Pres of James E. Allen

Prepared By	Initials	Date
Approved By		

	1	2	3	4
1	05-4-17			
2	28-11-3			
3	26-5-14		5872	
4				
5	Hi 1 yr		707268	
6				
7			3587534	294795
8				
9	Tax free			
10	Gross Monthly Pension of	\$ 294795	plus lump sum of	
11	\$130,609.34			
12				
13				
14				
15				
16				
17				
18			50%	
19				
20	Average Hi 3 yrs		6109993	
21				
22			3054996	294583
23				
24				
25	Tax free			
26	Gross Monthly Pension of	\$ 294583	plus lump sum of	
27	\$130,609.34			
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				
42				
43				
44				
45				
46				
47				
48				
49				
50				

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

ord/retord

CHAPTER 1998-22

No. 308 **AN ORDINANCE** IN AMENDMENT OF CERTAIN SECTIONS OF CHAPTER 17, ARTICLE IV OF THE CODE OF ORDINANCES ENTITLED "RETIREMENT SYSTEM" AS AMENDED

Approved May 28, 1998

Be it ordained by the City of Providence:

SECTION 1. Article VI of Chapter 17 of the Code of Ordinances of the City of Providence is hereby amended to read as follows:

Sec. 17-181. Definitions.

The following words and phrases as used in this article, unless a different meaning is plainly required by the context, shall have the following meanings:

Accumulated contributions shall mean the sum of all regular and excess amounts deducted from the compensation of a member, or credited to his individual account in the annuity savings fund, together with regular interest thereon.

Annuity shall mean payments for life derived from the accumulated contributions of a member. All annuities shall be paid in equal monthly installments. Notwithstanding the foregoing, for the purposes of paragraphs (b) and (c) of ~~subdivisions~~ subsections (2) and (4) of section 17-189 of this article, "annuity" shall mean the payments for life provided by the member's accumulated contributions attributable to his required regular deductions, including special contributions or deductions under the provisions of section 17-188 of this article and including the amount by which his required regular deductions would have increased had he elected to increase his deductions as provided in ~~subdivision~~ subsection (1) of section 17-185 of this article, if he did not do so.

Annuity reserve shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity granted under the provisions of this ordinance, computed upon the basis of such mortality tables as shall be adopted by the retirement board with regular interest.

Beneficiary shall mean any person in receipt of a pension, an annuity, a retirement allowance, or other benefit as provided by this article.

Board of investment commissioners shall mean the board of investment commissioners as set forth and defined in Section 815 of the Providence Home Rule Charter of 1980.

Class A employees shall mean general employees, including laborers, mechanics, and clerical, administrative, professional and technical workers.

Class B employees shall mean members of the fire department and the police department of the City of Providence.

Employee shall mean any regular and permanent employee or officer of the City of Providence. The ~~retirement board~~ director of personnel shall determine who are employees within the meaning of this article.

Final compensation shall mean the average of the highest three (3) years of compensation within the total service when the average compensation was the highest, excluding ~~longevity payments and~~ payments made for overtime or payments made for temporary or extra duties beyond the normal or regular work day.

Members shall mean any person included in the membership of the retirement system as provided in section 17-187 of this article.

Pension shall mean annual payments for life derived from appropriations provided by the City of Providence under the provisions of this article.

Pension reserve shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables as shall be adopted by the retirement board with regular interest.

Regular interest shall mean at four (4) percent per annum, compounded annually or interest at such lower rate or rates as may be set by the retirement board but not less than three (3) percent per annum.

Retirement board shall mean the employee retirement board ~~provided as set forth and defined in s~~Section 17-183 908 of the Providence Home Rule Charter of 1980. ~~of this article to administer the retirement system.~~

Retirement system shall mean the employees' retirement system of the City of Providence as defined in section 17-182 of this article.

Service shall mean service as an employee of the City of Providence as described in ~~subdivision~~ subsection (2) of this section 17-188 of this article.

Total service shall mean service creditable pursuant to section 17- 188 of this article.

(Ord. 1991, ch. 91-5, § 1, 2-8-91; Ord. 1993, ch. 93-12, § 1, 4-9-93; Ord. 1995, ch. 95-17, § 2, 7-31-95)

Sec. 17-182. Name and date of establishment.

~~—A retirement system is hereby established and placed under the management of the retirement board for the purpose of providing retirement allowances for employees of the City of Providence under the provisions of this article. The retirement system so created shall begin operation as of the fifth day of January, 1925. It shall have the powers and privileges of a corporation, and shall be known as the "Employees' Retirement System of the City of Providence," and by such~~

~~name all of its business shall be transacted, all of its funds invested and all of its cash and securities and other property held.~~

The retirement system created by Public Laws 1923, Chapter 489, approved May 14, 1923, implemented by Providence Home Rule Charter of 1980, adopted November 4, 1980, and Chapter 1991-5 of the Ordinances of the City of Providence, approved February 8, 1991, was established for the purpose of providing retirement allowances for employees of the City of Providence under the management of the Retirement Board. It shall be known as the "Employee Retirement System of the City of Providence" and by such name shall its functions be carried out as set forth in this article.

(Ord. 1991, ch. 91-5, § 2, 2-8-91)

Sec. 17-183. Retirement board system.

(1) The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of this article are hereby vested in a retirement board. The retirement board shall from time to time establish rules and regulations for the administration and transaction of the business of the retirement system, and shall perform such other functions as are required for the execution of this article.

~~—(2) The membership of the retirement board shall consist of the mayor, the chairman of the committee on finance of the city council, and the city controller, ex officio; two (2) members who shall not be officers or employees of the city, who shall be elected by the city council; two (2) class A employees who shall be elected by the members of the system who are class A employees; one (1) class B employee who shall be elected by the members of the system who are class B employees of the Providence fire department; one (1) class B employee who shall be elected by the members of the system who are class B employees of the Providence police department; one (1) retired class A employee who shall be elected by the retired members of the system who were class A employees; and one (1) retired class B employee who shall be elected by the members of the Providence Retirement Police and Fire Association who is a member in good standing of that organization. The election by the members shall be in accordance with such rules as the board shall adopt to govern such elections.~~

~~—The regular terms of elected members shall be (4) four years. Should any vacancy occur among the elected members of the board, it shall be filled for the unexpired term in the manner provided for the original election.~~

(2) The membership of the retirement board shall consist of the mayor, the chairperson of the city council committee on budgetary matters and the city controller, ex officio; two (2) members who shall not be officers or employees of the city who shall be elected by the city council and representatives of the present and retired employees of the city. The employee representatives shall be chosen from the two (2) classes of employees designated for retirement purposes, to wit, "Class A employees," who are all employees covered by the retirement system not otherwise designated, and "Class B employees," who are policemen and firemen, otherwise known as the sworn personnel of the department of public safety. Two (2) Class A employees shall be elected by the members of the system who are Class A employees; one Class B employee shall be elected by the members of the system who are Class B employees of the city fire department; one Class B employee shall be elected by the members of the system who are Class B

employees of the city police department; one retired Class A employee shall be elected by the retired members of the system who were Class A employees; and one retired Class B employee shall be elected by retired members of the system who were Class B employees. The election by the members shall be in accordance with such rules as the board shall adopt to govern such elections. The regular terms of elected members shall be four (4) years. Vacancies among the elected members of the board shall be filled for the unexpired term in the manner provided for the original election. The members of the Retirement Board shall serve without compensation.

(3) The retirement board shall report annually in detail to the city council on or before the first Monday in January, showing the fiscal transactions of the system for the fiscal period of the city next preceding, the amount of the accumulated cash and securities of the system and a copy of the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities.

(4) The city solicitor shall be the legal advisor and attorney for the retirement board. The city treasurer shall be the custodian of the funds and the treasurer thereof. The city clerk shall be the clerk of the board.

(5) The city controller, ~~under the supervision of the retirement board,~~ shall be charged with the establishment and maintenance of such accounts and statistical records as the retirement board may require and he shall employ such clerical assistance as shall be necessary to carry out properly the provisions of this article; the city council, from time to time, shall provide by appropriations sufficient sums to pay the cost of such services.

~~The retirement board~~ City Council shall secure the services of an actuary who shall be the actuarial advisor for the purpose of making of the board and who shall make the actuarial computations and valuations for the retirement system as required by this ordinance article. ~~The retirement board~~ director of personnel shall secure the services of such physicians as shall be necessary to make the medical examinations as required by this article. The city council, from time to time, shall provide by appropriation sufficient sums to pay the cost of such services, ~~and the necessary expenses of the board.~~

(6) The retirement board shall collect and keep in convenient form such data as shall be necessary for the preparation of the mortality and service tables and for the compilation of such other information as shall be required for the actuarial valuation of the assets and liabilities of the retirement system.

(7) In the five-year period beginning the first day of July, 1974, and in every five-year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system and taking into account the result of such investigation, the retirement board shall adopt for the retirement system such mortality, service and other tables as shall be deemed necessary.

(8) On the basis of such tables as the retirement board shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this article. ~~Taking into account the results of such valuation, the retirement board shall certify the rates of contribution payable by the city under the provisions of this article.~~

(Ord. 1991, ch. 91-5, § 3, 2-8-91; Ord. 1992, ch. 92-48, § 1, 12-11-92)

Sec. 17-184. Investment of funds.

