

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2009-16

No. 55

AN ORDINANCE IN AMENDMENT OF SECTION 17-189 OF THE CODE OF ORDINANCES ENTITLED: "BENEFITS PAYABLE", BY ADDING SECTION (1)(C)

Approved February 16, 2009

Be it ordained by the City of Providence:

Section 17-189 is hereby amended by adding subsection (1)(c), as follows:

SECTION ONE

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) 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 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.

(c) To obtain a service retirement a member of the retirement system must attain a minimum of ten (10) years.

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(c) No member is eligible for pension benefits under this section unless the member has been a contributing member of the retirement system for at least (10) years except as provided in Section 17-189(5).

(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 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 B employee shall receive a service retirement allowance, exclusive of any excess annuity, in excess of seventy-five (75) percentum of his final compensation.

~~(d) Notwithstanding anything herein to the contrary, any member, who has not completed at least five (5) years of contributory service on or before July 1, 2007, may retire upon his or her written application to the retirement board as of the first day of the calendar month in which the application was filed; provided, the member was separated from service prior thereto; and further provided, however, that if separation from service occurs during the month in which application is filed, the effective date shall be the first day following that separation from service; provided, the member on his or her retirement date had attained the age of sixty-five (65) and had completed at least thirty (30) years of total service for Class A members or had attained the age of sixty (60) and had completed at least thirty (30) years of total service for Class B members provided that the member on his or her retirement date had attained the age of sixty-five (65) Class A members or age of sixty (60) Class B members had completed at least ten (10) years of contributory service; or provided, that the member on his or her retirement date had attained the age of fifty-five (55) and had completed ten (10) years of total service provided, that the retirement allowance, as determined according to the formula in Section 17-189(1)(f) is reduced actuarially for each month that the age of the member is less than sixty-five (65) years for Class A members and is less than sixty (60) years for Class B members. Notwithstanding, only service credits accrued up to the July 1, 2007 shall be given current plan accrual rates.~~

(e) Any member who has not completed at least five (5) years of contributory service as of July 1, 2007, shall, receive a retirement allowance which shall be determined in accordance with Schedule B below:

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~~Schedule B—Reduced Accrual Rates~~

~~Years of Service Percentage Allowance~~

~~0.0—10.0; 1.70%~~

~~10.0—20.0; 1.90%~~

~~20.0—30.0; 2.1%~~

~~30.0 and higher; 2.30%~~

~~The maximum annual benefit is 75% of final average salary.~~

~~Class A members:~~

~~Reduction is .5% per month for ages 60 through 65. Prior to age 60, the reduction is an additional .25% per month for each month the participant retires before age 60.~~

~~Class B members:~~

~~Reduction is .5% per month for ages 55 through 60. Prior to age 55, the reduction is an additional .25% per month for each month the participant retires before age 60.~~

~~Service credits accrued up to the July 1, 2007 shall be given current plan accrual rates in subsections (b) and (c) of this section.~~

~~(f) The retirement allowance of any member whose membership commenced prior to July 1, 2007 and who had not completed at least five (5) years of contributory service as of July 1, 2007, shall, be in an amount equal to the percentage allowance specified in Schedule B of his or her average highest three (3) consecutive years of compensation multiplied by the number of years of total service, but in no case to exceed seventy five percent (75%) of the compensation.~~

~~Vesting shall now occur at five years of service instead of ten years of service. For a member who shall not have completed at least five (5) years of contributory service on or before July 1, 2007, the right of a service retirement allowance under the provisions of this section shall vest in a member who shall withdraw from service prior to his or her attainment of the minimum age of retirement specified in subsections (d) and (e) who shall not have received a refund, provided, the member shall have completed at least five (5) years of contributory service. The member shall become entitled to a service retirement allowance upon his or her attainment of the age of sixty-five (65) years Class A and attainment of age of sixty (60) years Class B or at his or her option at any date subsequent thereto. The rate of service retirement allowance payable in the case of any member shall be that provided in subsection (e), Schedule B, for the period of total service earned and accrued at the date of withdrawal from service of the member.~~

(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 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.

(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.

(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 such 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 director of personnel and such investigation as the 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 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 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 widower hood/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 director of personnel may, and upon application by a disability pensioner shall, require any said 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 director of personnel. Should any such pensioner refuse to submit to such examination, his pension may be 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 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 retirement and for the period during which he received the disability 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 widower hood/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 limit 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 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 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 subsection, 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 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 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 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 (c) 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: 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 six hundred eighteen dollar minimum monthly 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 monthly retirement allowance for each year of his service.

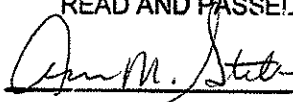
(15) Additional benefits for retired Class B employees and their beneficiaries: Effective January 1, 1993, the benefit for any retired Class B employee who retired prior to January 1, 1993 or his beneficiary shall be adjusted to provide a minimum monthly retirement allowance of six hundred thirty dollars (\$630.00); provided, however, if the member elected to receive a reduced retirement allowance in accordance with the available options, said six hundred-thirty dollar minimum monthly allowance shall be reduced to reflect the option elected.

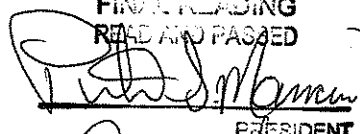
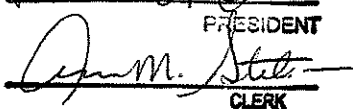
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In the event the retired Class B employee has completed less than twenty-five (25) years of service, he or his beneficiary shall be entitled to receive 1/25th of the minimum monthly retirement allowance for each year of his service.

SECTION TWO

This amendment shall apply prospectively to employees joining the Retirement System on or after the date of enactment.

IN CITY COUNCIL
JAN 27 2009
FIRST READING
READ AND PASSED
 CLERK

IN CITY
COUNCIL
FEB 5 2009
FINAL READING
READ AND PASSED
 PRESIDENT
 CLERK

APPROVED

MAYOR 2/16/09