

Ordinance # 1813

Enacted 1/17/2017

22 AYES 1 NOES

ORDINANCE OF THE NEW HAVEN BOARD OF ALDERS RESTORING LANGUAGE PERTAINING TO HIRING OF RETIRED CITY EMPLOYEES THAT WAS ERRONEOUSLY DELETED FROM THE CODE.

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WHEREAS, ON MAY 4, 1987 THE BOARD OF ALDERMEN (NOW KNOWN AS THE BOARD OF ALDERS) APPROVED THE FOLLOWING LANGUAGE FOR INCLUSION IN WHAT WAS THEN SECTION 2-87(c) OF THE CODE OF GENERAL ORDINANCES (THE “CODE”), WHICH LANGUAGE BECAME EFFECTIVE ON MAY 29, 1987:

“No person who retires from the employment of the City, either due to reaching the minimum mandatory retirement age, or due to achieving the requisite age and/or years of service to qualify for City pension benefits shall be eligible to be a full time employee of the city, whether paid from the general fund budget, grants or any special funds, provided that nothing herein shall be so construed so as to apply to any elected official”;

AND

WHEREAS, IN 2005, A PROJECT WAS UNDERTAKEN TO REVIEW AND RECODIFY THE CODE OF ORDINANCES; AND

WHEREAS, THE CITY WAS THEN UNDER THE BELIEF THAT CONNECTICUT GENERAL STATUTE (“CGS”), SECTION 7-438 MADE THE LANGUAGE IN SECTION 2-87 (c) OF THE CODE UNNECESSARY; AND

WHEREAS, AT THE CONCLUSION OF THE RECODIFICATION EFFORT, THE LANGUAGE IN WHAT WAS THEN SECTION 2-87 (c) WAS REPEALED BY THE NEW HAVEN BOARD OF ALDERMEN ON SEPTEMBER 19, 2005 (Ordinance # 1391); AND

WHEREAS, COUNSEL FOR THE CITY OF NEW HAVEN CITY EMPLOYEES PENSION FUND AND THE POLICEMEN AND FIREMEN’S PENSION FUND HAS DETERMINED THAT CGS SECTION 7-438 APPLIES TO THE CONNECTICUT MUNICIPAL EMPLOYEES RELIEF FUND B AND NOT TO THE CITY OF NEW HAVEN PENSION FUNDS; AND

WHEREAS, IT IS THE CITY’S DESIRE TO RESTORE THE LANGUAGE ORIGINALLY IN SECTION 2-87(c) IN ORDER TO CLEARLY SET FORTH THE HIRING RULES FOR RETIRED CITY EMPLOYEES AND TO MAKE THE LANGUAGE IN THE CODE CONSISTENT WITH THE REVISED CITY EMPLOYEES RETIREMENT FUND REGULATION A-1 – “REEMPLOYMENT AFTER SERVICE RETIREMENT” (ADOPTED MARCH 23, 1994); AND

WHEREAS, THE CITY ALSO DESIRES TO AMEND THE ORIGINAL ORDINANCE LANGUAGE TO REMOVE REFERENCE TO MANDATORY RETIRMENT AGE AND INCLUDE RETIREMENT DUE TO DISABILITY; AND

WHEREAS, THE CITY ALSO DESIRES TO DEFINE “FULL TIME EMPLOYEE” AS PART OF THIS ORDINANCE AMENDMENT;

NOW THEREFORE; BE IT ORDAINED BY THE NEW HAVEN BOARD OF ALDERS THAT THE NEW HAVEN CODE OF ORDINANCES BE AND IS HEREBY AMENDED AS FOLLOWS:

1. IN ARTICLE V SECTION 2-302 WAIVER OF PENSIONS BY EMPLOYEES AMEND SUBSECTION (a) TO READ AS FOLLOWS:

“Any person entitled to (i) a pension from any of the City’s pension funds who is under the age of 70 ½ or (ii) spousal survivorship benefits on account of the death of an active member who would have been younger than age 70 ½ when such survivorship benefits are to be paid may decline to accept all or any part of such pension/survivorship benefits by a waiver signed and filed with the mayor or his/her designee. Such waiver may be revoked in writing at any time but no payment of the waived pension/survivorship benefits shall be made covering the period such waiver was in effect. The waiver shall be deemed revoked when the retiree becomes 70 ½ or when the member, on whose account survivorship benefits would have been paid, would have become age 70 ½ if he or she had not died.

2. IN ARTICLE V SECTION 2-302 - WAIVER OF PENSIONS BY EMPLOYEES - ADD A NEW SUBSECTION (b) TO READ AS FOLLOWS:

“Except as provided herein, no person who leaves employment with the City and receives a pension benefit from one of the City’s pension funds, either due to retirement due to disability or due to achieving the requisite age and/or years of service to qualify for City pension benefits, shall be, after March 1, 2017 re-employed full- time by the City or the New Haven Board of Education, whether paid from the general fund budget, grants or any special funds. As a condition of re-employment with the City as a full-time employee, any such retiree shall sign a waiver of pension, as described in subsection 302(a) above and, except as provided said subsection, shall not revoke such waiver of pension during the period of his or her re-employment. A full- time employee shall be defined as an employee occupying a position for the City requiring said employee to perform services for twenty or more hours each week for a period of six months or more. In order to be compliant with Section 401(a)(9) of the Internal Revenue Code, nothing herein shall be so construed so as to apply, to any rehired City retiree who is age 70 ½ or older.

3. IN ARTICLE V SECTION 2-302, A NEW SUBSECTION (c) SHALL BE ADDED AND THE EXISTING LANGUAGE OF SUBSECTION (b) SHALL BE MOVED TO THE NEW SUBSECTION (c).