

CITY OF BATTLE CREEK POLICE AND FIRE RETIREMENT SYSTEM

RE-EMPLOYMENT OF A RETIREE

RESOLUTION AND POLICY

RE: RE-EMPLOYMENT OF A RETIREE

WHEREAS, the Board of Trustees is vested with the authority and fiduciary responsibility for the proper administration, management and operation of the Retirement System, and

WHEREAS, the City of Battle Creek Police and Fire Retirement System (“the Retirement System”) provides pension benefits in accordance with the provisions of Michigan Public Act 345 of 1937, as amended (“Act 345”), MCL §38.551 et seq., applicable collective bargaining agreements, and applicable state and federal law, and

WHEREAS, the Board has received information that the City of Battle Creek may re-employ an individual who has retired from employment with the Police Department or Fire Department, who is currently a regular service retiree, and who has been and is currently receiving a pension paid from the Retirement System, and

WHEREAS, Act 345 and the applicable collective bargaining agreements are silent concerning the issue of what effect re-employment of a regular service retiree has on the individual’s pension payments, and

WHEREAS, Section 2(1) of Act 345 vests the Board with the authority to “[m]ake rules and regulations necessary to the proper conduct of the business of the retirement system”, and

WHEREAS, in the event that an individual is re-employed with the Police Department or Fire Department, the individual would become a member of the Police and Fire Retirement System pursuant to the terms of Section 12(1) of Act 345, therefore be it

RESOLVED, that the Board hereby adopts the following policy applicable to the re-employment with the Police Department or Fire Department of a regular service retiree:

1. The payment of retirement benefits shall be suspended during the period of re-employment;
2. The individual who is so re-employed will become a new Member of the Police and Fire Retirement System and will have all of the rights and obligations of a new Member;
3. Upon termination of the period of re-employment, the individual will commence receipt of the suspended retirement benefits and, if eligible, may receive additional retirement benefits based upon the period of re-employment, and
4. There will not be a re-determination of his or her prior retirement benefits based upon the benefit provisions or accruals during the period of re-employment, and it is further

RESOLVED, that a copy of this Policy Resolution be provided to the City of Battle Creek City Council, City of Battle Creek Mayor, Police Chief, Fire Chief, Human Resources Director, and the Retirement System’s legal counsel.