

**CODE OF SPECIAL ACT AUTHORITY**  
**PERTAINING TO EMPLOYEES, PENSIONS AND RETIREMENTS**  
**PURSUANT TO CHAPTER VII, SEC. 4(b)**  
**OF**  
**THE CHARTER OF THE CITY OF HARTFORD**



**Revised Charter adopted by the electors of the City of Hartford on November 8, 2022 and effective as set forth in §4 of Chapter XII of said Charter.**

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Resigned: April 30,



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**COMMENT.** Pursuant to Chapter VII, Sec. 4(b) of the Charter the Special Acts authority of the Pension Commission and the Treasurer are hereby validated as contained in the Charter and in this codification, if applicable and not intended to confer any new rights upon any employee or retiree in lieu of current rights under law and collective bargaining agreement. This codification also includes Special Act and historical Charter provisions pertaining to employees, pensions and retirements. Many of these provision do not apply to the vast majority, if not the entirety of current and retired employees, and have been ratified and recodified for the sole purpose of ensuring that any covered retirees retain such rights as may be granted herein.

## **PENSIONS IN GENERAL**

### **Sec. 1. - Retirement credit for policemen and firemen for service in armed forces<sup>1</sup>.**

In determining length of service for the purposes of the retirement system of the City of Hartford as it applies to the members of the police and fire departments of that city, the length of service of the personnel of those departments who are members of said departments on July 1, 1945, shall be deemed to include their war service during the first world war, even though said members of said police and fire departments may not have been employed by the City of Hartford at the time of their participation of said war. In determining length of service for the purposes of said retirement system as it applies to members of the police and fire departments who served in World War II, the length of service of the personnel of those departments who were members of said departments when they entered war service shall be deemed to include accredited city pension time plus an additional month for each month of such war service.

### **Sec. 2. - Retirement credit for police employees during World War II<sup>2</sup>.**

In determining length of service for the purpose of the retirement systems of the City of Hartford as they apply to members of the police department of that city, the length of service of the personnel of said department shall be deemed to include their war service during the second world war, December 7, 1941, through December 31, 1946, even though such members of said police department may not have been employed by the City of Hartford at the time of their participation in the second world war, provided such members shall pay into the retirement system to which they belong, for each year of such war service, a sum equal to two and one-half (2½) percent of the first year's salary as a city employee with interest at five (5) percent per annum, said payment to be made on or before October 1, 1969, and the legislative body of said city approves same.

### **Sec. 3. - Retirement credit for police for service in hospitals<sup>3</sup>.**

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<sup>1</sup> Recodification of Charter Appendix, Sec. 16. Sp. Laws 1945, Act No. 394; Sp. Laws 1949, Act No. 281

<sup>2</sup> Recodification of Charter Appendix, Sec. 17. Sp. Laws 1957, Act No. 521; as amended by Ord. No. 3-68, 2-13-68; Sp. Laws 1969, Act No. 242

<sup>3</sup> Recodification of Charter Appendix, Sec. 18. Sp. Laws 1959, Act No. 477

In determining the length of service for the purpose of the Hartford Police Benefit Fund, the length of service of the personnel of the police department shall be deemed to include any prior service to the City of Hartford in the John James McCook Memorial Hospital or the Municipal Hospital of said city. Such prior service shall be included even though such members of said police department may not have been employed continuously by the City of Hartford. Such members shall pay into the Police Benefit Fund for each year of such prior service a sum equal to two and one-half (2½) percent of the annual wages received, together with interest at five (5) percent per annum, such payment to be made to the treasurer of the Hartford Police Benefit Fund on or before October 1, 1960.

#### **Sec. 4. - Retirement credit for police for service in widows' aid department<sup>4</sup>.**

In determining the length of service for the purpose of the Hartford Police Benefit Fund, the length of service of the personnel of the police department shall be deemed to include any prior service to the City of Hartford in the widows' aid department of said city. Such prior service shall be included even though such members of said police department may not have been employed continuously by the City of Hartford. Such members shall pay into the police benefit fund for each year of such prior service a sum equal to two and one-half (2½) percent of the annual wages received, together with interest at five (5) percent per annum, such payment to be made to the treasurer of the Hartford Police Benefit Fund on or before October 1, 1962.

#### **Sec. 5. - Certain female employees in police and fire departments included in pension plans<sup>5</sup>.**

Each female telephone employee in the police department of the City of Hartford and the female secretary and administrative aide to the fire board and department may be included in the pension plans of the respective departments by hereafter contributing to the police benefit fund or to the firemen's relief fund, as the case may be a sum equal to two and one-half percent of her salary, and she shall thereby be entitled to and receive all of the benefits of said police benefit fund or firemen's relief fund.

### **PENSIONS (CHARTER 1949, CHAPTER XVI, AS AMENDED<sup>6</sup>**

#### **Sec. 6. - Retirement allowances for present city employees<sup>7</sup>.**

The rights of all persons in the service of the city actually receiving or entitled to receive, prior to the effective date of this act, pensions or retirement allowances under the retirement system for city employees, the police benefit fund or the firemen's relief

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<sup>4</sup> Recodification of Charter Appendix, Sec. 19. Sp. Laws 1961, Act No. 92

<sup>5</sup> Recodification of Charter Appendix, Sec. 20. Sp. Laws 1947, Act No. 466

<sup>6</sup> **Cross reference**— See also Chapter XII of the Charter and "Pensions In General" in the Appendix to Charter.

<sup>7</sup> Recodification of Charter Appendix, Sec. 20.1. Sp. Laws 1947, Act No. 30, Ch. XVI, § 1; Ord. No. 28-67, 11-7-67

fund, as provided in sections 233, 234 and 235 of "An Act Revising the Charter of the City of Hartford," approved June 24, 1941, as amended, are expressly validated and the city shall continue to pay such pensions or allowances in accordance with the respective provisions of said sections. All persons in the service of the city prior to the effective date of this Charter who were actually contributing to the retirement system for city employees, the police benefit fund or the firemen's relief fund, shall, unless they voluntarily withdraw from the same, continue to be members thereof, and the provisions of said sections 233, 234 and 235, as amended, shall remain in full force and effect for their benefit, but said sections shall not be applicable to any person entering the service of the city subsequent to the effective date of this Charter.

### **Sec. 7. - Pension commission<sup>8</sup>.**

There shall be a pension commission of three (3) members none of whom shall hold any other office in the city government and one (1) of whom shall be a fellow or associate of either the Actuarial Society of America or the American Institute of Actuaries, appointed by the city manager, one (1) each year for a term of three (3) years commencing on the first Monday of February. Vacancies shall be filled by the city manager for the unexpired portion of the term. The city treasurer shall act as secretary of the commission and the personnel director shall attend all meetings of the commission but neither shall have a vote. The commission shall continue to administer the retirement system for city employees as provided in section 233 of "An Act Revising the Charter of the City of Hartford," approved June 24, 1941, as amended, and shall succeed to all the powers and duties of the board of police commissioners as trustees of the police benefit fund and of the board of fire commissioners as members of the board of trustees of the firemen's relief fund. The commission shall administer the municipal employees' retirement fund hereinafter established. In addition to the three (3) voting members, there shall be one (1) nonvoting member of the commission elected by members of the municipal employees' retirement fund.

### **Sec. 8. - Municipal employees' retirement fund<sup>9</sup>.**

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<sup>8</sup> Recodification of Charter Appendix, Sec. 20.2. Sp. Laws 1947, Act No. 30, Ch. XVI, § 2; Ord. No. 28-67, 11-7-67.