(1) All monies not immediately required for the payment of retirement allowances or other benefits shall be invested by the board of investment commissioners for the benefit of the retirement system. The board of investment commissioners is authorized and empowered to execute the disposition and investment of the funds which are within its control in any securities and investments as would be acquired by prudent persons of discretion and intelligence in these matters, who are seeking a reasonable income and the preservation of their capital. The prudent person standard shall be that standard of care employed solely in the interest of the members and beneficiaries of the retirement system and:

(a) For the exclusive purpose of:

1. Providing benefits to members and their beneficiaries; and
2. Defraying reasonable expenses of administering the funds of the retirement system;

(b) With the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

(c) By diversifying the investments of the fund so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so. The board of investment commissioners shall adopt a statement of investment objectives and policies consistent with the prudent person standard as hereinabove defined.

(2) The city controller is hereby authorized and ~~director~~ directed to draw his orders upon the city treasurer for the purchase of investments, upon receipt by him of properly authenticated vouchers signed by the chairperson of the board of investment commissioners or by the vice- chairperson in the event of the chairperson's absence or illness. The proceeds from the sale of investments shall be paid to the city treasurer for the benefit of the ~~retirement funds of the retirement~~ system.

(3) The board of investment commissioners shall annually allow regular interest on the average amount for the preceding year to the credit of the various funds of the retirement system from the interest and dividends earned from investments. Any excess earnings over the amount so credited shall be used in reducing the amount of contributions required by the city. Any deficiency shall be paid by the city.

(4) Except as herein provided, no member of the board of investment commissioners and no employee of said board shall have any interest, direct or indirect, in the gains or profits of any investment made by the said board, nor as such, directly or indirectly, receive any pay or emolument for his services. And no member of the board of investment commissioners or employee of said board shall, directly or indirectly, for himself or as an agent, in any manner use the same, except to make such current and necessary payments as are authorized by the board of investment commissioners; nor shall any member or employee of the

board of investment commissioners become an endorser or surety or become in any manner an ~~obligor~~ obligor for moneys loaned or borrowed from the retirement board funds of the retirement system.

(5) The board of investment commissioners shall report annually in detail to the city council on or before the first Monday in October of each year showing the investment transactions made by the board of investment commissioners on behalf of the employee retirement system.

(Ord. 1991, ch. 91-5, § 4, 2-8-91; Ord. 1993, ch. 93-12, § 2, 4-9-93; Ord. 1996, ch. 96-22, § 1, 4-21-96)

Sec. 17-185. Method of financing.

The funds hereby created are the annuity savings fund, the annuity reserve fund, the pension accumulation fund and the pension reserve fund.

(1) *Annuity savings fund.* The annuity savings fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities and their withdrawal allowances. Upon the basis of such tables as the retirement board shall adopt and regular interest, the actuary of the retirement system shall determine for each class A member of the proportion of the compensation which, when deducted from each payment of his prospective earnable annual compensation prior to his eligibility for service retirement and accumulated at regular interest until his attainment of the minimum age of service retirement for his group, shall be computed to provide at that time an annuity equal to the pension provided on account of his service as a member. Such proportion of compensation shall be computed to remain constant. In the event that the provisions of this article for the determination of the amount of the pension of a class A employee on account of his service as a member shall at any time, be amended, the retirement board shall adopt, as of the effective date of such amendment, rates of contribution for class A employees computed on the basis of such amendment and such contribution rates shall apply to all members who become class A employees after said effective date at the age attained upon entrance into such class. No increase in percentage contribution rates shall be required of members who are so classified on said effective date, but any such member may elect prior to said date to contribute at the rate as so amended applicable to his age attained on said date and thereafter deductions shall be made from his compensation at such amended rate. ~~The retirement board shall adopt as of April, 1951, for employees in class B a percentage contribution rate of five (5) percentum, and therefore deductions shall be made from the compensation of all members so classified at this rate. The retirement board shall adopt as of October 1, 1968, for employees in class B, a percentage contribution rate of eight (8) percentum, and thereafter deductions shall be made from the compensation of all members so classified at this rate. The retirement board shall adopt as of July 1, 1989, for employees in class B who are members of the Police Department and as of July 1, 1990, for employees in class B who are members of the Fire Department, a percentage contribution rate of nine and one-half (9 1/2) percentum, and thereafter deductions shall be made from the compensation of all members so classified at this rate, anything to the contrary in this article notwithstanding. The proportion so computed for a member one (1) year younger than the minimum age for service retirement from his group shall be applied to any member who has attained a greater age before entrance into the retirement system. The retirement board shall adopt as of July 1, 1974, for employees in class A, a percentage contribution rate of eight (8) percentum, and thereafter deductions shall be made~~

from the compensation of all members so classified at this rate, anything to the contrary in this article notwithstanding. ~~The proportion so computed for a member one (1) year younger than the minimum retirement age for service retirement from his group shall be applied to any member who has attained a greater age before entrance into the retirement system.~~

~~Notwithstanding the provisions of the foregoing paragraph of this subsection (1) of this section, the contribution rates applicable on September 30, 1968, shall continue in force for all class A employees who were then members of the retirement system. They shall also apply to members enrolling on or after October 1, 1968, except that the retirement board may, from time to time, adopt for employees becoming members thereafter, new proportions of compensation to be determined as provided in the preceding paragraph.~~

~~The retirement board shall certify to the~~ The city controller shall certify the proportion of earnable compensation of each member so computed, and he shall deduct such proportion from the compensation of each member on each and every payroll of each department for each and every payroll period; but the city controller shall not make any deductions for annuity purposes from the annual compensation of a member who elects not to contribute ~~if he has attained the minimum retirement age in the case of a class A employee or if he has completed twenty-five (25) years of creditable service, in the case of a class B employee.~~ In determining the amount earnable by a member in a payroll period, the retirement board may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period and it may omit deductions from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period; and to facilitate the making of deductions it may modify the deduction required by any member by such an amount as shall not exceed one-tenth of one percentum of the annual compensation upon the basis of which said deduction is to be made. The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation; and payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment except as to the benefits provided under this article. Said amounts shall be deducted and when deducted shall be paid into said annuity savings fund, and shall be credited, together with regular interest, to an individual account of the member from whose compensation said deduction was made.

In addition to the contributions deducted from compensation hereinbefore provided, any member may redeposit in the annuity savings fund by a single payment or by an increased rate of contribution an amount equal to the total amount which he withdrew previously therefrom as provided in this article, or any member may deposit therein by a single payment or by an increased rate of contribution an amount to be used to provide an additional annuity. Such additional amounts so deposited shall become a part of his accumulated contributions except in the case of retirement, when they shall be treated as excess contributions returnable to the member in the same manner and form as his normal accumulated contributions. The accumulated contributions of a member, withdrawn by him or paid to his estate or to his designated beneficiary in the event of his death as provided in this article, shall be paid from the annuity savings fund. Upon retirement of a member, his accumulated contributions shall be transferred

from the annuity savings fund to the annuity reserve fund. Subject to such rules and regulations as the retirement board may provide, any member who has at least three (3) years of total service may borrow from his account in the annuity savings fund for the following purposes:

- a. Medical expenses.
- b. Dental expenses.
- c. Hospital expenses.
- d. Funeral expenses.
- e. Down payment on the purchase of real estate to be used in whole or in part as the member's home.
- f. Such other purposes as the retirement board may approve.

The aggregate amount of loans outstanding to any member shall never exceed the lesser of the following amounts:

1. Fifty (50) percentum of the amount of the members accumulated contributions.
2. An amount, together with interest thereon, which ~~can~~ must be repaid within ten (10) years ~~prior to the member's attainment of the age of seventy (70) years~~ by additional deductions from his compensation.

The rate of interest payable on the unpaid balance of such loans shall be fixed at the date of commencement of the loan at the rate established for this purpose from time to time by the retirement board. The principle amount, together with interest thereon, shall be repaid to the retirement system in equal installments in such amounts as the board shall approve, and shall be deducted from the compensation of the member at the same time and in the same manner as the member's contributions to the retirement system are deducted. Such installments shall be at least equal to five (5) percentum of the member's compensation.

All payments of principal and regular interest made by a borrowing member shall be credited to his account in the annuity savings fund. The excess of the interest paid by him over the regular interest creditable to the account of the member shall be credited to the pension accumulation fund. The amount of any benefit which becomes payable under the provisions of this article shall be determined on the basis of the member's accumulated contributions less the outstanding balance of such loan, and the pension shall be determined as if such loan had not been made. Should a beneficiary be restored to active service, his annuity reserve shall be transferred from the accumulation fund to his credit in the annuity savings fund.

(2) *Annuity reserve fund.* The annuity reserve fund shall be the fund from which shall be paid all annuities and all benefits in lieu of annuities, payable as provided in this article. Should a beneficiary retired on account of disability be restored to active service, his annuity shall cease and his annuity reserve shall be transferred to his credit in the annuity savings fund.

