ORDINANCE C-18-40

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY CREATING SECTION 20-84, POST-RETIREMENT PAY STEPS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROVIDE CERTAIN POST-RETIREMENT PAY TO CITY OF FORT LAUDERDALE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM MEMBER RETIREES WHO WERE OR ARE EMPLOYED BY THE CITY OF FORT LAUDERDALE AS POLICE OFFICERS ON OR AFTER OCTOBER 1, 2017, AND CITY OF FORT LAUDERDALE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM MEMBER RETIREES WHO WERE OR ARE EMPLOYED BY THE CITY OF FORT LAUDERDALE AS FIREFIGHTERS ON OR AFTER OCTOBER 1, 2018, INCORPORATING SECTION 20-84 INTO THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the Collective Bargaining Agreements between the City of Fort Lauderdale, Florida, ("City"), and the collective bargaining units containing members of the City's Police and Firefighters' Retirement System for the period October 1, 2017, through September 30, 2020, the City and the bargaining units agreed that the City would amend its Pay Plan in order to provide certain post-retirement pay to City of Fort Lauderdale Police and Firefighters' Retirement System police officer member retirees who were or are employed by the City on or after October 1, 2017, and City of Fort Lauderdale Police and Firefighters' Retirement System firefighter member retirees who were or are employed by the City on or after October 1, 2018;

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. The Pay Plan of the City of Fort Lauderdale, Florida, is hereby amended by creating Section 20-84 of the Code of Ordinances of the City of Fort Lauderdale, Florida, which shall provide as follows:

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Sec. 20-84. – Post-retirement pay steps.

(a) There is hereby created a post-retirement pay step plan, which provides for five post-retirement pay steps for City of Fort Lauderdale Police and Firefighters' Retirement System ("Police and Firefighters' Retirement System") member retirees who were or are employed by the City as police officers as the term "police officer" is defined in Section 20-127, and members of the Police and Firefighters' Retirement System, on or after October 1, 2017, and for Police and Firefighters' Retirement System member retirees who were or are employed by the City as firefighters as the term "firefighter" is defined in Section 20-127, and members of the Police and Firefighters' Retirement System, on or after October 1, 2018, ("PPS").

(1) To be eligible for a post retirement pay step, a member of the City's Police and Firefighters' Retirement System ("member") must have attained a normal retirement from the City and separated from City service. Entry into DROP and the term of any DROP participation does not count toward the timing of the PPS.

(2) The steps shall be payable annually and each step shall take effect every third year until five steps have been achieved. To be eligible for a PPS, the member must have retired (including the end of DROP) and separated from the City for a period of three years. The value of any individual PPS shall be based on the normal retirement benefit of the member, exclusive of any amount paid from the DROP. The initial PPS shall be equal to three percent (3%) of the individual's base retirement benefit and each subsequent PPS shall be three percent (3%) of the preceding step by multiplying the preceding amount by 1.03.

(3) Following attainment of the highest PPS, the benefit shall remain at that amount and shall not increase for the life of the member and any survivor. Any future changes in the PPS, which occur after the separation of a member from service shall not apply to that separated member.

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(4) The City shall pay the PPS directly to the member based on the retirement benefit amount information provided by the Police and Firefighters' Retirement System. The post retirement pay steps shall not constitute a benefit under the Retirement Plan of the Police and Firefighters' Retirement System or otherwise be a provision of the Retirement Plan, but shall be a direct appropriation by the City in the same manner as the employee payroll. The PPS shall be funded through direct City appropriation and shall not be an actuarial liability or obligation of the Police and Firefighters' Retirement System.

(5) The first PPS for Police PPS Members shall not be due until the fiscal year beginning October 1, 2020.

(6) The first PPS for Firefighter PPS Members shall not be due until the fiscal year beginning October 1, 2021.

(7) The PPS is not a retirement plan and shall not be considered as an accrued or vested benefit. The PPS may be altered or eliminated for members covered by a collective bargaining agreement through future negotiations and adoption of an ordinance by the city commission. Any person who has qualified for the PPS shall have a continued right to receive the PPS in the future.

(8) In the event a state or federal regulatory agency determines that the PPS is a retirement plan or benefit under the Retirement Plan of the Police and Firefighters' Retirement System or otherwise, the City may immediately terminate the PPS subject to any statutory duty to collectively bargain with employees covered by a collective bargaining agreement.

(b) This section is incorporated into and made a part of the Pay Plan of the City of Fort Lauderdale, Florida.

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SECTION 2. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect immediately upon final passage.

PASSED FIRST READING this the 6th day of November, 2018.
PASSED SECOND READING this the 4th day of December, 2018.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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