<sup>9</sup> Recodification of Charter Appendix, Sec. 20.3. (Sp. Laws 1947, Act No. 30, Ch. XVI, § 3; Sp. Laws 1957, Act No. 347, § 1; Ord. of 12-8-58; Ord. No. 28-67, 11-7-67; Ord. No. 24-68, 6-24-68; Ord. No. 25-68, 6-24-68; Ord. No. 26-68, 6-24-68; Ord. No. 27-68, 6-24-68; Ord. No. 28-68, 6-24-68; Ord. No. 46-68, 9-23-68; Ord. No. 47-68, 9-23-68; Ord. No. 48-68, 9-23-68; Ord. No. 16-69, 6-2-69; Ord. No. 20-70, 6-22-70; Ord. No. 21-70, 6-22-70; Ord. No. 24-71, 6-28-71; Ord. No. 29-71, 8-18-71; Ord. No. 14-72, 5-8-72; Ord. No. 20-73, 11-13-73; Ord. No. 19-74, 4-22-74; Ord. No. 21-74, 7-8-74; Ord. No. 28-79, 11-13-79; Ord. No. 15-80, 8-12-80; Ord. No. 1-82, 1-4-82; Ord. No. 2-82, 1-4-82; Ord. No. 3-82, 1-4-82; Ord. No. 4-82, 1-4-82; Ord. No. 22-83, 6-27-83; Ord. No. 23-83, 9-12-83; Ord. No. 24-83, 9-12-83; Ord. No. 3-84, 2-14-84; Ord. No. 28-84, 7-9-84; Ord. No. 35-84, 10-22-84; Ord. No. 37-85, 11-25-85; Ord. No. 35-86, 10-14-86; Ord. No. 36-86, §§ 1, 2, 10-27-86; Ord. No. 37-86, 10-27-86; Ord. No. 27-88, 6-13-88; Ord. No. 62-88, 9-27-88; Ord. No. 75-88, 12-12-88; Ord. No. 76-88, 12-12-88; Ord. No. 77-88, 12-12-88; Ord. No. 78-88, 12-12-88; Ord. No. 5-89, 2-27-89; Ord. No. 6-89, 2-27-89; Ord. No. 7-89, 2-27-89; Ord. No. 8-89, 2-27-89; Ord. No. 16-89, 4-10-89; Ord. No. 17-89, 4-10-89; Ord. No. 18-89, 4-10-89; Ord. No. 105-89, 10-23-89; Ord. No. 106-89, 10-23-89; Ord. No. 111-89, 12-28-89; Ord. No. 112-89, 12-28-89; Ord. No. 113-89, 12-28-89; Ord. No. 114-89, 12-28-89; Ord. No. 115-89, 12-28-89; Ord. No. 68-90, 10-9-90; Ord. No.

There shall be a municipal employees' retirement fund.

(a)

(i) *Membership*. All persons who are members of the municipal employees' retirement fund on July 1, 1968, all persons entering the classified service of the city subsequent to said July 1, 1968, as full-time permanent employees, all employees of the board of education, except teachers, and (subject to paragraph (y) below) those other unclassified employees of the city who so elect, except teachers, shall be members of the municipal employees' retirement fund. Any other employee of the city, except a teacher, who is a member of the retirement system for city employees, the police benefit fund or the firemen's relief fund may become a member of such fund upon application and withdrawal from the retirement system for city employees, the police benefit fund or the firemen's relief fund, as the case may be, upon such conditions as to the payment of arrears of contributions as the pension commission may require.

(ii) *Definitions*<sup>10</sup>. Except as otherwise provided by or required under any applicable collective bargaining agreement, as used in Section 3(b) of this Chapter, the following terms shall have the meanings ascribed thereto below, unless, and then only to the extent, a different meaning is specifically provided with respect to any such terms within the context of said section:

(1) "Nonbargaining unit employee" shall mean and include all nonbargaining unit general government employees of the city as well as all nonbargaining unit employees of the Hartford Public Library;

(2) "Nonbargaining unit city employee" and "nonbargaining unit employee of the city" shall mean and include only those nonbargaining unit general government employees of the city;

(3) "General government employee" shall mean only those employees of the city (including the Civic Center) who are not (a) a sworn police officers or firefighters, (b) Board of Education employees, or (c) Hartford Public Library employees;

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42-91, 7-8-91; Ord. No. 2-92, 1-13-92; Ord. No. 3-92, 11-13-92; Ord. No. 31-92, 6-22-92; Ord. No. 36-92, 7-21-92; Ord. No. 38-92, 9-14-92; Ord. No. 1-93, 1-4-93; Ord. No. 3-93, 1-25-93; Ord. No. 14-93, 6-14-93; Ord. No. 15-93, 6-14-93; Ord. No. 17-93, 6-14-93; Ord. No. 23-93, 7-12-93; Ord. No. 25-93, 7-12-93; Ord. No. 26-93, 7-12-93; Ord. No. 34-93, 8-9-93; Ord. No. 33-94, 9-26-94; Ord. No. 5-95, 5-22-95; Ord. No. 6-95, 5-22-95; Ord. No. 1-97, 1-13-97; Ord. No. 6-97, 3-24-97; Ord. No. 7-97, 3-24-97; Ord. No. 22-97, 11-24-97; Ord. No. 50-98, 10-6-98; Ord. No. 51-98, 10-6-98; Ord. No. 52-98, 10-6-98; Ord. No. 62-98, 12-14-98; Ord. No. 4-99, 1-25-99; Ord. No. 10-00, 4-24-00; Ord. No. 22-02, 6-10-02; Ord. No. 23-02, 6-10-02; Ord. No. 24-02, 6-24-02; Ord. No. 10-03, 4-28-03; Ord. No. 14-03, 5-12-03; Ord. No. 15-03, 5-12-03; Ord. No. 16-03, 5-12-03; Ord. No. 17-03, 5-12-03; Ord. No. 18-03, 5-12-03; Ord. No. 20-03, 5-27-03; Ord. No. 36-03, 6-23-03; Ord. No. 05-04, 2-9-04; Ord. No. 06-04, 2-9-04).

<sup>10</sup> Ord. No. 60-93, 10-25-93



(4) A member's "final average pay" shall be based upon his or her gross earnings only to the extent that the provisions of this Chapter specifically provide for his or her final average pay to be calculated in that manner.

(5)

(A) Commencing August 1, 1993, a member's "gross earnings" with respect to any year of service shall mean and include all amounts payable by the city directly to such member for services rendered by such member to the city (including, but not limited to, any and all of its agencies, commissions, boards, offices and departments) within such time period which amounts shall include, but not necessarily be limited to, such member's basic salary, payments for or in lieu of overtime, longevity pay, and retroactive pay increases, as and to the extent each is attributable to such services, but, except as provided in subsection (B) below, shall not include either any amounts paid for services rendered in some other time period or any payments made to a member upon and by reason of his or her termination of employment (including, but not limited to any and all severance payments and lump sum payments for accrued vacation and sick time).

(B) Commencing August 1, 1993, any member whose final average pay is based upon his or her "gross earnings" over a stated period of time shall have his or her "gross earnings" adjusted to account for any lump sum payments made to such member for accrued vacation and sick time upon his or her termination of employment by, and only by, adjusting such member's final average pay period such that the last day of that period corresponds to what such member's last day of work would have been had such member continued to work beyond his or her actual last day of work for that period of time equal to his or her creditable accrued vacation and sick time; providing however, that nothing herein shall be construed to permit or require the adjustment of the length of time included within a member's final average pay period. Thus, expressed as a formula, and subject to the foregoing provisos, a member whose final average pay is based on "gross earnings" shall have his or her final average pay period adjusted as follows:

Last day of	creditable accrued
final average =	last day + vacation and
pay period	of work   sick time

(6) Unless, and then only to the extent, this chapter provides that a member's final average pay is to be based upon his or her "gross

earnings" over a stated period of time, a member's "final average pay" shall not include any amounts paid to such member upon or by reason of his or her termination of employment with the city either for accrued sick time or as a severance payment.