(3) *Pension accumulation fund.* The pension accumulation fund shall be the fund in which shall be accumulated all reserves for the payment of all pensions and other benefits payable from contributions made by the City of Providence and from which such pensions and other benefits shall be paid to or on account of beneficiaries credited with prior service. Contributions to and payments from the pension accumulation fund shall be made as follows:

a. On account of each member there shall be paid annually into the pension accumulation fund by the City of Providence for the preceding fiscal period, a certain percentage of the earnable compensation of each member to be known as the "normal contribution," and an additional percentage of his earnable compensation to be known as the "deficiency contribution." The rates percentum of such contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuations. Until the first valuation, the normal contribution shall be two and sixty-seven one hundredths ($2\frac{67}{100}$) percentum and the deficiency contribution shall be two and forty-five one hundredths ($2\frac{45}{100}$) percentum of the salaries of all members.

b. On the basis of regular interest and of such mortality and other tables as shall be adopted by the retirement board, the actuary engaged by the ~~board~~ city council to make each valuation required by this article during the period over which the deficiency contribution is payable, immediately after making such valuation, shall determine the uniform and constant percentage of the earnable compensation of the average new entrant, which, if contributed on the basis of his compensation throughout his entire period of active service would be sufficient to provide at the time of his retirement the total amount of his pension reserve. The rate percentum so determined shall be known as the "normal contribution" rate. After the deficiency contribution has ceased to be payable, the normal contribution shall be the rate percentum of the earnable salary of all members obtained by deducting from the total liabilities of the pension accumulation fund the amount of the funds in hand to the credit of that fund and dividing the remainder by one (1) percentum of the present value of the prospective future salaries of all members as computed on the basis of the mortality and service tables adopted by the retirement board and regular interest. The normal rate of contribution shall be determined by the actuary after each mortality and service investigation and shall continue in force until a new investigation and certification.

c. Immediately succeeding the first valuation, the actuary engaged by the ~~retirement board~~ city council shall compute the rate percentum of the total compensation of all members during the preceding fiscal year which is equivalent to four (4) percentum of the amount of the total pension liability on account of all members and beneficiaries not dischargeable by the aforesaid normal contribution made on account of such members during the remainder of their active service. The rate percentum originally so determined shall be known as the "deficiency contribution rate." On the basis of the first actuarial valuation following the 1st day of April, 1965, the deficiency contribution rate shall be revised to provide for the liquidation of the deficiency then existing.

d. The total amount payable in each year to the pension accumulation fund shall not be less than the sum of the rates percentum known as the normal contribution rate and the deficiency contribution rate of the total compensation earnable by all members during the preceding fiscal period; provided, however, the sum of such rates percentum need not exceed the rate percentum of the earnable salary of all members obtained by deducting from seventy (70) percentum of the total liabilities of all funds except the annuity savings fund the amount of the funds

in hand to the credit of such funds and dividing the remainder by one (1) percentum of the present value of the prospective future salaries of all members as computed on the basis of the mortality and service tables adopted by the retirement board and regular interest. The aggregate payment by the city into the pension accumulation fund shall be sufficient, when combined with the amount in the fund, to provide the pension payable out of the fund during the year then current.

e. The deficiency contribution shall be discontinued as soon as the accumulated reserve in the pension accumulation fund shall equal the present value, is as actuarially computed and approved by the ~~retirement board~~ city council, of the total liability of such fund less the ~~present~~ present value, computed on the basis of the normal contribution rate then in force, of the normal contributions to be received on account of persons who are at that time members.

f. All pensions with the exception of those payable on account of members who received no prior service allowance shall be paid from the pension accumulation fund.

g. Upon the retirement of a member not entitled to prior service allowance, an amount equal to his pension reserve shall be transferred from the pension accumulation fund to the pension reserve fund.

(4) *Pension reserve fund.* The pension reserve fund shall be the fund from which shall be paid the pensions to members not entitled to a prior service allowance. Should any disability pension payable from said fund be canceled, the pension reserve thereon shall thereupon be transferred from the pension reserve fund to the pension accumulation fund. Should the pension of a disability beneficiary be reduced as a result of an increase in his earning capacity, the amount of the annual reduction in his pension shall be paid annually into the pension accumulation fund during the period of such reduction.

(Ord. 1991, ch. 91-5, § 5, 2-8-91; Ord. 1993, ch. 93-21, § 1, 7-7-93; Ord. 1995, ch. 95-17, § 8, 7-31-95)

Sec. 17-186. Guarantee by city.

Regular interest charges payable, the creation and maintenance of reserves in the pension accumulation fund and the maintenance of annuity reserves and pension reserves as provided for in this article are hereby guaranteed by the city. All income, interest and dividends derived from the deposits and investments authorized by this article shall be used as provided in this article for the payment of regular interest charges and any surplus shall be credited against the contributions required of the city and any deficit in the regular interest requirements shall be added to the city's contribution and paid by the city. Upon the basis of each actuarial valuation and appraisal provided for in this article, the ~~retirement board~~ finance director shall prepare and submit to the ~~joint~~ standing committee on finance of the city council on or before the first day of May in each year an itemized statement of the amounts necessary to be appropriated by the city to the various funds during the ensuing fiscal period. The city council shall make an appropriation which the city council shall deem to be sufficient to provide for the contributions required of the city under this article and the amount so appropriated shall be included in the annual appropriation ordinance and shall be paid by the city treasury to the various funds of the system created by this article.

(Ord. 1991, ch. 91-5, § 6, 2-8-91)

Sec. 17-187. Membership of retirement system.

(1) All employees as defined in this article shall, upon their option in the case of elected officials and officials appointed for a fixed term, or under contract of their employment in the case of other such employees, become members of the retirement system, and shall receive no pension or retirement allowance from any other pension or retirement system supported wholly or in part by the city, nor shall they be required to make contributions under any other pension or retirement system of said city, anything to the contrary notwithstanding.

(2) It shall be the duty of the ~~head of each department~~ director of personnel to submit to the retirement board a statement showing the name, title, compensation, duties, date of birth and length of service of each member, and such other information as the retirement board may require. The retirement board shall then classify each member as either a class A employee or a class B employee. Notwithstanding the foregoing, for the purpose of the adoption of service and mortality tables pursuant to subdivision subsection (7) of section 17- 183 of this article, the retirement board may classify the members in class A or in class B in any other groups which as may be recommended by the actuary on the basis of the service and mortality experience and approved by the retirement board.

The board shall certify to the member the class in which he is placed and the date of his admission to membership therein. When the duties of a member so require, the retirement board may reclassify him in another class and shall thereupon certify to him the class to which he has been transferred, provided that no member having fifteen (15) or more years of service creditable to him as a member of one (1) class may be so reclassified.

Should the service of any member in any period of ten (10) consecutive years after last becoming a member amount to less than five (5) years, or should he withdraw his accumulated contributions or should he become a beneficiary or die, he shall thereupon cease to be a member.

(Ord. 1991, ch. 91-5, § 7, 2-8-91)

Sec. 17-188. Service creditable--Generally.

(1) The retirement board shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to a year of service, but in computing such service or in computing the compensation, it shall credit no period of more than a month's duration in which a member was absent without pay nor shall more than one (1) year of service be credited on account of all service in one calendar year.

(2) At retirement the total service credited a member shall consist of the service rendered by him as an employee since he last became a member and any additional service hereinafter provided. In no event shall the total service credited to a class B member exceed thirty-two (32) years and six (6) months; provided, however, that service rendered by such member after minimum retirement age shall not be considered as credited service unless the member has continued to make his required contributions after the attainment of such age.

~~—(3) Any member in service on January 1, 1954, who has rendered service as a member prior to his last becoming a member and terminated such previous service not less than six (6) months prior to his last restoration to service may elect, by~~

~~written notice filed with the retirement board prior to June 30, 1955, to repay into the annuity savings fund, in such manner as shall be prescribed by said board, an amount equal to the amount of his regular deductions withdrawn by him on account of his last termination of membership together with regular interest thereon from his last termination of membership, to the date of repayment. Upon repayment, anything to the contrary herein notwithstanding, such amount shall become a part of his accumulated contributions and the period of service during which such deductions were originally made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension on account of membership service which may become payable under this ordinance and for the purpose of determining such member's eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him.~~

~~—(4) Effective May 8, 1963, any employee who was a member on February 15, 1963 and who had a period of continuous service of at least one (1) year's duration prior to his date of membership may, by written notice filed with the retirement board prior to January 1, 1964, elect to pay into the annuity savings fund, in such manner as shall be prescribed by said board, an amount equal to all or a part of the deductions which would have been made had he been a member during such period of continuous service and contributed during such period of service as an employee together with interest thereon from the beginning of said period to the date of employment. Service prior to the fifth day of January, 1925, shall not be included in such period of service. Upon such payment, anything to the contrary notwithstanding, such amount shall become part of his accumulated contributions and the period of service on account of which such payment was made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension which may become payable under this article and for the purpose of determining such member's eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him.~~

~~—(5) Effective May 8, 1963, any person classified as a class B employee on February 15, 1963 who had a period of service in a training school for such employees in the city prior to his date of membership may, by written notice filed with the retirement board prior to January 1, 1964, elect to pay into the annuity savings fund, in such manner as shall be prescribed by said board, an amount equal to all or a part of the deductions which would have been made had he been a member during such period of service and contributed during such period of service together with interest thereon from the beginning of said period to the date of payment. Service prior to the fifth day of January, 1925, shall not be included in such period of service. Upon such payment, anything to the contrary notwithstanding, such amount shall become part of his accumulated contributions and the period of service on account of which such payment was made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension which may become payable under this article and for the purpose of determining such member's eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him.~~

~~—(6) Effective October 1, 1964, any employee or elected official who was a member on February 15, 1965, and who had a period of continuous service of at least one (1) year's duration prior to his date of membership may, by written notice filed with the retirement board prior to January 1, 1966, elect to pay into the annuity savings fund, in such manner as shall be prescribed by said board, an~~

amount equal to all or a part of the deductions which would have been made had he been a member during such period of continuous service and contributed during such period of service as an employee together with interest thereon from the beginning of said period to the date of payment. Service prior to the fifth day of January, 1925, shall not be included in such period of service. Upon such payment, anything to the contrary notwithstanding, such amount shall become part of his accumulated contributions and the period of service on account of which such payment was made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension which may become payable under this ordinance and for the purpose of determining such member's eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him.

