

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** repealing subsections 1503.14 and 1503.24 and section 1512., Jackson County Code, 1984, relating to the Jackson County Employees' Pension Plan and enacting, in lieu thereof, two new subsections and one new section relating to the same subject.

**ORDINANCE NO. 5129**, August 13, 2018

**INTRODUCED BY** Dan Tarwater III and Dennis Waits, County Legislators

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Subsections 1503.14 and 1503.24 and section 1512., Jackson County Code, 1984, are hereby repealed and two new subsections and one new section enacted in lieu thereof, to be known as sections 1503.14, 1503.24, and 1512., to read as follows:

1503. Pension Plan, Definitions.

As used herein, the following words and phrases shall have the meanings specified below, unless a different meaning is plainly required by the context:

1503.14 Credited Service.

The term "Credited Service" shall mean the number of years and months of employment for which a Member is given credit for the purpose of calculating his Monthly Retirement Income or Spouse Death Benefit under this Plan. As of any date, "Credited Service" shall be equal to the sum of the years and months

calculated under subsections (a), (b) and (e) hereof, subject to the provisions of subsections (c) or (d) hereof, if applicable.

1503.14.1 For any period of employment prior to January 1, 1967, three-fourths (3/4) of the number of years and completed months of the Member's continuous employment for the Employer as an Employee from his last date of hire as an Employee to December 31, 1966.

1503.14.2 For any period of employment after December 31, 1966, the number of years and completed months of the Member's continuous employment for the Employer as an Employee from the later of (i) January 1, 1967, and (ii) his last date of hire as an Employee to the date of his termination of employment.

1503.14.3 For the purposes of this Plan the following periods of employment shall be considered "continuous employment" but shall not be recognized as Credited Service:

- i. a break in continuity of employment of not more than two (2) years; provided the Employee returns to work for at least twelve (12) months;
- ii. any period of employment during which the Employee was not compensated by the Employer, except that any such period

during which an employee was absent on approved leave without Compensation while serving on active military duty in Operation Desert Storm, or between September 11, 2001 and December 31, 2006, shall be recognized as Credited Service;

iii. any period of employment excluded pursuant to section 1506 hereof;

iv. any period of employment prior to January 1, 1977, during which the Employee was eligible to participate in the Prior Plan but refused to make the Employee contributions required thereunder;

v. a break in the continuity of employment prior to April 1, 1967, of more than two (2) years; provided:

A. the Employee was employed by the Employer as an Employee on April 1, 1967; and

B. the Employee completes twenty-five (25) years of employment as an Employee by his Normal Retirement Date (including for this purpose any break in the continuity of employment occurring prior to April 1, 1967).

vi. a break in the continuity of employment of more than two (2) years; provided:

A. the reemployed Employee terminated Vested in the plan, or is a Retired Member of the Plan, or had

completed fifteen (15) years of service during his prior employment; and,

B. the Employee accrues sufficient Service during his period of reemployment to become Vested in the Plan.

1503.14.4 Notwithstanding any other provision contained in this section, no Member shall receive credit for any period of employment by the Jackson County Law Library, Inc., prior to January 1, 1993.

1503.14.5 Notwithstanding any other provision contained in this section, any Member who is employed on October 1, 2004, and is vested or becomes vested on or after that date shall receive Credited Service for period of Employment with the Employer for which the Member has not previously received Credited Service.

1503.14.6 Uniformed Services Employment and Re-employment Rights Act (USERRA).

A Member will receive credit for pension benefits accrued during a member's service in the uniformed services (up to five years cumulative) upon the member's prompt reemployment with the County, as defined in the USERRA, on or after December 12, 1994. Credit for such service in the uniformed services, as well as the County's contributions to the plan

on behalf of members, shall be applied retroactively upon the member's reemployment under the USERRA. The County's contribution shall not be dependent upon the member's repayment of contributions not made by the member during the period of such qualified service in the uniformed services under the USERRA. A member will be treated as an active member for purposes of any death benefit payable under section 1532. or 1533. of this chapter if such member dies while performing qualified military service.

1503.14.7 Purchase of Credited Service Due To Military Service.

In addition to Credited Service pursuant to section 1503.14.6, Service purchased by a Vested Member pursuant to section 1503.45.1 due to military service prior to employment with the Employer will be Credited Service.