(7) "Final average pay period" for each member shall mean those total number of such member's final years of service from which some subset thereof is to be used for purposes of determining such member's final average pay. Thus, for example, if a member is entitled to have his or her pension benefit calculated on the basis of his or her highest two (2) of his or her last five (5) years of gross earnings, then such member's final average pay period is such five (5) year period. Except as otherwise provided in subsection (a)(ii)(5)(B) above, a member's final average pay period shall end on the day prior to his or her effective date of retirement.

(8) Commencing on August 1, 1993, a member's "last day of work" prior to retirement shall be that date designated by the city as the last day on which he or she was expected to provide services to the city, which, in any case, shall not include any period of time that an employee is carried on the city's books and records as an employee to account for the lump sum payment of accrued vacation time to such member in connection with his or her termination of employment with the city. A member's bone fide absence from work on any date under and in accordance with the city's personnel rules and/or such member's collective bargaining agreement, as applicable, shall not be considered a basis for determining that such member was not expected to provide services to the city on such date.

(9)

(A) "Creditable accrued vacation and sick time" shall mean the sum of a member's creditable accrued vacation time and creditable accrued sick time.

(B) "Creditable accrued vacation time" shall mean that period of time between the day following a member's last day of work and the date upon which such member's last day of work would have occurred had such member remained an active employee and received payments for his or her accrued vacation on a weekly [basis] as opposed to a lump sum basis, both dates inclusive.

(C) "Creditable accrued sick time" shall mean that period of time commencing with the member's effective date of retirement, for which such member would continue to receive his or her basic weekly pay if such member were to receive amounts paid thereto for accrued sick time upon his or her termination of employment on a weekly basis, as opposed to in

a lump sum, without regard to whether any days in such time period are or have been designated holidays for active employees.

(D) The "effective date of retirement" for each member shall be the day after the period of time following such member's last day of work which is equal to his or her creditable accrued vacation time.

(E) For purposes of this subsection, a member's "basic weekly pay" shall mean the gross wages that a member would be paid per week based upon the rate of pay used to calculate the lump sum amounts paid to a member on account of accrued vacation and sick time upon his or her termination of employment.

(b) *Normal retirement.* Effective November 1, 1985, for nonbargaining unit policemen and firemen and effective July 1, 1986, for all bargaining unit policemen and firemen, normal retirement for employees hired before July 1, 1984, shall be after twenty (20) years of continuous service and normal retirement for employees hired on or after July 1, 1984, shall be after twenty (20) years of continuous service or at age forty-five (45) whichever is later. The normal retirement date for other members shall be the day following his or her sixty-fifth (65th) birthday, if employed in any other capacity. Any member shall be eligible for retirement and to receive a normal retirement allowance on or after his or her normal retirement date, provided such employee has completed at least ten (10) years of continuous service with the city. Also, any member who is not represented by a bargaining unit, and who is not a policeman or a fireman, or is represented by Local 1716, Council #4, AFSCME, AFL-CIO, Local 566 Council #4, AFSCME, AFL-CIO, Local 818, Building and Ground Supervision, Local 3534, Hartford Federation of Educational Personnel, and the School Crossing Guards Association shall be eligible for retirement and to receive a normal retirement allowance at any time after his or her sixtieth (60th) birthday, provided he or she has completed at least twenty-five (25) years of continuous service. Normal retirement for members of Local 2221, Hartford Paraprofessionals shall be at age sixty (60) with twenty (20) years of continuous service or at age sixty-five (65) with ten (10) years of continuous service. Any member of the Hartford Federation of Public School Secretaries with at least twenty-five (25) years of service and at least fifty-five (55) years of age, or a member with at least ten (10) years of service and at least sixty (60) years of age will be eligible for normal retirement. At any time after a member becomes eligible for retirement and to receive a normal retirement allowance, as provided in the preceding paragraph, the actual date of his retirement shall be established by an application on a prescribed form signed by the member, or by an application signed by both his appointing officer and either the city manager, or the superintendent of schools for employees of the board of education. Payment of his normal retirement allowance shall be subject to the approval of the pension commission as to his eligibility and the amount of his allowance.

For any member, except all policemen and firemen, the normal retirement allowance shall amount to one (1) percent of that portion of the employee's average earnings on which social security taxes were paid by the city for the full number of years included in the computation of his primary social security benefit, and two (2) percent of the balance of his final average pay, multiplied by the number of years of his service.

Final average pay shall mean the average annual rate of pay for the highest five (5) years of his earnings during the last ten (10) years of service immediately preceding his retirement.

Effective November 1, 1985, for all nonbargaining unit policemen and firemen and effective July 1, 1986, for all bargaining unit policemen and firemen employed prior to July 1, 1984, the normal retirement allowance shall amount to 2.5 percent of final average pay for each whole year of service for the first twenty (20) years of continuous service and 2.0 percent of final average pay for each whole year of service thereafter and for those employed on or after July 1, 1984, the normal retirement allowance shall be the same as those hired prior to July 1, 1984, except normal retirement shall be after twenty (20) years of continuous service or at age forty-five (45), whichever is later, retirement allowance shall amount to 2.5 percent of final average pay for each whole year of service for the first twenty (20) years of continuous service and 2.0 percent of final average pay for each whole year of service thereafter to a maximum of seventy (70) percent of final average pay, and final average pay will be computed on the basis of the employee's highest five (5) of the last ten (10) years of regular earnings, exclusive of overtime and private duty pay, added to a figure for overtime and private duty which is based on the employee's total overtime and private duty hours averaged over the employee's last twenty (20) years service or actual years of service, whichever is less. Final average pay for all policemen and firemen hired prior to July 1, 1984, shall be computed on the same basis as final average pay for policemen and firemen is computed on the date of the adoption of this ordinance.

Effective July 1, 1986, for all bargaining unit policemen and firemen and November 1, 1985, for all nonbargaining unit policemen and firemen, pension benefits shall vest after ten (10) years of continuous service. Any policeman or fireman who leaves the service of the city after his or her pension has vested will be entitled to collect a pension benefit commencing on the date he or she would have reached his or her normal retirement date.

Any provision of this Chapter to the contrary notwithstanding effective on the date of adoption of this ordinance, all nonbargaining unit policemen and firemen shall contribute to the fund eight (8) percent of his or her total earnings and on January 1, 1986, all bargaining unit policemen and firemen shall contribute to the fund eight (8) percent of his or her total earnings. Such contributions shall be deducted at each pay period and credited to his or her account.

Any member of the retirement system for city employees under the provisions of Section 233 of "An Act Revising the Charter of the City of Hartford," approved June 24, 1941, as amended, who becomes a member of the municipal employees' retirement fund on or after July 1, 1968, shall be entitled to receive a retirement allowance computed under the terms of this section or under the terms of said Section 233 of "An Act Revising the Charter of the City of Hartford," whichever is greater.