—(7) Effective October 1, 1968 any employee or elected officer who was a member on April 1, 1968, who had a period of continuous service of at least six (6) months' duration prior to his date of membership, may, by written notice filed with the retirement board prior to October 1, 1969, elect to pay into the annuity savings fund, in such manner as shall be prescribed by said board, an amount equal to all or a part of the deductions which would have been made had he been a member during such period of service and contributed during such period of service as an employee, together with interest thereon from the beginning of said period to the date of payment. Service prior to the fifth day of January, 1925, shall not be included in such period of service. Upon such payment, anything to the contrary notwithstanding, such amount shall become part of his accumulated contributions and the period of service on account of which such payment was made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension which may become payable under this article and for the purpose of determining such member's eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him.

—(8) Effective October 1, 1968, any person classified as a class B employee on April 1, 1968 who had a period of service in excess of twenty years as of April 1, 1968, may, by written notice filed with the retirement board prior to October 1, 1969, elect to pay into the annuity savings fund, in such manner as shall be prescribed by said board, an amount equal to three (3) percentum of his compensation from the twenty-first through the twenty-fifth year of said member's service, and an amount equal to eight (8) percentum of his compensation from the twenty-sixth year of service up to and including the thirty-second year and sixth month of his service, with interest thereon from the beginning of the period to the date of payment. Service prior to the fifth day of January, 1925, shall not be included in such period of service. Upon such payment, anything to the contrary notwithstanding, such amount shall become part of his accumulated contributions and the period of service on account of which such payment was made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension which may become payable under this article and for the purpose of determining such member's eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him. If said class B employee fails to make the additional contributions as required by the provisions of this subdivision, any contributions made subsequent to the completion of twenty (20) years of service shall be used to provide an excess annuity on retirement.

—(9) Effective July 1, 1972, any employee or elected officer who was a member on January 1, 1972, who had a period of continuous service of at least six (6)

~~months' duration prior to his date of membership, may, by written notice filed with the retirement board prior to July 1, 1973, elect to pay into the annuity savings fund, in such manner as shall be prescribed by said board, an amount equal to all or a part of the deductions which would have been made had he been a member during such period of continuous service and contributed during such period of continuous service as an employee, together with interest thereon from the beginning of said period to the date of payment. Service prior to the fifth day of January, 1925, shall not be included in such period of service. Upon such payment, anything to the contrary notwithstanding, such amount shall become part of his accumulated contributions and the period of service on account of which such payment was made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension which may become payable under this ordinance and for the purpose of determining such member's eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him.~~

~~—(10)–(12) Reserved.~~

~~—(13) Any retired member of the retirement system who was in the armed services of the United States or in the merchant marine service of the United States as defined in Chapter 1721 of the Public Laws, 1946, during any period of one (1) year or more commencing September 16, 1940, may pay into the retirement system a contribution equal to ten (10) percentum of his compensation earnable in his first year of creditable service multiplied by the number of years and fraction thereof in such armed service up to a maximum of four (4) years, provided further, that the compensation shall be an additional two (2) percentum per year for each year purchased, added to whatever pension benefit that is currently payable for his previous employment in the city, including those retired members who received disability retirement benefits. Upon such payment, notwithstanding any general or public law or special enactment to the contrary, that in the event a member is retired and receiving ordinary or disability benefits, his retirement benefit shall be increased an additional two (2) percentum per annum for each year purchased for the period of service in the armed forces or merchant marines, and further, shall be increased even in those cases that would increase the retirement benefit beyond sixty-six and two-thirds ($66 \frac{2}{3}$) percentum. The credit of such service shall be both for the purpose of recomputing the amount of pension which is payable under this article and the rights of any beneficiary claiming through him.~~

(Ord. 1991, ch. 91-5, § 8, 2-8-91; Ord. 1993, ch. 93-28, § 3, 9-24-93)

Sec. 17-188.1. Same--Purchase of service credit.

(1) The city controller, pursuant to the authority of section 17-183(5), shall be responsible for the determination, establishment and fixing of service creditable for previous service or military service and the cost of the purchase thereof as set forth in subsections (2), (3), (4) and (5) ~~herein~~, of this section for active members with a period of continuous service of at least one (1) year's duration. The city controller shall make a report monthly to the employee retirement board and the city council of all purchases of service credit made by any members.

(2) Any member who was on active duty in the armed services of the United States or in the merchant marine service of the United States during and period of one (1) year or more, may, by written notice filed with the city controller, pay into the retirement system within seven (7) years of his first becoming a member, a contribution equal to ten (10) percentum of his compensation earnable in his first

year of credible service multiplied by the number of years and fraction thereof in such armed service up to a maximum of four (4) years. Upon such payment, anything to the contrary notwithstanding, such amount shall become part of such member's accumulated contributions and the period of service in the armed forces or merchant marines on account of which such payment was made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension which may become payable under this article and for the purpose of determining such member's eligibility for the benefits payable hereunder, and the rights of any beneficiary claiming through him.

(3) Any member who has rendered service as a member prior to his last becoming a member and terminated such previous service may, by written notice filed with the city controller, elect to repay into the annuity savings fund an amount equal to the amount of such member's accumulated contributions which were withdrawn by such member on account of such member's last termination of membership, together with eight (8) percentum interest compounded annually thereon from his last termination of membership, to the date of repayment. Upon such repayment, anything to the contrary notwithstanding, such amount shall become part of such member's accumulated contributions and the period of service on account of which such payment was made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension which may become payable under this article and for the purpose of determining such member's eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him.

(4) Any employee or elected officer who is an active Class A member who returns to employment following a period of leave to which he is entitled under Federal or State Law or a period of disability for which workers' compensation or similar payments are made, may, by written notice filed with the city controller, elect to pay into the annuity savings fund an amount equal to eight (8) percentum of the base compensation which the employee or elected officer would have paid had such employee or elected officer not taken such period of leave or disability together with eight (8) percentum interest compounded annually thereon from the date of the commencement of his period of leave or disability, to the date of repayment. Upon such payment, anything to the contrary notwithstanding, such amount shall become part of such member's accumulated contributions and the period of service on account of which such payment was made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension which may become payable under this article and for the purpose of determining such member's eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him.

(5) Any employee or elected officer who is an active Class B member who returns to employment following a period of leave to which he is entitled under Federal or State law or a period of disability for which workers' compensation or similar payments are made, may, by written notice filed with the city controller, elect to pay into the annuity savings fund an amount equal to 9.5 percentum (9.5%) of the base compensation which the employee or elected officer would have been paid had such employee or elected officer not taken such period of leave or disability together with eight (8) percentum interest compounded annually thereon from the date of the commencement of his period of leave or disability, to the date of repayment. Upon such payment, anything to the contrary notwithstanding, such

amount shall become part of such member's accumulated contributions and the period of service on account of which such payment was made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension which may become payable under this article and for the purpose of determining such member's eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him.

(6) Any other employee or elected officer who is an active member and who had a period of continuous full time service of at least six (6) months' duration prior to his date of membership as a temporary city employee, or a CETA-financed city employee, may by, written notice filed with the city controller, elect to pay into the annuity savings fund and the pension accumulation fund an amount equal to the full actuarial value of the benefits payable under this article as of the date of payment, as computed by the actuarial advisor of the board, assuming such member shall retire on his normal retirement date based upon the assumptions used in the plan's actuarial valuation. Upon such payment, anything to the contrary notwithstanding, such amount paid into the annuity savings account shall become part of such member's accumulated contributions and the period of service on account of which such payment was made shall be added to his period of service since last becoming a member. The crediting of such service shall be both for the purpose of computing the amount of pension which may become payable under this article and for the purpose of determining such member's eligibility for the benefits payable hereunder and the rights of any beneficiary claiming through him.

(7) The city controller shall not permit the purchase of service credits in the retirement system for any period of employment as a seasonal or part-time employee or for service as a member on any part-time board or commission.

(Ord. 1993, ch. 93-28, § 2, 9-24-93)

Sec. 17-189. Benefits payable.

