

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 140137

Amending Section 2-1173, Code of Ordinances, entitled “Creditable service” to provide for the purchase of years of service in the employees’ retirement system by persons who worked in positions not eligible for retirement system membership but who, without a break in service, now are members of the system.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Section 2-1173, Code of Ordinances, is amended to read as follows:

Sec. 2-1173. Creditable service.

(a) *Computation of total mount.* Total creditable service of a member of the retirement system shall be the sum of membership service from date of employment to last day on pay status and prior service as computed under this section.

(b) *Membership service.* Membership service shall be the years and full calendar months of employment while a contributing member of this system.

(1) Solely for the purpose of determining whether a member has incurred a break in service, any leave of absence granted by an employer, up to 12 weeks, that qualifies under the Family and Medical Leave Act (FMLA) shall not be counted as a break in service for purposes of determining eligibility and vesting.

(2) *Purchase of service.*

(A) *Qualified employee.* A current member who previously served as an employee of the City but not eligible for membership in this system and who had no break in service between non-qualifying and qualifying service may purchase months of service not greater than the number of months working in a non-qualifying position.

(B) *Term for purchase.* Purchase of prior months may be done in a lump sum payment or over time as permitted by the Board.

(C) *Amount.* The Board shall establish the purchase price, which shall be the full cost of the service, calculated based upon the same assumptions employed in the last actuarial valuation of the system and using accepted actuarial methods.

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(D) *Future service required.* To be entitled to credit a member must remain in City employment for six months from the last date of purchase. The failure to render this future service will result in no credit being given for the time that is not beyond the six month period and a refund of the principal amount deposited towards service not allowed to be credited.

(c) *Prior service.* Prior service shall be the years and full calendar months of employment preceding December 1, 1962, if continuous with membership service.

(d) *Service after retirement date.* No creditable service shall accrue to any member beyond his retirement date.

(e) *Reemployment generally.*

(1) Except for military leave and military creditable service, as set forth in subsection (g) of this section, provided an election is made within three years after reemployment, members who terminate and later return to membership may receive credit for such prior service and membership service, after they have been reemployed for at least two consecutive years, and have repaid withdrawn contributions plus interest at the rate then assumed for actuarial calculation.

(2) This election shall not be available if employer contributions have been refunded to the federal government or any other granting agency or instrumentality.

(f) *Reemployment within 30 days of termination.* A member rehired within 30 days of termination, and who does not withdraw or who re-deposits member contributions and interest, shall immediately begin membership.

(g) *Military leave and reemployment after military service.*

(1) To the extent by the Uniformed Services Employment and Reemployment Rights Act of 1994, a member shall be entitled to creditable service considering each month of military service as a month of employment with the city.

(2) A termination refund of contributions and interest shall not be made to a member on military leave.

(3) A member who terminates employment, receives a refund of contributions and interest, serves in the military service and then returns to city employment, not later than three years after reemployment, may receive credit for military service. He shall repay withdrawn contributions plus interest at the rate then assumed for actuarial calculation plus member contributions for the military creditable service years.

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- (h) *Leave of absence.*
 - (1) Upon determination by the director of human resources and his certification to the board of trustees that a member of this pension system has been granted, in the interest of the city, a leave of absence from city employment for a period of not less than one year and not to exceed two years, such person remains a member of this system and shall receive creditable service provided contributions are made as required for all members. The human resources director will make his determinations in an even-handed manner, treating all persons in the same circumstances, equally.
 - (2) Persons on leave, who are not certified by the director of human resources, are deemed inactive members of this pension system.
 - (3) No refund of contributions and interest shall be made to members on leave of absence.
- (i) *Creditable service accrued under other city retirement plans.*
 - (1) An employee, including those of the police department, transferring to employment covered by this plan may elect to claim creditable service for creditable service in another retirement plan in which the employer contribution is wholly paid by the city. The member must deposit with the board of trustees any contributions and interest withdrawn from another plan. These shall be credited to his account as member's contributions.
 - (2) Anything to the contrary herein notwithstanding, municipal judges having vested employment or service, as defined in this division, are entitled to have such creditable service accrued in the formulation of their retirement pay under section 395.9, article XIII of the city charter (1925) if receiving benefits under that provision.
 - (3) If the employee has vested rights under another plan, no creditable service shall be allowed.
 - (4) This election must be made within six months following date of employment. Membership service shall begin on the first day of the month following such election.

Approved as to form and legality:

William Geary
City Attorney