Any provision of this chapter to the contrary notwithstanding, any nonbargaining unit employee who is actively employed by the city on or after August 1, 1993, shall be eligible for retirement and to receive a normal retirement allowance upon completion of at least twenty-five (25) years of continuous service regardless of his or her age or upon completion of at least ten (10) years of continuous service by or at any time after his or her sixtieth (60th) birthday. The normal retirement allowance shall amount to two (2) percent of final average pay for each year of service to a maximum of seventy (70) percent of final average pay and final average pay will be computed on the basis of the employee's highest five (5) of the last ten (10) years of his or her gross earnings. Any employee who is age fifty-five (55) with at least ten (10) years of service but less than twenty-five (25) years of service shall be eligible to receive a pension based on the above formula but reduced by four (4) percent for each whole year the employee retires short of age sixty (60). Said reduced pension shall remain in effect for the duration of the pension. Any disability under section 3(e) or disability allowance under section 3(f) shall be computed as provided above and shall be subject to the limitations of said sections 3(e) and 3(f). Commencing January 1, 1987, all nonbargaining unit employees shall contribute to the fund a total of four (4) percent of the employee's earnings on which social security taxes are paid and seven (7) percent of the balance of the employee's earnings to be deducted at each pay period and credited to his or her account in the fund. This contribution shall be in lieu of any contributions required under the provisions of sections 3(k) and 3(q) of this chapter. Commencing July 1, 1988, any nonbargaining unit employee may elect to have his or her final average pay computed on the basis of the employee's highest two (2) of the last five (5) years of his or her gross earnings. Any nonbargaining unit employee who elects to have his or her final average pay computed on the basis of the employee's highest two (2) of the last five (5) years of his or her gross earnings shall make such election by filing a notice thereof with the city treasurer on or before November 1, 1988, or within thirty (30) days of his or her commencement of employment as a city employee, whichever is later. Any nonbargaining unit employee who makes such election shall contribute to the fund an additional one (1) percent of the employee's earnings above the four (4) percent of the employee's earnings on which social security taxes are paid and the seven (7) percent of the balance of the employee's earnings to be deducted at each pay period and credited to his or her account in the fund.

Normal retirement for all members of Local #2221, Hartford Federation of Paraprofessionals, Local 1018, Hartford Federation of Corridor Supervisors, Local 3534, Hartford Federation of Technical Support Personnel, Local 1018 A/B, Hartford Federation of School Health Professionals, Local 818, Building and Ground Supervisors, Hartford Education Support Personnel, Hartford School Support Supervisors Association, and all non-bargaining unit employees of the board of education employed on or after the date of adoption of this ordinance [October 10, 1990], shall be at age fifty-five (55) with at least twenty-five (25) years of service or age sixty (60) with at least ten (10) years of service. The normal retirement allowance shall amount to two (2) percent of final average pay for each year of service to a maximum of seventy (70) percent of final average pay, and final average pay will be computed on the basis of the employee's highest five (5) of the last ten (10) years of his or her gross earnings. Any employee who is age fifty-five (55) with at least ten (10) years of service

but less than twenty-five (25) years of service shall be eligible to receive a pension based on the above formula but reduced by four (4) percent for each whole year the employee retires short of age sixty (60). Said reduced pension shall remain in effect for the duration of the pension. Any disability or disability allowance shall be computed as provided above and shall be subject to the limitations of sections 3(e) and 3(f). All employees covered by this paragraph shall contribute to the fund a total of four (4) percent of the employee's earnings on which social security taxes are paid and seven (7) percent of the balance of the employee's earnings to be deducted at each pay period and credited to his or her account in the fund. This contribution shall be in lieu of any previous contributions required. (Ord. No. 18-94, 6-13-94)

Commencing September 1, 1988, for all members of Local 1018 A/B, Hartford Federation of School Health Professionals, normal retirement shall be at age fifty-five (55) with at least twenty-five (25) years of service or age sixty (60) with at least ten (10) years of service. The normal retirement allowance shall amount to two (2) percent of final average pay for each year of service. Commencing July 12, 1993, final average pay will be computed on the basis of an employee's highest three (3) years of the last five (5) years of his or her gross earnings. Any employee who is age fifty-five (55) with at least ten (10) years of service but less than twenty-five (25) years of service shall be eligible to receive a pension based on the above formula but reduced by four (4) percent for each whole year the employee retires short of age sixty (60). Said reduced pension shall remain in effect for the duration of the pension. Any disability or disability allowance shall be computed as provided above and shall be subject to the limitations of Sections 3(e) and 3(f). Commencing September 1, 1988, all bargaining unit employees shall contribute to the fund a total of four (4) percent of the employee's earnings on which social security taxes are paid and seven (7) percent of the balance of the employee's earnings to be deducted at each pay period and credited to his or her account in the fund. This contribution shall be in lieu of any previous contributions required.

Effective September 11, 1989, for all members of the Hartford Federation of School Secretaries the normal retirement allowance shall amount to two (2) percent of the employee's final average pay per whole year of service to a maximum of seventy (70) percent of the final average pay. The final average pay will be computed on the basis of the employee's highest five (5) of the last ten (10) years of his or her gross earnings. If any nonbargaining unit city employee retires from city service as a member of the unclassified service and his or her last day of work falls on or between September 26, 1989 and July 31, 1993, and, at such time, he or she is either an elected official or an appointee of one or more elected officials (hereinafter a "term-limited employee"), then such member's gross earnings in his or her final year of service shall include all amounts payable to such member upon his or her retirement on account of unused vacation and sick time as if such amounts all were earned and paid on and as of his or her last day of work, so long as, but only to the extent, that inclusion of such amounts in such member's gross earnings does not result in such member receiving an annual pension benefit in excess of the lesser of (i) his or her actual regular earnings in the twelve months preceding such member's last day of work prior to such member's retirement (i.e., all of such member's actual earnings payable in such time period exclusive of any

lump sum payments for accrued sick or vacation time payable upon termination of such member's employment with the City), or (ii) the IRC Maximum Benefit.

If any nonbargaining unit city employee (other than term-limited employee) retires from city service and his or her last day of work falls on or between July 13, 1990 and July 31, 1993, then such employee's gross earnings shall include all amounts payable to such member upon his or her retirement on account of unused vacation time prior to his or her effective date of retirement and shall also include all amounts payable to such member upon his or her retirement on account of unused sick time (hereinafter, "lump sum sick payment") as if such lump sum sick pay was earned and paid on and as of his or her last day of work, so long as, but only to the extent, that inclusion of such amounts in such member's gross earnings does not result in such member receiving an annual pension benefit in excess of the lesser of (i) his or her actual regular earnings in the twelve (12) months preceding such member's last day of work prior to such member's retirement (i.e., all of such member's actual earnings payable in such time period exclusive of any lump sum payments for accrued sick or vacation time payable upon termination of such member's employment with the city), or (ii) the IRC Maximum Benefit.

Notwithstanding anything to the contrary which is set forth in this Chapter, no member shall be entitled to receive a pension benefit in excess of the maximum amount which is permitted under the Internal Revenue Code of the United States from time to time (the "Code") in order for both the fund, and its members' interests therein, to retain the tax favored treatment provided by the Code thereto (herein, the "IRC Maximum Benefit").

The provisions set forth in subparagraphs (1) and (2) below, shall apply to all members of Local #2221, Hartford Federation of Paraprofessionals who retire after January 25, 1993:

(1) The normal retirement allowance for such members shall amount to 2.5 percent of final average pay for each whole year of service for the first twenty (20) years of continuous service, and two (2) percent of final average pay for each whole year of service thereafter, up to a maximum of seventy (70) percent of final average pay; and

(2) Final average pay for such members will be computed on the basis of an employee's highest three (3) out of the last five (5) years of his or her gross earnings.

Any member of Local #2221, Hartford Federation of Paraprofessionals who, but for having been furloughed at any time during the 1992—1993 school year, would have completed an entire year of service by June 30, 1993, shall be entitled to contribute such additional amounts to the fund as such member would have contributed had such member not been furloughed (without interest) and thereby be credited with such additional year of service, providing that such

member pays such amounts to the fund on or before the earlier of (i) December 31, 1993, or (ii) his or her effective date of retirement.

All members of Local #2221, Hartford Federation of Paraprofessionals, Local #1018-C, Hartford Federation of School Secretaries, Local #1018, Hartford Federation of Corridor Supervisors, Local #3534, Hartford Federation of Technical Support Personnel, Local #1018 A/B, Hartford Federation of School Health Professionals, Local #818, Building and Ground Supervisors and all non-bargaining unit employees of the Board of Education who were furloughed for one (1) day during the 1990-91 school year shall not lose credit for such day for purposes of this chapter.