(1) *Service retirement*: Retirement of a member on a service retirement allowance shall be made by the retirement board as follows:

~~—(a) Each class A member who has attained the age of seventy (70) shall be retired forthwith, or on the first day of the calendar month next succeeding that in which the member shall have attained the age of seventy (70) years. Provided further that the foregoing retirement provisions shall not apply to officials elected by the people.~~

(e)(a) Any member may retire upon his written application to the retirement board setting forth at what time, not less than thirty (30) nor more than ninety (90) days subsequent to the execution and filing thereof, he desires to be retired, provided that the said member at the time so specified for his retirement shall have attained the minimum age requirement age for his class and notwithstanding that, during such period of notification, he may have separated from service. The minimum ages for service retirement for employees who became members on or before June 30, 1995 shall be as follows:

Class A employees: Fifty-five (55) or the age at which twenty- five (25) years of service is completed if prior thereto.

Class B employees: Fifty-five (55) or the age at which twenty (20) years of service is completed if prior thereto.

The minimum age for service retirement for employees who become members on or after July 1, 1995 shall be as follows:

Class A employees: Fifty-five (55) or the age at which thirty (30) years of service is completed if prior thereto.

Class B employees: Fifty-five (55) or at the age at which twenty (20) years of service is completed if prior thereto.

(b) Each class B member who has attained the age of sixty (60) and each class B member who attains the age of sixty (60), shall be retired forthwith, or on the first day of the calendar month next succeeding that in which the member shall have attained the age of sixty (60) years.

~~—(d) Any provision hereto to the contrary notwithstanding, any member who attains, or has attained, the mandatory retirement age, who requires additional credits to be eligible for benefits under the pension plan of the Laborers International Union of North America AFL-CIO, may continue his employment until he attains such needed additional credits, but in no case to extend beyond an additional one-year extension.~~

(2) *Allowance on service retirement:* Upon retirement for service a member shall receive a retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(b) If the member is a class A employee who first becomes a member prior to July 1, 1996, a pension which together with his normal annuity, exclusive of any excess annuity, shall be equal to one-fortieth of his final compensation multiplied by the first twenty (20) years of his total service credited and equal to one-fiftieth of his final compensation multiplied by the number of years of his total service credited in excess of twenty (20) years; and, in addition, an excess annuity which shall be the actuarial equivalent of his accumulated excess contributions at the time of his retirement. If the member is a Class A employee who first becomes a member on or after July 1, 1996, a pension which together with his normal annuity, exclusive of any excess annuity, shall be equal to one-fiftieth of his final compensation multiplied by the number of years of his total service credited; and, in addition, an excess annuity which shall be the actuarial equivalent of his accumulated excess contributions at the time of his retirement, provided, however, that no Class A employee shall receive a service retirement allowance, exclusive of any excess annuity, in excess of one hundred (100) percentum of his final compensation.

(c) If the member ~~if~~ is a class B employee, a pension which together with his normal annuity, exclusive of any excess annuity, shall be equal to one-fortieth of his final compensation multiplied by the first twenty (20) years of his total service credited, and equal to one-fiftieth of his final compensation multiplied by the number of years of his total service credited in excess of twenty (20) years; and, in addition, an excess annuity which shall be the actuarial equivalent of his accumulated excess contributions at the time of his retirement, provided, however, that no class ~~F~~ B employee shall receive a service retirement allowance, exclusive

of any excess annuity, in excess of seventy-five (75) percentum of his final compensation.

(3) *Ordinary disability retirement*: Medical examination of a member for ordinary disability shall be made upon application of the head of the department in which said member is employed, or upon the application of said member or of a person acting in his behalf, stating that said member is physically or mentally incapacitated for the performance of duty and that he ought to be retired, provided that the member has had ten (10) or more years of total service. A medical examination of the member shall be made by three (3) physicians engaged by the ~~retirement board~~ director of personnel for this purpose, and should such medical examination show that said member is physically or mentally incapacitated for the performance of duty and ought to be retired, the physicians shall so report and certify to the retirement board and the retirement board shall retire the member for ordinary disability forthwith.

(4) *Allowance upon ordinary disability retirement*: Upon retirement for ordinary disability a member shall receive a retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(b) If the member is a class A employee, a pension which together with his normal annuity, exclusive of any excess annuity, shall be equal to nine-tenths of one-fiftieth of his final compensation multiplied by the number of years of the total service which would have been credited at minimum retirement age had he remained in service to such age; and in addition, an excess annuity which shall be the actuarial equivalent of his accumulated excess contributions at the time of his retirement; provided, however that no class A employee shall receive an ordinary disability retirement allowance, exclusive of any excess annuity, in excess of forty-five (45) percentum of his final compensation. ~~In no event shall his pension be less than it would have been had the provisions of this paragraph (b) as in effect on September 30, 1964, continued without change to his date of retirement.~~

(c) If the member is a class B employee, a pension which together with his normal annuity, exclusive of any excess annuity, shall be equal to nine-tenths of one-fortieth of his final compensation multiplied by the number of years of total service which would have been credited at minimum retirement age had he remained in service at such age; and, in addition, an excess annuity which shall be the actuarial equivalent of his accumulated excess contributions at the time of his retirement, provided, however, that no class B employee shall receive an ordinary disability retirement allowance, exclusive of any excess annuity, in excess of forty-five (45) percentum of his final compensation. ~~In no event shall his pension be less than it would have been had the provisions of this paragraph (c) as in effect on September 30, 1964, continued without change to his date of retirement.~~

(5) *Accidental disability retirement*: Medical examination of a member for accidental disability and investigation of all statements and certifications by him or in his behalf in connection therewith shall be made upon the application of the head of the department in which said member is employed, or upon the application of the member, or of a person acting in his behalf, stating that such member is physically or mentally incapacitated for the performance of the duties the member was performing at the time of the accident, as a natural and proximate result of an accident while in the performance of duty, and certifying the definite time, place

and conditions of such duty performed by said member resulting in such alleged disability and that such alleged disability is not the result of willful negligence or misconduct on the part of said member and is not the result of age or length of service and that said member should, therefore, be retired. If a medical examination conducted by three (3) physicians engaged by the ~~retirement board~~ director of personnel and such investigation as the ~~retirement board~~ director of personnel may desire to make shall show that said member is physically or mentally incapacitated for the performance of service as a natural and proximate result of an accident, while in the performance of duty, and that such disability is not the result of willful negligence or misconduct on the part of said member and is not the result of age or length of service, and that such member should be retired, and ~~in the event a majority of the physicians who conducted the examination shall so certify to the retirement board stating the time, place and conditions of such service performed by said member resulting in such disability, the retirement board shall retire the said member for accidental disability. The application to accomplish such retirement must be filed within eighteen (18) months of the date of the accident.~~

(6) *Allowance on accidental disability retirement:* Upon retirement for accidental disability a member shall receive a retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, and

(b) A pension, in addition to the annuity, of sixty-six and two-thirds ($66\frac{2}{3}$) percentum of his final compensation, or a pension equal to the amount of retirement allowance provided in ~~subdivision~~ subsection (2) of this section, whichever is greater.

(c) Upon the death of a member within five (5) years after accidental disability retirement, provided that evidence shall be submitted to the retirement board proving that the death of such member was the natural and proximate result of an accident while in the performance of duty at some definite time and place, and that such death was not the result of willful negligence on his part, and upon application by or on behalf of the dependents of such deceased member the retirement board shall grant a pension of one-half the final compensation of such member:

1. To his/her widow/widower, to continue during his/her widowhood/widowhood; or

2. If there be no widow/widower, or if the widow/widower dies or remarries before any child of such deceased member shall have attained the age of nineteen (19) years, then to his child or children under said age, divided in such manner as the retirement board in its discretion, shall determine, to continue as a joint and survivor pension of one-half of his final compensation until every such child dies or attains said age; or

3. If there be no widow/widower or child under the age of nineteen (19) years surviving such deceased member, then to his dependent father or mother, as the deceased member shall have nominated by written designation, duly acknowledged and filed with the retirement board; or if there be no such nomination, then to his dependent father or to his dependent mother, as the retirement board in its discretion shall direct, to continue for life.

(7) Re-examination of members retired on account of disability: Once each year the ~~retirement board~~ director of personnel may, and upon his application by a disability pensioner shall, require ~~any said disability pensioner if~~ under the minimum age for service retirement to undergo a medical examination, such examination to be made at the place of residence of the pensioner or other place mutually agreed upon, by a physician or physicians engaged by the ~~retirement board~~ director of personnel. Should any such pensioner refuse to submit to such examination, his pension may be ~~discounted~~ discontinued until his withdrawal of such refusal, and should his refusal continue for a year, all his rights in and to such pension may be revoked by the retirement board. If the examination indicates that the disability of the pensioner has been removed, his name shall be placed on such appropriate lists of candidates as are prepared for appointment to a position in his department for which ~~his~~ he is stated to be qualified in a salary grade comparable to that from which he was last retired. Upon reinstatement to active service at the salary grade comparable to that from which he was last retired, he shall be reinstated as a member and participate in the benefits of the retirement system with credit for service rendered prior to disability ~~requirement~~ retirement and for the period during which he received the disability ~~requirement~~ retirement allowance, provided that he did not refuse to accept such reinstatement when it was first offered to him; in the event of such refusal, the pension shall be discontinued and any rights to further benefits under the retirement system shall be based solely on his service rendered prior to his disability retirement.

