

FINAL

CITY OF BATTLE CREEK POLICE AND FIRE RETIREMENT SYSTEM

POLICY RESOLUTION

Adopted: March 13, 2018
Revised: September 15, 2023

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 is silent concerning the issue of what effect re-employment of a regular service retiree has on the individual’s pension payments, and

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

WHEREAS, the Police Officers Labor Council Nonsupervisory Unit has adopted a Memorandum of Understanding regarding the potential rehiring of retirees for regular full-time positions at the Bronson Battle Creek Hospital, 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

Reviewed: 9/30/24, 9/29/25

with the Police Department or Fire Department of a regular service retiree:

In General:

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.

For Bronson Battle Creek Hospital:

1. For an individual who is so re-employed with the Bronson Battle Creek Hospital and becomes a member of the Police Officers Labor Council Nonsupervisory Unit, benefits shall not 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, will contribute to the Retirement System at the negotiated employee contribution rate and will have all of the rights and obligations of a new Member, but will not accrue additional benefits in the Retirement System;
3. Upon termination of the period of re-employment, the individual will receive a distribution of the additional employee contributions the individual has made to the Retirement System during the period of re-employment without interest; and
4. There will not be a re-determination of his or her prior retirement benefits based upon the benefit provisions during the period of re-employment.

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.