Notwithstanding any other provision of this Chapter to the contrary, any member who is determined by the Pension Commission to be eligible to receive any of the benefits provided under this Chapter who, on or after the date such benefits become payable, is entitled to and in fact does contribute to the fund by reason of his or her election or appointment to, or employment in, a position with the City (including, but not limited to, any of its agencies, departments, boards or commissions) shall not be entitled to collect such benefits during the period he or she holds such position; providing, however, that this restriction shall not apply in respect of any benefits to the extent they were first payable on or before (the effective date hereof). Any benefits which otherwise would be payable to any member under this Chapter but for the restrictions set forth in this paragraph shall be paid thereto (without interest) at such time when such member no longer holds a position by reason of which he or she is entitled to contribute to the fund.

No member shall be deemed to have retired, or to otherwise then be eligible to qualify for any benefits otherwise payable under this Chapter, as and to the extent he or she is employed by the City or any of its agencies, departments, boards or commissions in a position for which he or she applied, received and offer, or was accepted, prior to the date on which such benefits otherwise would first be payable; providing, however, that nothing in this sentence shall constitute a basis for denying any member any benefits to the extent they first became payable prior to (the effective date hereof). In no event shall the level of any benefits payable to any member by reason of his or her participation in the fund prior to qualifying for and electing to receive any benefits under this Chapter be increased as a result of his or her renewed participation in the fund at any time after he or she has made such election.

The following provisions will apply to all nonbargaining unit sworn police officers and firefighters who are in the employ of the city on or after December 31, 1996:

1. Any provisions of this Chapter or the Municipal Code to the contrary notwithstanding, all nonbargaining unit sworn police officers and firefighters who were not employed as sworn police officers or firefighters on or before December 31, 1996, shall be entitled to receive, and only



shall be paid, such of those pension and other retirement benefits as are provided to nonbargaining unit city employees pursuant to this Chapter (hereinafter, "Nonbargaining Pension Benefits"). All nonbargaining unit sworn police officers and firefighters who became sworn police officers or firefighters prior to January 1, 1997, also may elect to receive Nonbargaining Pension Benefits by notifying the City Treasurer of their desire to do so on or before March 31, 1997, or within thirty (30) days of the commencement of his or her employment as a nonbargaining unit sworn police officer or firefighter, whichever is later. Any nonbargaining unit sworn police officer or firefighter who elects to or otherwise is entitled to receive Nonbargaining Pension Benefits shall be provided with such benefits in lieu of any other pension or retirements benefits to which they otherwise would be entitled under this Chapter or the Municipal Code and only in accordance with the provisions of this paragraph and otherwise with the eligibility criteria and other terms and conditions affecting the provision of benefits to nonbargaining unit city employees as are set forth elsewhere in this chapter.

2. Any contributions to the fund which have been made by any nonbargaining unit sworn police officer or firefighter prior to the time when he or she elects to or otherwise becomes entitled to receive Nonbargaining Pension Benefits shall remain in the fund and be applied toward the Nonbargaining Pension Benefits to be provided to such employee hereunder. Thereafter, and subject to the provisions of subparagraph 3 below, any nonbargaining unit sworn police officer or firefighter who elects to or otherwise is entitled to receive Nonbargaining Pension Benefits shall make such contributions to the fund in the same manner and on the same terms as are required of, and shall be entitled to earn interest on any contributions which have been or thereafter are made to the fund in the same manner and on the same terms as apply to, nonbargaining unit city employees; providing, however, that no such employee shall be entitled to receive any additional or different interest on any contributions which were made prior to his or her making the aforesaid election at any time prior thereto other than such interest, if any, which was then required to be provided in respect thereof. Nothing herein shall be deemed to preclude a member or his or her beneficiaries, if any, from withdrawing or otherwise being paid any of such member's contributions as provided in this Chapter upon termination of his or her employment or otherwise.

3. Any nonbargaining unit sworn police officer or firefighter who elects to or otherwise is entitled to receive Nonbargaining Pension Benefits also shall have the option (a) to have his or her final average pay computed on the basis of the highest two (2) of the last five (5) years of his or her gross earnings ("Option A"), as well as (b) to receive credit in the calculation of his or her retirement allowance for any periods of time that he or she served in the armed forces of the United States pursuant to

Section 3(w) of this Chapter for which he or she previously has not made contributions to the fund ("Option B"), so long as, in either case, he or she notifies the City Treasurer of his or her desire to exercise such option (and, in the case of Option B above, also makes the contributions required under Section 3(w) of this Chapter) on or before March 31, 1997, or within thirty (30) days of the commencement of his or her employment as a nonbargaining unit sworn police officer or firefighter, whichever is later. Any employee who exercises Option A above shall thereafter contribute to the fund one (1) percent of his or her earnings above the four (4) percent of the employee's earning on which social security taxes are (or would otherwise be) paid and the seven (7) percent of the balance of the employees earnings, to be deducted at each pay period and credited to his or her account in the fund.

(bi) *Pension benefits for all bargaining unit and nonbargaining unit police officers:*

I. All present retirement and survivor benefits of persons who became sworn police officers prior to July 1, 1987, shall remain in effect except as follows:

1. The employee contribution to the pension fund will be eight (8) percent of total earnings.

2. Service retirements for those employees hired before July 1, 1984, will be based on two and one-half (2.5) percent of final average pay for each whole year of service for the first twenty (20) years of continuous service and two (2.0) percent of final average pay for each whole year of service thereafter.

3. Normal retirement for employees hired before July 1, 1984, shall be after twenty (20) years of continuous service. Employee pension benefits vest after ten (10) years of continuous service.

4. An employee who vests his or her pension and leaves the service of the city will be entitled to collect a pension benefit commencing on the date he or she would have reached his or her normal retirement date.

5. Effective upon signing, an employee may purchase up to four (4) years of military service time for service in the Armed Forces of the United States for periods of service, any of which occurred during the periods set forth in Section 27-103 of the General Statutes of the State of Connecticut, at the rate payable at the time of entry into city service, with interest at the rate of seven (7) percent per annum. The period of such service for which the employee receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance provided such employee shall have completed ten (10) years of

continuous service or fifteen (15) years of active aggregate service with the City of Hartford or shall be retired prior thereto, due to disability incurred in the course of his or her employment.

6. Effective July 1, 1986, employees hired on or after July 1, 1984, will be entitled to a service pension identical to employees hired before July 1, 1984, with the following exceptions:

A. Normal retirement after twenty (20) years of continuous service or at age forty-five (45), whichever is later.

B. Retirement benefit based on two and one-half (2.5) percent of final average pay of each whole year of service for the first twenty (20) years of continuous service and two (2) percent of final average pay for each whole year of service thereafter to a maximum of seventy (70) percent of final average pay.

C. Final average pay will be computed on the basis of the employee's highest five (5) of the last ten (10) years of regular earnings, exclusive of overtime and private duty pay, added to a figure for overtime and private duty hours averaged over the employee's last twenty (20) years service or actual years of service whichever is less.

7. Effective July 1, 1986, an employee with less than fifteen (15) years of continuous service who suffers a permanent partial disability arising out of and in the course of employment as defined in the Worker's Compensation Act and who is eligible for a special disability allowance as provided for in the municipal employees retirement fund will have such special disability allowance reduced by any income from gainful employment which, together with the special disability allowance, exceeds one hundred (100) percent of the current rate of pay for an employee of the same or corresponding job classification held by the employee at the time of such retirement.

II. Effective July 1, 1987, for all persons who became sworn police officers on or after July 1, 1987, the following retirement and service benefits shall be in effect:

1. The employee contribution rate to the pension fund will be five (5) percent of total earnings.

2. Service retirements will be based upon two (2) percent of final average pay for each whole year of service to a maximum of seventy (70) percent of final average pay.