(8) *Accidental death benefit*: Upon the accidental death of a member before retirement, provided that evidence shall be submitted to the retirement board providing that the death of such member was the natural and proximate result of an accident while in the performance of duty at some definite time and place and that such death was not the result of willful negligence on his part, his accumulated contributions shall be paid to his estate, or to such person having an insurable interest in his life as he shall have nominated by written designation, duly executed and filed with the retirement board, and upon application by or on behalf of the dependents of such deceased member the retirement board shall grant a pension of one-half the final compensation of such member:

(a) To his/her widow/widower, to continue during his/her widowerhood/ widowhood; or

(b) If there be no widow/widower, or if the widow/widower dies or remarries before any child of such deceased member shall have attained the age of nineteen (19) years, then to his child or children under said age, divided in such manner as the retirement board in its discretion shall determine, to continue as a joint and survivor pension of one-half of his final compensation until every such child dies or attains said age; or

(c) If there be no widow/widower or child under the age of nineteen (19) years surviving such deceased member, then to his dependent father or mother, as the deceased member shall have nominated by written designation, duly acknowledged and filed with the retirement board; or if there be no such nomination, then to his dependent father or to his dependent mother, as the retirement board in its discretion shall direct, to continue for life.

(9) *Deferred retirement benefit*: Any employee who has ten (10) or more years of total service may retire upon his written application to the retirement board setting forth at what time, not less than thirty (30) nor more than ninety (90) days

subsequent to the execution and filing thereof, he desires to be retired, provided that the member, at the time so specified for his retirement, shall have fulfilled the above service requirement and notwithstanding that, during such period of notification, he may have separated from service.

(10) *Allowance upon deferred retirement*: Upon deferred retirement a member shall receive a deferred retirement allowance commencing at minimum retirement age calculated in the same manner as provided in ~~subdivision~~ subsection (2) of this section.

(11) *Restoration to service*: Should a beneficiary retired on a service retirement allowance or a deferred retirement benefit be restored to service he shall again become a member and any election of an optional benefit shall be null and void. If payment of his retirement allowance has commenced, such allowance shall cease. Upon subsequent retirement, if he has completed one (1) year of service following his restoration, he shall receive a retirement allowance based on his total service before and after his restoration to service; otherwise, his retirement allowance shall be equal to the sum of the retirement allowance computed as of the date of his previous retirement and the retirement allowance computed on the basis of his service subsequent to restoration.

(12) *Withdrawal and ordinary death benefit*: Benefits upon withdrawal and ordinary death shall be payable as follows:

(a) A member who withdraws from service or ceases to be a member for any reason other than death or retirement shall be paid on demand the accumulated contributions standing to the credit of his individual account in the annuity savings fund. A member retired on a deferred retirement benefit may elect, prior to the date upon which the first payment on account of his retirement allowance becomes normally due, to receive in lieu of his retirement allowance the amount of the accumulated contributions standing to the credit of his individual account in the annuity savings fund. Payment of such amount shall constitute a full and complete discharge of any further claim by him or any beneficiary claiming through him for benefits under this article.

(b) Should a member die before retirement or should a retired member die within thirty (30) days after the date upon which the first payment on account of his retirement allowance becomes normally due, his accumulated contributions less the amount of any retirement allowance payments he may have received, shall be paid to his estate, or to such person as he shall have nominated by written designation, duly executed and filed with the retirement board.

(c) Should a member who has attained minimum retirement age and who dies before retirement without his having made an election under the provisions of section 17-190 ~~hereby of this article~~ be survived by a spouse, such spouse shall be entitled, in lieu of return of the member's accumulated contributions as provided under paragraph (b) of this ~~subdivision subsection~~ (12), to a benefit determined in the same manner as it would have been determined had the member retired from service on the date of his death and made an effective election of a reduced retirement allowance in accordance with option 2 under section 17-190 ~~hereof of this article~~ and nominated his spouse as his designated beneficiary.

(d) Upon the death of a retired member who has not made an optional selection as provided in section 17-190 ~~hereof of this article~~ or upon the death of the survivor of a retired member and the beneficiary under an optional selection as

provided in section 17-190 ~~hereof of this article~~, if such optional selection has been made and become effective, a payment shall be made to the estate of the retired member, or to the estate of the survivor as the case may be, or to such person as the retired member shall have nominated by written designation duly executed and filed with the retirement board in an amount equal to the excess, if any, of the retired member's normal accumulated contributions at retirement over the sum of the payment made on account of his pension and normal annuity, plus the excess, if any, of the retired member's excess accumulated contributions at retirement over the payments made on account of his excess annuity.

(e) Upon the death of any class B member who at the time of his death was eligible to retire from service, if no accidental death benefit is payable and if an effective election of an optional benefit has not been made under section 17-190, a retirement allowance equal to sixty-seven and one-half (67 1/2) percent of the retirement allowance, exclusive of any excess annuity, that would have been paid to such member had he retired shall be paid to his surviving spouse for her lifetime until she remarries, or if there be no surviving spouse or the surviving spouse remarries, then to his dependent children until they attain eighteen (18) years of age. The benefit provided under this paragraph (e) shall be in lieu of any benefit under paragraph (c) of this subdivision (12) and shall be payable only if it exceeds the benefit otherwise provided under said paragraph (c).

(f) Upon the death of any class B member who has retired from service, if no pension is payable pursuant to paragraph (c) of subdivision (6) of this section, a pension equal to sixty-seven and one-half (67 1/2) percent of the retirement allowance, exclusive of any excess annuity, paid to such retired member shall be paid to his surviving spouse, for her lifetime until she remarries, or if there be no surviving spouse or the surviving spouse remarries, then to his dependent children until they attain the age of eighteen (18).

(13) *Eligibility for an allowance.* The eligibility for a retirement allowance and the amount of such allowance shall be determined in accordance with the provisions of the ordinance to provide for the retirement of employees of the city as in effect on the last day of a member's employment.

(14) Additional benefits for retired Class A employees and their beneficiaries: ~~As to retired Class A employees, effective as of January 1, 1992, the benefits for persons who retired prior to January 1, 1992, or their beneficiaries shall be adjusted as follows: The benefits of any retired Class A employee or the beneficiary of such person who retired after completion of twenty-five (25) years of service shall be increased to a base monthly retirement allowance of five hundred dollars (\$500.00) per month; Effective January 1, 1993, the benefits for any retired Class A employee who retired prior to January 1, 1993 or his beneficiary shall be adjusted to provide a minimum monthly retirement allowance of six hundred eighteen dollars (\$618.00); provided, however, if the member elected to receive a reduced retirement allowance in accordance with the available options, said five hundred dollar six hundred eighteen dollar minimum monthly retirement allowance shall be reduced to reflect the option elected. In the event the retired Class A employee has completed less than twenty-five (25) years of service, he or his beneficiary shall be entitled to receive 1/25th of the minimum benefits monthly retirement allowance for each year of his service. Effective January 1, 1993, the benefits for any retired Class A employee who retired prior to January 1, 1993 or his beneficiary shall be adjusted to provide a base monthly retirement allowance of six hundred eighteen dollars (\$618.00) per month with the same qualifying factors as above.~~

(15) Additional benefits for retired Class B employees and their beneficiaries: ~~As to retired Class B employees, effective January 1, 1992, the benefits for persons who retired prior to January 1, 1992 or their beneficiaries shall be adjusted as follows: The benefits of any retired Class B employee or the beneficiary of such person who retired after completion of twenty-five (25) years of service shall be increased to a base monthly retirement allowance of five hundred dollars (\$500.00) per month; Effective January 1, 1993, the benefit for any retired Class B employee who retired prior to January 1, 1993 or his beneficiary shall be adjusted to provide a minimum monthly retirement allowance of six hundred thirty dollars (\$630.00);~~ provided, however, if the member elected to receive a reduced retirement allowance in accordance with the available options, said ~~five hundred dollar~~ six hundred-thirty dollar minimum monthly allowance shall be reduced to reflect the option elected.

In the event the retired Class B employee has completed less than twenty-five (25) years of service, he or his beneficiary shall be entitled to receive 1/25th of the above minimum monthly retirement allowance ~~benefits~~ for each year of his service. ~~Effective January 1, 1993, the benefit for any retired Class B employee who retired prior to January 1, 1993 or his beneficiary shall be adjusted to provide a base monthly retirement allowance of six hundred thirty dollars (\$630.00) per month with the same qualifying factors as above.~~

~~—(16) Accrual provision. In no event shall benefits payable under section 17-189 of the Code of Ordinances be less than that which accrued as of September 2, 1995 based upon the benefit provisions in effect at that time.~~

(17) Reserved.

(18) Reserved.

(Ord. 1991, ch. 91-5, § 9, 2-8-91; Ord. 1994, ch. 94-2, §§ 1--3, 1-10-94; Ord. 1995, ch. 95-17, §§ 3--7, 7-31-95; Ord. 1996, ch. 96-57, § 1, 12-30-96)

Sec. 17-190. Options.

