

ORDINANCE NO. 002-2023

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 ADDING A NEW SECTION 82-77, REEMPLOYMENT AFTER RETIREMENT; AMENDING SUBDIVISION V, GENERAL EMPLOYEES AND LIFEGUARDS, BY AMENDING SECTION 82-147, WORKER'S COMPENSATION BENEFITS OFFSET; RETURN OF RETIRANT TO TOWN EMPLOYMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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 adding a new Section 82-77 to read as follows:

Sec. 82-77. – Reemployment After Retirement

Notwithstanding any other provision in this Plan to the contrary, effective [effective date of ordinance], any retirant who is re-employed by the Town on a full-time or part-time basis after normal retirement and separation from Town employment may receive an in-service distribution of their retirement benefits, including their DROP distribution, during their period of re-employment, as permitted by the Internal Revenue Code and applicable Treasury Regulations. A retirant who is receiving an in-service distribution in accordance with this section shall not be eligible to participate in this Plan and shall not accrue any additional retirement benefit under this Plan during their period of re-employment. Notwithstanding the foregoing, the provisions of this section shall not apply to participants who are employed in positions included in a bargaining unit on [effective date of ordinance] until such time as the provisions of this section are implemented through the collective bargaining process.

Section 2. 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 V – General Employees and Lifeguards; by amending Section 82-147 to read as follows:

Sec. 82-147. Worker's compensation benefits offset; ~~return of retirant to town employment.~~

(a) The amount of pension paid a retirant or beneficiary shall be reduced by the amount of any worker's compensation benefit, except medical expense benefits, paid on account of a retirant's or a deceased member's employment with the town. In no case shall the amount of reduced pension be less than the amount of pension supported by the retirant's or the deceased member's accumulated contributions at time of retirement or death.

~~(b) — If a retirant is re-employed by the town on other than a contractual or a fee basis, payment of the pension shall be suspended during the period of re-employment.~~

Section 3. 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 4. 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 5. Codification.

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

Section 6. 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 ____ day of _____, 2023, and for second and final reading on this ____ day of _____, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member