3. Normal retirement age shall be age fifty-five (55) with at least twenty-five (25) years of service.

4. Employees who retire prior to the time specified in paragraph 3 herein, will receive pension benefits reduced by four (4) percent for each whole year by which the early retirement precedes the employee's normal retirement age, with proration for a fraction of a year of continuous service or, employees may elect early retirement between the ages of fifty-five (55) and sixty (60) with ten (10) years of continuous service.

5. Final average pay will be computed on the basis of the employee's highest three (3) of the last five (5) years of regular earnings, exclusive of overtime and private duty pay, added to a figure for overtime and private duty which is based on the employee's total overtime and private duty hours averaged over the employee's last twenty-five (25) years of service or actual years of service whichever is less.

6. Social security benefits shall not be included in this plan.

7. Effective upon signing, an employee may purchase up to four (4) years of military service time for service in the Armed Forces of the United States for periods of service, any of which occurred during the periods set forth in Section 27-103 of the General Statutes of the State of Connecticut, at the rate payable at the time of entry into city service, with interest at the rate of seven (7) percent per annum. The period of such service for which the employee receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance provided such employee shall have completed ten (10) years of continuous service or fifteen (15) years of active aggregate service with the City of Hartford or shall be retired prior thereto, due to disability incurred in the course of his or her employment.

III. Effective July 1, 1988, for all persons who became sworn police officers prior to July 1, 1987, all present retirement and survivor benefits shall remain in effect except as follows:

1. The employee contribution to the pension fund will be eight (8) percent of total earnings.

2. Service retirements for those employees hired before July 1, 1984, will be based upon 2.65 percent of final average pay for each whole year of service for the first twenty (20) years of continuous service and, the following table for each whole year of continuous service thereafter to a maximum of seventy (70) percent of final average pay.

Year	Percentage
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21	56%
22	58%
23	60%
24	62%
25	64%
26	65%
27	66%
28	67%
29	68%
30	69%
31	70%

3. Normal retirement for employees hired before July 1, 1984, shall be after twenty (20) years of continuous service. Employee pension benefits vest after ten (10) years of continuous service.

4. An employee who vests his or her pension and leaves the service of the city will be entitled to collect a pension benefit commencing on the date he or she should have reached his or her normal retirement date.

5. An employee may purchase up to four (4) years of military service time for service in the Armed Forces of the United States for periods of service, any of which occurred during the periods set forth in Section 27-103 of the General Statutes of the State of Connecticut, at the rate payable at the time of entry into city service, with interest at the rate of seven (7) percent per annum. The period of such service for which the employee receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance provided such employee shall have completed ten (10) years of continuous service or fifteen (15) years of active aggregate service with the City of Hartford or shall be retired prior thereto, due to disability incurred in the course of his or her employment.

6. Final average pay will be computed on the basis of the employee's highest three (3) of the last five (5) years' earnings.

7. Employees hired on or after July 1, 1984, who became sworn police officers prior to July, 1987, will be entitled to a service pension identical to employees hired before July 1, 1984, with the following exceptions:

A. Normal retirement after twenty (20) years of continuous service or age forty-five (45), whichever is later.

B. Final average pay will be computed on the basis of the employee's highest three (3) of the last five (5) years of regular earnings, exclusive of overtime and private duty pay, added to a figure for overtime and private duty which is based on the employee's total overtime and private duty hours averaged over the employee's last twenty (20) years service or actual years of service, whichever is less.

8. An employee with less than fifteen (15) years of continuous service who suffers a permanent partial disability arising out of and in the course of employment as defined in the Workers' Compensation Act and who is eligible for a special disability allowance as provided for in the municipal employees retirement fund will have such special disability allowance reduced by any income from gainful employment which, together with the special disability allowance, exceeds one hundred (100) percent of the current rate of pay for an employee of the same corresponding job classification held by the employee at the time of such retirement.

9. In lieu of the provisions of III, 2 hereinabove all nonbargaining unit sworn police officers who have reached a retirement benefit of seventy (70) percent or more of their final average pay as of July 1, 1988, shall receive a four (4) percent increase to their service retirement credit existing under I, 2 above on July 1, 1988. On their next anniversary date of continuous service following July 1, 1988, they shall receive an additional two-percent increase to their service retirement credit. After receipt of this two-percent increase such members shall be at the maximum percentage of final average pay to be used for retirement purposes.

(bii) Final average pay for all bargaining unit and non-bargaining unit firemen retiring after July 1, 1987 will be computed on the basis of the employee's highest three (3) of the last five (5) years total annual earnings. Total annual earnings include private jobs, overtime, and longevity pay, if applicable.

(biii) The provisions set forth in subparagraphs (1), (2), (3) and (4) below shall apply to all non-bargaining unit city employees whose effective date of retirement is on or after July 1, 1994.

(1) Any such non-bargaining unit city employee shall be eligible for retirement and to receive a normal retirement allowance upon completion of at least twenty (20) years of service regardless of his or her age. The normal retirement allowance for such non-bargaining unit city employees shall amount to 2.5 percent of final average pay for each whole year of service up to a maximum of 80 percent of final average pay; and

(2) Final average pay for such non-bargaining unit city employees will be computed on the basis of the employee's highest five (5) of the last ten (10) years of his or her gross earnings unless the employee had previously elected to have his or her average pay computed on the basis of the employee's highest two (2) of the last five (5) years of his or her gross earnings as provided in subsection (b) hereinbefore.

(3) Any such non-bargaining unit city employee may elect to retire without reduction of benefits after fifteen (15) years of continuous employment provided such employee elects to leave his or her contributions in the fund until the date on which he or she would have first become eligible for a normal retirement allowance at which time he or she shall receive a retirement allowance computed on the basis described in paragraphs (1) and (2) of this subsection (biii) for a normal retirement allowance.

(4)(i) If any such employee has at least twenty (20) days of accumulated, but unused, sick leave upon his or her retirement and the retirement allowance that otherwise would be payable to such employee in the absence of this subparagraph (4) would be less than eighty (80) percent of the employee's final average pay (hereinafter, for purposes of this subparagraph (4), a "qualifying retiree"), then the amount of pension service used in the calculation of such person's retirement allowance, and the number of days of accumulated, but unused, sick leave for which such person otherwise would be entitled to be paid upon retirement, shall be adjusted in accordance with the terms of this subparagraph (4). Such adjustments shall be effected by increasing the amount of the qualifying retiree's pension service by one (1) whole year of service for each twenty (20) days of accumulated, but unused, sick leave that were credited to such person's account prior to the calculation of any amounts that otherwise would have been or will be paid to such person pursuant to the sick pay reduction formula applicable to that person, up to a maximum of four (4) whole years of pension service credit or eighty (80) percent of final average pay, whichever results first. Likewise, the amount of accumulated sick leave for which the employee otherwise is entitled to be paid a lump sum upon retirement shall be concomitantly reduced by twenty (20) days for each additional year of pension service that is credited to such retiree as aforesaid. Fractional years of pension service shall not be awarded pursuant to this provision.

(ii) Any additional pension service credited to any qualifying retiree pursuant to this subparagraph (4) shall not be used for establishing eligibility for normal retirement benefits as provided in paragraph (1) of this subsection (biii), but shall be used as additional service credits for qualifying retirees who are qualified or become qualified for normal or early retirement benefits as those terms are defined in this chapter. The additional retirement allowance resulting from the additional pension service credited to any qualifying retiree's benefit pursuant to this subparagraph (4) will be calculated as provided in paragraph (1) of this subsection (biii), provided, again, that the maximum annual normal

retirement allowance payable (or otherwise applicable to) any such retiree shall not exceed eighty (80) percent of the retiree's final average pay.