Until the first payment on account of a retirement allowance becomes normally due, any member may elect to convert the retirement allowance, otherwise payable on his account after retirement, into a retirement allowance of equivalent actuarial value of one (1) of the optional forms named below. However, an election of an optional benefit shall not be effective until sixty (60) days after the date of the filing of the election thereof with the retirement board, or until thirty (30) days after the date upon which the first payment on account of his retirement allowance becomes normally due, whichever is the later, and should the member die before such election becomes effective, the benefits payable on his account shall be the same as though his election had not been filed and he had not been retired. Such optional retirement allowances shall be payable throughout life with the provisions that:

(1) Option 1. If he dies before he has received in payments the present value of his retirement allowance as it was at the time of his retirement, the balance shall be paid to his legal representatives, or such person having an insurable interest in his life, as he, his wife spouse, or his guardian so electing shall nominate by written designation duly acknowledged and filed with the retirement board.

(2) Option 2. Upon his death, his lesser retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his life, as he, his ~~wife~~ spouse, or his guardian so electing shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement.

(3) Option 3. Upon his death, one-half of his lesser retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his life, as he, his ~~wife~~ spouse, or his guardian so electing shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement.

(4) Option 4. Some other benefit or benefits shall be paid to either the beneficiary or to such person or persons as he, his ~~wife~~ spouse, or his guardian, so electing, shall nominate, provided such other benefit or benefits together with such lesser retirement allowance, shall be certified by the actuary of the retirement system to be of equivalent actuarial value to his benefit and shall be approved by the retirement board.

Notwithstanding the foregoing provisions of this ~~§Section-10~~, any member who has attained minimum retirement age may elect, in accordance with option 2, 3, or 4 above, a reduced retirement allowance with provision for benefits to his spouse or to a person having an insurable interest in his life other than his wife spouse. Such benefits shall be determined as of the date of his death or retirement, if prior thereto, in accordance with the provisions of the option elected and shall be in lieu of the return of the member's accumulated contributions as provided under paragraph (b) of ~~subdivision subsection~~ (12) of section 17-189 ~~hereof of this article~~. In the event of death prior to retirement, the benefit payable to the designated beneficiary shall be determined in the same manner as it would have been determined had the member retired from service on the date of his death. However, such election of an optional benefit shall not be effective until sixty (60) days after the date of the filing of the election thereof with the retirement board. After such election shall have become effective it shall be irrevocable except in the event that the designated beneficiary predeceases the member prior to his retirement.

~~Any married member who prior to October 1, 1968, had made an election naming his spouse as beneficiary in accordance with the provisions of the preceding paragraph of this section may revoke such election at any time prior to the date of his actual retirement.~~

~~Notwithstanding any provision hereof to the contrary, the retirement board shall, upon written request by any class B employee, permit any such employee to change any option previously elected pursuant to the provisions of this section to receive benefits payable in accordance with the maximum pension provisions of section 17-189 hereof.~~

(Ord. 1991, ch. 91-5, § 10, 2-8-91)

Sec. 17-191. Pensions offset by compensation benefits.

Any amounts paid or payable under the provisions of any worker's compensation law, or as the result of any action for damages for personal injuries against the city, on account of death or disability of a member, shall be offset against and payable in lieu of any benefits payable out of funds provided by the

city under the provisions of this article on account of the death or disability of the member. If the value of the total commuted benefits under any such worker's compensation law or action is less than the present value on an actuarial basis of the benefits otherwise payable under ~~these provisions~~ this article, then the difference shall be payable under the provisions of this article.

(Ord. 1991, ch. 91-5, § 11, 2-8-91)

Sec. 17-192. Elective officers.

(1) Persons who have served as mayor, or as a city councilmen member, for at least ~~ten (10)~~ full legislative years since January 1, 1941, or as mayor, or city councilmen, for at least eight (8) full legislative years since January 1, 1961, hereinafter collectively referred to as elective officers, and who have reached the age of fifty-two (52), or have served twenty (20) consecutive years as an elective officer of the city prior to reaching such age, or have become totally and permanently disabled prior to reaching such age, ~~whether or not such persons are now serving as elective officers or are serving as such at the time of attaining said age or becoming so disabled~~, shall be entitled to a retirement allowance as provided in this section.

(2) Said retirement allowance shall be computed at the rate of ~~one hundred dollars (\$100.00) per annum for each year, or fraction thereof, as an elective officer of the city from January 1, 1941, to September 30, 1968, and at the rate of one hundred fifty dollars (\$150.00) per annum for a full year of service as an elective officer of the city from October 1, 1968, to September 30, 1969, and at the rate of two hundred dollars (\$ 200.00) per annum for each year, or fraction thereof, as an elective officer of the city from October 1, 1969, to September 30, 1971, and at the rate of three hundred fifty dollars (\$350.00) per annum for each year, or fraction thereof, as an elective officer of the city from September 30, 1971, and since any withdrawal of his contributions as provided in subdivision subsection (6) of this section; provided, however, that the total number of full years of service for which an allowance shall be paid shall not exceed twenty (20) years, except as provided in the last sentence of subdivision (6) of this section.~~ Said retirement allowance shall include credit for each year or portion of any year served by said elective officer on active duty with the United States Armed Forces which credit shall be computed at the rate of three hundred fifty dollars (\$350.00) per annum for each full year or portion thereof of said military service, ~~provided, however, that said credit for military service shall only apply to those persons who were elective officers for any period of time from January 1, 1971, or thereafter; provided, however, that said retirement allowance shall be computed at the rate of three hundred fifty dollars (\$ 350.00) per annum for each year, or fraction thereof, as an elective officer, including military service time for any person who served as an elective officer for any period of time from January 1, 1971, to July 1, 1974.~~

~~—Any elective officer in office from January 1, 1971 may, by written notice filed with the retirement board prior to October 1, 1974, elect to pay to the annuity savings fund in such a manner as shall be prescribed by said board, an additional amount of fifty dollars (\$50.00) per year for each full year, or fraction thereof, as an elective officer of the city from January 1, 1941, to September 30, 1973.~~

~~—Upon such payment, anything to the contrary notwithstanding, such amount shall become part of his accumulated contributions and the period of service on account of which such payment was made shall be included in his retirement allowance at the rate of three hundred fifty dollars (\$ 350.00) per year for each~~

~~year, or fraction thereof, served; provided, however, that the total number of full years of service for which an allowance shall be paid shall not exceed twenty (20) years, except as provided in the last sentence of subdivision (6) of this section.~~

(3) Said retirement allowance shall not be paid to any person otherwise entitled thereto while he is receiving compensation from the city or any of its agencies, commissions or ~~bureaus~~ boards, except to the extent that said retirement allowance may exceed such compensation.

(4) Said retirement allowance shall not be paid to any elective officer who has been removed from office pursuant to the provisions of the ~~charter of the city~~ Providence Home Rule Charter of 1980 or who, while receiving said retirement allowance, is finally convicted of a felony or other crime involving moral turpitude.

(5) Eligibility for and the continuance of any benefit payable under this section on account of total and permanent disability shall be subject to medical examinations ~~made at the request of the retirement board~~ in accordance with the provisions of ~~subdivisions~~ subsections (3), (5) and (7) of section 17- 189 of this article.

(6) Each elective officer of the city ~~who is in office on January 1, 1973, or who subsequently thereto becomes an elective officer,~~ shall contribute three hundred fifty dollars (\$350.00) per annum of his compensation toward the cost of the benefits provided hereunder. Such contributions with accumulated interest may be withdrawn at any time prior to the commencement of payments hereunder, provided that upon such withdrawal all rights accrued under this section with respect to any service rendered prior to the date of such withdrawal shall terminate. Should a former elective officer elect not to withdraw such contributions with interest as above provided, no interest shall be credited to his contributions after four (4) years shall have elapsed since he ceased to be an elective officer. Required contributions hereunder from elective officers shall cease after twenty (20) years of service, ~~and any contributions heretofore deducted for service in excess of twenty (20) years prior to October 1, 1972, shall at the option of the elective officer concerned be refunded or applied toward the purchase of retirement benefits under the provisions hereof in excess of twenty (20) years, anything herein to the contrary notwithstanding.~~

(7) (a) Contributions under this section of an elective officer who dies before retirement allowance payments commence as provided hereunder, shall be repaid with accumulated interest to his estate or designated beneficiary. Upon the death after retirement of an elective officer who has not made an optional selection as provided in subsection (9) of this section or upon the death of the survivor of a retired elective officer and the beneficiary under an optional selection as provided in said subsection (9) of this section, if such optional selection has been made and become effective, a payment shall be made to the estate of the retired elective officer, or to the estate of the survivor as the case may be, or to such person as the retired elective officer shall have nominated by written designation duly executed and filed with the retirement board in an amount equal to the excess, if any, of the retired elective officer's contributions as an elective officer with interest accumulated to the date of commencement of his retirement allowance over the retirement allowance payments made in accordance with the provisions of this section.

(b) In the event a person who was an elective officer ~~on and after January 1, 1979,~~ shall be deceased and who:

1. Served the required number of years necessary for benefits as an elective officer under this article but had not yet attained the age of fifty-two (52) years; or

2. Was collecting benefits under the provisions of this act; then and in such events, upon the date of his death, a benefit of one-half of that amount to which said person should have been entitled under the provisions hereof had he survived or he was collecting, will be paid to his surviving widow/widower so long as said surviving widow/widower shall remain sole and unmarried and said benefits shall cease immediately upon the death or remarriage of surviving widow/widower.