1503.14.8 POST Certified, in connection with Credited Service, shall mean Credited Service of any Member while that Member is both: 1.) employed in a position within the Jackson County Sheriff's Office for which licensure as a "peace officer," as defined in section 590.010(3), RSMo, is required by section 590.020.1, RSMo as a condition of employment; and 2.) actually licensed by the Missouri Peace Officer Standards and Training (POST) Commission pursuant to sections 590.010 -- .195, RSMo.

1503.24 Early Retirement Date.

The term "Early Retirement Date" shall mean the first day of the month that the Member has directed pension payments to begin, if that date is prior to the Normal Retirement Date.

1503.24.1 Special Early Retirement Date

For any Member who has at least ten years of POST Certified Credited Service, with at least one hour of such POST Certified Credited Service on or after January 1, 2019, the first day of the month next following the month during which the sum of such Member's age in years and POST Certified Credited Service first equals seventy-five (75) years, but not earlier than the first day of the month next following such Member's fifty-fifth (55) birthday. Section 1514. shall not apply to any Member achieving this Special Early Retirement Date.

1512. Pension Income, Calculations.

When a Member lives to his Normal Retirement Date, he shall be entitled to retire and receive a Monthly Pension Income in an amount calculated by the Actuary and certified to the Trustee by the Pension Plan Administration Committee. For Members other than Elected Officials Members with Post Certified Service, the Monthly Pension Income under the basic form and payable on his Normal Retirement Date shall be the amount calculated under section 1512.1, but in no event less than the amount calculated under section 1512.2. For Elected Officials, the Monthly Pension Income under the basic form and payable on his Normal Retirement Date shall be the greater

of the amount provided in the above sentence or the amount provided in section 1512.3. For Members with POST Certified Credited Service, the Monthly Pension Income under the basic form and payable on the Normal Retirement Date or on the Special Early Retirement Date shall be the amount calculated under section 1512.4.

1512.1 1.5% Per Year.

An amount equal to one and one-half percent (1.5%) for each year of Credited Service times the Member's Average Monthly Earnings, but in no event less than fifty dollars (\$50.00).

1512.2 If a Member was a participant in the Prior Plan on December 31, 1976, an amount equal to five-sixths (5/6) percent of the Member's "average monthly earnings" (as hereinafter defined) up to five hundred fifty dollars (\$550.00) plus one and two-thirds (1-2/3) percent of his "average monthly earnings" in excess of five hundred fifty dollars (\$550.00), such sum multiplied by the Member's years of Credited Service. For the purpose of this section 1512.2, "average monthly earnings" shall be calculated in the same manner as Average Monthly Earnings assuming the Member's aggregate Monthly Earnings for calendar year 1976 divided by twelve (12) (or by the number of months during which the Member received compensation from the Employer in 1976, if less) continued, without increase, until his Normal Retirement Date or earlier date of severance of employment.

1512.3 Formula for Elected Officials.

An amount equal to four and one-sixth percent (4.167%) of such Elected Official's "compensation" (as hereinafter defined) for each year of Credited Service up to 12 years, plus five percent (5%) of such Elected Official's "compensation" for each year of credited service from 12 to 16 years. In addition, the Elected Official will also receive two hundred dollars (\$200) per month as a health insurance supplement. For purposes of this section 1512.3, the Elected Official's "compensation" will be equal to the monthly compensation of the incumbent of the same office that the Elected Official last held, at the time of the Elected Official's receipt of his first payment under this section. For purposes of this section 1512.3, Credited Service shall only constitute that period of employment after December 31, 2003, unless such Elected Official has purchased additional Credited Service pursuant to section 1523. Any retirement benefit provided by this section will be reduced (i.e., offset) by any retirement benefits payable under another public pension plan to the extent that such benefits are attributable to service with the Employer. However, no offset will affect the Elected Official's right to the \$200 health insurance supplement under this section.

1512.4 Formula for Members with POST Certified Credited Service.

An amount equal to two percent (2.0%) for each year of POST Certified Credited Service times the Member's Average Monthly Earning, but in no event less than fifty dollars (\$50.00).



Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

  
Chief Deputy County Counselor

  
County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 5129 introduced on August 13, 2018, was ~~duly passed on~~ **WITHDRAWN**, 2018 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_

Nays \_\_\_\_\_

Abstaining \_\_\_\_\_

Absent \_\_\_\_\_

**WITHDRAWN**

**8/27/2018**

This Ordinance is hereby transmitted to the County Executive for his signature.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Spino, Clerk of the Legislature

I hereby approve the attached Ordinance No.5129.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frank White, Jr., County Executive