(iii) As an example, assume that a qualifying retiree, as of her last day paid, is working a thirty-five (35) hour work week and being paid a salary of one thousand dollars (\$1,000.00) per week (or two hundred dollars (\$200.00) per day). Assume further that she has one hundred (100) days of accumulated sick leave and otherwise is entitled to be paid fifty (50) percent of the value of such leave upon retirement or ten thousand dollars (\$10,000.00) (i.e. (100 days × 50%) × \$200.00 a day). Finally, assume that the retiree has thirty (30) years of pension service and, thus, pursuant to subparagraph (1) above, otherwise would be entitled to a normal retirement allowance equal to seventy-five (75) percent of her final average pay (i.e. 30 years × 2.5% per year). In that case, the retiree shall be credited with an additional two (2) whole years of pension service and the number of days of accumulated sick leave for which she will be paid upon retirement will be reduced by forty (40) days. As a result, such retiree's normal retirement allowance shall equal eighty (80) percent of the retiree's final average pay (i.e. 75% + (2 years × 2.5% per year) and the amount of her lump sum payment on account of accumulated sick leave will equal six thousand dollars (\$6,000.00) (i.e. (100 days - 40 days) × \$200.00 per day).

(iv) The provisions of this subsection shall be effective retroactive to January 1, 2003.

Notwithstanding any provisions of this Chapter to the contrary, including, without limitation, the provisions set forth in subsection 3(y)(4) of this Chapter, any permanent, nonbargaining unit city employee who is an active member of the unclassified service at any time between October 1, 1998 and December 31, 1998, both dates inclusive, and who previously has elected not to be, and is not then, a member of the fund, shall have the right to elect to become a member of the fund in accordance with and subject to the provisions of this subparagraph. Any employee who wishes to make such election shall give written notice to the city treasurer to that effect on or before December 31, 1998. Any such employee who has given such notice shall, effective January 1, 1999, thereupon be a member of the fund, and thereby entitled to receive those benefits applicable to, and obligated to make those contributions required of, nonbargaining unit city employees under and pursuant to the terms of this Chapter as apply to such employees for and during the period of his or her service thereafter, providing, however, that no such employee shall be entitled to have any of his or her contributions "picked-up" and paid by the City of Hartford as otherwise would be provided pursuant to the provisions of section 3(y) of this Chapter. Any election which is made to become a member of the fund pursuant to this subparagraph shall be irrevocable.

Notwithstanding any provisions of this Chapter to the contrary, including, without limitation, the provisions set forth in subsection 3(y)(4) of this Chapter, any active, permanent, nonbargaining unit city employee (and any active, full-time, permanent city employee who is a member of a collective bargaining unit which has agreed to the



provisions of this subparagraph who previously was a member of the unclassified service) who (i) is or elects to become a member of the fund at any time between October 1, 1998 and December 31, 1998, both dates inclusive, (ii) is not then receiving a retirement benefit, and (iii) previously chose not to be, or otherwise was not, a member of the fund during any time he or she was a member of the unclassified service, shall have the option to include that portion of his or her Qualified Prior Unclassified Service Time (as hereinafter defined) in the calculation in his or her length of service for purposes of determining his or her retirement allowance, subject to and in accordance with the terms of this subparagraph. Any employee who wishes to exercise this option must (1) provide the city treasurer with written notice of his or her desire to do the same by December 31, 1998, and (2) thereafter pay the municipal employees' retirement fund an amount equal to the contributions required in respect of any of his or her Qualified Prior Unclassified Service Time for which he or she desires to be given credit pursuant to this subparagraph in the manner and on such terms as may be specified by the pension commission. Nothing in this subparagraph shall be deemed to entitle any member to receive a retirement allowance in excess of that amount which may be specified to be, or which operates as, a maximum limit on the amount of any benefit which may be paid to such member pursuant to any other provisions of this Chapter. Any member who elects to exercise the option to purchase additional pension credit pursuant to this subparagraph shall make a contribution to the fund for each fiscal year, or part thereof, for which he or she is purchasing credit hereunder equal to the sum of (1) the product of his or her salary during each such year, or part thereof, times the contribution rate in effect for nonbargaining unit city employees as of December 31, 1998, plus (2) interest on the amounts derived pursuant to the foregoing calculated at the pension commission's assumed rate of return for the fund as of and from June 30th of each such fiscal year, or part thereof, to the date the pension commission approves such member's application to acquire the same. No contributions which are required to be made pursuant to this subparagraph shall be "picked-up" and paid by the City of Hartford as otherwise would be provided pursuant to the provisions of section 3(y) of this Chapter. For purposes of this subparagraph, a member's "Qualified Prior Unclassified Service Time" shall mean such prior unclassified service time for which he or she served as a permanent employee and neither is receiving a retirement benefit, nor has retained a vested benefit, from any other employer; a member shall be deemed to be "receiving a retirement benefit" if, prior to January 1, 1999, he or she has filed an application to be paid, or has been awarded, any benefits under this Chapter.

(c) *Mandatory retirement.* The mandatory retirement date for any member shall be the fifth anniversary of his normal retirement date. Any member who reaches his mandatory retirement age shall be retired immediately; and if he is a policeman or fireman and has at least fifteen (15) years, or in the case of all other employees who are members of the municipal employee's retirement fund at least ten (10) years, of continuous service with the city, he shall be entitled to receive a retirement allowance computed in the same manner as the normal retirement allowance. The pension commission may at its option defer the mandatory retirement date for an employee upon written recommendation of his department head.

(d) *Early retirement.* Any member, other than a policeman or a fireman, may elect early retirement after his fifty-fifth birthday provided he has completed at least ten (10) years of continuous service. Any member who is employed as a policeman or a fireman may elect early retirement after his fiftieth birthday provided he has completed at least ten (10) years of continuous service. Any member who is employed as a policeman or a fireman may elect early retirement after his fiftieth birthday provided he has completed at least fifteen (15) years of continuous service. In event of his early retirement such a member may elect one (1) of the following options in lieu of the refund of contributions in subsection (j):

(1) To leave his contributions in the fund until the date on which he would have first become eligible for a normal retirement allowance at which time he shall receive a retirement allowance computed on the basis described in subsection (b) for a normal retirement allowance; or

(2) In the case of a policeman, or a fireman, or an employee of the board of education, to receive an immediate early retirement allowance which shall be determined by the pension commission and which shall be actuarially equivalent to the retirement allowance provided by option (1); or

(3) In the case of a member who is not represented by Local 501 CSEA, Inc., or who is not an employee of the board of education, except board of education employees presently represented by Local 566, Council #4, AFSCME, AFL-CIO, Local 818, Building and Ground Supervision, and Local 3534, Hartford Federation of Education Personnel to receive an immediate early retirement allowance equal to the amount of retirement allowance provided by option (1) reduced by two (2) percent for each whole year by which the date of his termination of service falls short of the date on which he would have first become eligible for a normal retirement allowance as provided in subsection (b), with proration for any fraction of a year; or

(4) In the case of a member, including those represented by Local 3534, Hartford Federation of Education Personnel and the School Crossing Guards Association of Hartford, Connecticut, but excluding policemen and firemen and other employees of the board of education who are represented by a bargaining unit, and who has completed twenty-five (25) years of continuous service and attained age sixty (60), to receive an immediate early retirement allowance equal to the amount provided by option (1) without reduction.

(5) After July 1, 1978, any policeman or fireman may elect early retirement after twenty (20) years of continuous service. An employee who elects such early retirement after July 1, 1978, and before July 1, 1981, will receive pension benefits reduced by two (2) percent for each whole year by which the date of early retirement precedes the date on which he would have completed twenty-five (25) years of continuous service, with proration for a fraction of a year. An employee who elects early retirement after July 1, 1981, and before July 1,

1983, after at least twenty (20) years of continuous service will receive a pension based on two (2) percent of the final average pay for each whole year of service and reduced by one (1) percent for each whole year by which the date of early retirement precedes the date on which he would have completed twenty-five (25) years of continuous service, with proration for a fraction of a year. An employee who elects early retirement on or after July 1, 1983, after at least twenty (20) years of continuous service will receive a pension based on two (2) percent of final average pay for each whole year of service.