~~—(8) An elective officer of the city holding office on January 1, 1978, may, by written notice filed with the retirement board, elect to pay the annuity savings fund in such a manner as shall be prescribed by said board and in an amount determined by said board for any fraction of a year during which said public official was elected for the purpose of obtaining full credit for such year.~~

~~(9)~~ (8) An elective officer may make an optional selection under the same terms and conditions as provided in section 17-190 hereof of this article in respect of ~~to~~ the retirement allowance otherwise payable to him in accordance with the provisions of this section.

(10) (9) The provisions hereof of this section are in addition to and supplemental to the benefits provided under any other sections of this article as ~~amended~~ and nothing contained in this section shall adversely affect any present or future rights arising out of membership in any city or state retirement system including that provided in ~~the this article, as amended.~~ Any conflict or inconsistency between this section and any other sections of this article as ~~amended~~ shall be resolved in favor of accomplishing the intention of this section and said conflict or inconsistent provisions shall be waived or superseded insofar as the other sections of this article are concerned.

~~(11)~~ (10) The city council of the City of Providence shall, from time to time, upon the advice of the finance director, appropriate such sums as may be necessary to carry out the provisions hereof of this section. Any such sums thus appropriated shall be separately administered for the payment of the retirement allowances ~~herein provided in this section.~~

(Ord. 1991, ch. 91-5, § 12, 2-8-91)

~~Sec. 17-193. Exemption from taxation, assignment and execution.~~

~~—Effective January 1, 1985, the right of a member or beneficiary to a pension, an annuity, a retirement allowance, to the return of contributions, any benefit or right accrued or accruing to any person under the provisions of this article, and the monies in the various funds created hereunder, shall be exempt from any municipal tax, or state tax except for the personal income tax imposed under the provisions of chapter 30 of title 44 of the general laws as amended, and, except as specifically provided under this article, they shall not be assignable, subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law or any other similar process of law. If any provision of this section or the~~

~~application thereof shall for any reason be judged invalid, such a judgment shall not affect, impair or invalidate the remainder of the law, but shall be confined in its effect to the provision or application directly involved in the controversy giving rise to the judgment.~~

(Ord. 1991, ch. 91-5, § 13, 2-8-91)

Sec. 17-194 193. Protection against fraud.

Every person who knowingly or willfully makes or presents or in any wise procures the making or presentation of any false or fraudulent affidavit or affirmation concerning any claim for pension or payment thereof, shall in every case forfeit a sum not exceeding two hundred fifty dollars (\$250.00), to be sued and recovered by and in the name of the retirement board of the City of Providence on behalf of the employee retirement system, and when recovered, paid over to and thereupon become a part of the funds of the retirement system.

(Ord. 1991, ch. 91-5, § 14, 2-8-91)

~~Sec. 17-195. Former members of retirement system employed by Chapin Hospital or city health department transferred to state retirement system.~~

~~—Anything to the contrary in this act notwithstanding, the following provisions shall apply with respect to any member who was an employee of the city by reason of his employment at the Charles V. Chapin Hospital or in the city health department and who, on or after October 1, 1965, and prior to his attainment of age sixty (60), becomes a member of the employees' retirement system of the State of Rhode Island.~~

~~—(1) Membership of such a member shall cease as of the date he ceases to be an employee of the city or becomes an employee of the school department thereof and he shall have no rights under the system except as hereinafter provided in this section 17-195.~~

~~—(2) All funds held in the employees' retirement system of the City of Providence on account of such a member which are attributable to his own contributions shall be transferred to the proper fund in the employees' retirement system of the State of Rhode Island and such transfer shall be a complete discharge of all liability of this system with respect thereto; provided, however, that any excess of the amount of such funds over the amount certified by the retirement board of the employees' retirement system of the State of Rhode Island to be equal to the contribution credits which he would then have had under such system if the entire period of service credited to him under this system had been rendered as an employee of the state, shall be paid to him in a single lump sum on or before May 1, 1967.~~

~~—(3) In addition, there shall be transferred an amount which, when taken with the funds transferred in accordance with subdivision (2) above, shall be equal to the amount certified by the retirement board of the employees' retirement system of the State of Rhode Island as being required to provide service credit in such system for all purposes thereof for all service rendered the City of Providence; provided, however, that if the funds held hereunder on account of such members which are not attributable to their own contributions are not sufficient to provide such amount, the city shall contribute to the state system the deficit.~~

~~—(4) Upon payment of the amounts herein provided, the employee shall be credited under the state system with all service and benefits that he would have had thereunder if all his city employment had been as an employee of the state.~~

~~(Ord. 1991, ch. 91-5, § 15, 2-8-91)~~

~~Sec. 17-196. Former welfare employees covered by retirement system.~~

~~—Anything to the contrary in this article notwithstanding, the following provisions shall apply with respect to any member who was an employee of the city by reason of his employment as a welfare employee the cost of whose pay is reimbursed by the State of Rhode Island and who, on or after July 1, 1970, becomes a member of the employees' retirement system of the State of Rhode Island as the result of his transfer to the service of the state.~~

~~—(1) Membership of such a member shall cease as of the date he ceases to be an employee of the city and he shall have no rights under the system except as hereinafter provided in this section 17-196.~~

~~—(2) All funds held in the employees' retirement system of the City of Providence on account of such a member which are attributable to his own contributions shall be transferred to the proper fund in the employees' retirement system of the State of Rhode Island and such transfer shall be a complete discharge of all liability of this system with respect thereto; provided, however, that any excess of the amount of such funds over the amount certified by the retirement board of the employees' retirement system of the state to be equal to the contribution credits which he would then have had under such system if the entire period of service credited to him under this system had been rendered as an employee of the state, shall be paid to him in a single lump sum on or before July 31, 1972.~~

~~—(3) In addition, there shall be transferred an amount which, when taken with the funds transferred in accordance with subdivision (2) above, shall be equal to the amount certified by the retirement board of the employees' retirement system of the State of Rhode Island as being required to provide service credit in such system for all purposes thereof for all service rendered the city; provided, however, that if the funds held hereunder on account of such members which are not attributable to their own contributions are not sufficient to provide such amount, the city shall contribute to the state system the deficit.~~

~~—(4) Upon payment of the amounts herein provided, the employee shall be credited under the state system with all service and benefits that he would have had thereunder if all his city employment had been as an employee of the state.~~

~~(Ord. 1991, ch. 91-5, § 16, 2-8-91)~~

~~Sec. 17-197 194. Cost of living adjustment.~~

Any retired class B employee and any beneficiary of such employee who receives any service or any ordinary disability retirement allowance or any accidental disability retirement allowance pursuant to the provisions of this article shall, on the first day of January next following the third anniversary date of his/her retirement, receive a cost-of-living retirement adjustment, in addition to the retirement allowance, in an amount equal to three (3) percent of the his monthly retirement allowance, not compounded, on up to the first ~~ten~~ one thousand dollars

(~~\$10,000.00~~) (~~\$1,000.00~~) of said retirement allowance. For the purpose of said computation, credit shall be given for a full calendar year, regardless of the effective date of said retirement allowance. In each succeeding year thereafter, on the first day of January, the ~~original~~ monthly retirement allowance shall be increased by three (3) percent, not compounded, on up to the first ~~ten~~ one thousand dollars (~~\$10,000.00~~) (~~\$1,000.00~~) of the said original retirement allowance, to be continued during the lifetime of said retired employee or beneficiary. Any cost-of-living ~~retirement~~ adjustment granted to a retired employee or any beneficiary of said employee under this section shall be considered a voluntary gratuities gratuity. The payment of such voluntary gratuities gratuity may be reduced or suspended by ordinance at any time ~~upon a finding by the city council that due to the existence of a depressed economy affecting the fiscal condition of the city it becomes expedient to reduce expenses in order to avoid or minimize a tax increase.~~

(Ord. 1991, ch. 91-5, § 17, 2-8-91; Ord. 1995, ch. 95-17, § 9, 7-31-95; Ord. 1996, ch. 96-4, § 1, 2-23-96)

SECTION 2. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL

JUL 14 1997

FIRST READING

READ AND PASSED,

CLERK

AND Referred jointly to Finance Comm. And Ordinance Committee,

IN CITY COUNCIL

MAY 28 1998

FINAL READING

READ AND PASSED,

PRESIDENT

CLERK

APPROVED

MAY 28 1998

MAYOR

CHAPTER 1998~~2~~2

ORDINANCE NO. 308 The City of Providence hereby suspends the definition of "Final Compensation" as it applies to Detective Sergeant James Allen to read as follows:

Final compensation shall mean the average of the highest year of compensation within the total service when the average compensation was the highest, excluding payments made for overtime or payments made for temporary or extra duties beyond the normal or regular work day.

This definition shall only apply to Detective Sergeant James Allen. The above referenced definition shall not be used as a precedent for any other retiree in the City.

86 Weybosset Street
Providence, RI 02903
(401) 331-6400
Fax (401) 331-0436

RODIO & URSILLO, LTD.

Attorneys at Law

FACSIMILE COVER SHEET

DATE: May 2, 2005

Total Number of Pages--Including Cover Sheet: 2

TO: Claire

Recipient's Fax No: 421-6492

FROM: Joseph J. Rodio

Sender's Fax No: 331-0436

**IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION OR IF YOU DO
NOT RECEIVE ALL PAGES, PLEASE CONTACT:**

**KAREN
(401) 331 - 6400**

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.