

ORDINANCE NO. 06-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM; AMENDING SUBDIVISION I, IN GENERAL, BY AMENDING SECTION 82-53, MEMBERSHIP; TERMINATION OF MEMBERSHIP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach Retirement Plan has for many years required part-time employees in positions that customarily require 20 or more hours of work in a week to contribute to and participate in the Retirement Plan; and

WHEREAS, the Town has determined that it would be beneficial to increase the minimum hours of work per week required for membership in the Retirement Plan to 35; and

WHEREAS, this change is subject to collective bargaining for those Town employees included in a bargaining unit represented by Professional Firefighters/Paramedics Palm Beach County, Local 2928;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; by amending Section 82-53 to read as follows:

Sec. 82-53. - Membership; termination of membership.

(a) An individual who is employed by the town for personal service in a membership position shall be a member of the retirement system. A membership position is a position normally requiring ~~1,850~~^{1,040} or more hours of work in a fiscal year, except as provided in subsection (b) of this section.

(b) The following types of employment are not membership positions:

(1) Employment compensated on a contractual or a fee basis.

(2) Employment while also a retirant.

(3) Employment in a position customarily requiring not more than ~~3520~~ hours of work in a week; provided, employees in a bargaining unit represented by Professional Firefighters/Paramedics Palm Beach County, Local 2928, employed in a position customarily requiring not more than 20 hours of work in a week shall continue to be excluded from membership until the bargaining unit representative agrees to change the hours of work requirement.

(4) Employment in a position customarily requiring not more than five months of work in a fiscal year.

(c) A member who ceases to be employed in a membership position shall thereupon cease to be a member.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of April, 2018, and for second and final reading on this 8th day of May, 2018.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member