(1) A member of the Hartford Federation of School Secretaries who is age fifty-five (55) with at least ten (10) years of service but less than twenty-five (25) years of service shall be eligible to receive pension benefits reduced by four (4) percent for each whole year the member retires short of age sixty (60).

(e) *Retirement for disability.* Any member shall be eligible for retirement and to receive a disability retirement allowance if he becomes permanently and totally disabled from engaging in any gainful employment, provided he has completed at least ten (10) years of continuous service, or provided that such disability is shown to the satisfaction of the pension commission to have arisen out of and in the course of his employment by the city, as defined by the workmen's compensation act. The amount of the disability retirement allowance shall be computed in the same manner as the normal retirement allowance, using a final average pay equal to his average annual rate of pay for the ten (10) years immediately preceding his disability retirement; provided such disability allowance for permanent and total disability arising out of and in the course of his employment, as defined in the workmen's compensation act, shall not be less than one-half ( $\frac{1}{2}$ ) of the member's annual pay at the time his disability was incurred. Such disability retirement allowance shall continue during the period of such disability. Any amount or amounts received under the workmen's compensation act shall be deducted from such disability retirement allowance. The existence and continuance of disability shall be determined by the pension commission upon such medical evidence and other investigation as it may require. No disability retirement allowance under this section, plus workmen's compensation payments, if any, plus any amounts payable by reason of social security coverage attributable to city employment, shall exceed two-thirds ( $\frac{2}{3}$ ) of the member's average annual pay during the ten (10) years immediately preceding his retirement, but no such disability retirement allowance shall be less than three hundred sixty dollars (\$360.00) annually. No such disability retirement allowance shall be paid if the disability has been caused by the willful misconduct or intoxication of the disabled member. In order to obtain a disability retirement allowance under this section, a member shall apply in writing for such allowance to the pension commission within one (1) year after incurring the disability, and the allowance may be made retroactive to the date at which the pay of the disabled member ceased.

(f) *Special disability allowance.* Any member who suffers a permanent disability which does not prevent him from engaging in any gainful employment may nevertheless be eligible to receive a special disability retirement allowance if he has completed at least ten (10) years of continuous service or if such disability is shown to

the satisfaction of the pension commission to have arisen out of and in the course of his employment by the city, as defined by the workmen's compensation act, and if it is shown to the satisfaction of the pension commission that as a result of said disability the income which he can derive from gainful employment has been reduced at least ten (10) percent below the income he was earning at the time he incurred such disability. Such special disability retirement allowance may continue during the period of such reduced income. The amount of the special disability retirement allowance shall be determined by the pension commission in a manner consistent with the determination of the disability retirement allowance; it shall not be less than ten dollars (\$10.00) monthly nor more than one and two-thirds (1 2/3 ) percent of the reduction in income multiplied by the number of years of service unless the permanent disability arises out of and in the course of employment as defined in the workmen's compensation act, in which case it shall be not less than fifty (50) percent of the reduction in income.

(g) *Survivor's benefits.* If a member who is serving as a city policeman or fireman dies before retirement from a cause arising out of and in the course of his employment, as defined in the workmen's compensation act, his widow shall receive a monthly survivor's allowance at a rate equivalent to fifty (50) percent of his annual pay at the time of his death, until she dies or remarries. If said member leaves a child or children under the age of eighteen, each such child shall receive a monthly survivor's allowance at a rate of ten (10) percent, as measured above, until he reaches age eighteen (18), marries or dies, whichever comes first; however, if the member leaves no widow, each child's allowance shall be at the rate of fifteen (15) percent. The total annual survivor's allowances payable under this section plus workmen's compensation payments, if any, shall not exceed three-quarters of the member's average annual pay during the five (5) years immediately preceding his death. Any allowances paid under this subsection shall be in lieu of the refund of contributions, provided by subsection (j); except that if the total allowances paid under this subsection should be less than the refund of contributions which would otherwise have been paid, then the excess of said refund over said allowances shall be paid in accordance with subsection (j). As used herein the term "widow" shall include "widower".

(h) *Continuity of service.* Periods of absence of not more than ninety (90) days in any one (1) calendar year shall not be considered as breaking continuity of service. Periods of absence of more than ninety (90) days by reason of a leave of absence granted by the council, or where the absence is occasioned by disability involving the regular attendance of a physician unless such attendance is declared unnecessary by medical authority satisfactory to the pension commission, shall not be considered as breaking continuity of service, but such periods shall not be included in determining the amount of the retirement allowance.

If a member terminates his employment, withdraws his retirement contributions from the fund and is subsequently reemployed, he may request that he be allowed to repurchase his prior service credits. Such request and repayment must be made no later than ninety (90) days after the completion of the probationary period. If such

request is not made within the prescribed period of time, the member shall be deemed to have waived this right.

Any member who has completed his or her probationary period prior to October 1, 1989, and who failed to make such request and repayment within ninety (90) days after the completion of the probationary period is hereby granted an extension of time until December 1, 1989, to make such request and repurchase his or her prior service credits. If such request is not made prior to December 1, 1989, the member shall be deemed to have waived this right.

Effective October 1, 1998, any nonbargaining unit employee of the City (and any member of a collective bargaining unit which agrees to the provisions of this subparagraph) who (i) has completed his or her probationary period prior thereto, (ii) is, or by January 1, 1999 will be, a member of the fund, (iii) failed to request that he or she be allowed to repurchase any of his or her prior service credits and/or to repay the fund therefor within ninety (90) days after completion of his or her probationary period, and (iv) neither is receiving a retirement benefit nor has retained a vested benefit with respect to such prior service from any other employer, is hereby granted an extension of time until December 31, 1998 to make such request and repurchase his or her prior service credits, subject to and in accordance with this subparagraph. Any such employee who wishes to repurchase his or her prior service credits pursuant to this subparagraph must provide written notice to the city treasurer of his or her desire to do the same by December 31, 1998 and shall thereafter pay the municipal employees' retirement fund an amount equal to the sum of (1) his or her contributions for such prior service which were returned to such employee, and (2) interest on said contributions at the rate of seven (7) percent per annum from the date such employee was rehired by the city to the date the pension commission approves such member's application to repurchase any credits hereunder. All such amounts shall be paid to the fund in the manner and on the terms specified by the pension commission, providing, however, that no contributions which are required to be made pursuant to this subparagraph shall be "picked-up" and paid by the City of Hartford pursuant to the provisions of section 3(v) of this chapter. Nothing in this subsection shall be deemed to entitle any member to receive a retirement allowance in excess of that amount which may be specified to be, or which operates as, a maximum limit on the amount of any benefit which may be paid to such member pursuant to any other provisions of this chapter.

Notwithstanding any provisions of this chapter to the contrary, effective May 1, 2003, any nonbargaining unit employee of the city (and any member of a collective bargaining unit which agrees to the provisions of this subparagraph) who (i) has completed his or her probationary period prior thereto, (ii) is a member of the fund, and (iii) following a maternity or paternity leave, returned to work as a part-time employee of the city before ultimately returning to work as a full time employee of the city, shall have the option to include that qualified prior part-time service time (as hereinafter defined) in the calculation in his or her length of service for purposes of determining his or her retirement allowance, subject to and in accordance with this subparagraph. Qualified prior part-time service time for such periods shall be determined on a prorated basis, based upon actual hours of service provided to the city, provided said service was no

less than twenty (20) hours per week. Any such employee who wishes to exercise this option must provide written notice to the city manager and city treasurer of his or her desire to do the same by May 30, 2003 and shall thereafter pay the municipal employees' retirement fund an amount equal to the contributions required in respect of any of his or her qualified prior part-time service for which he or she desires to be given credit pursuant to this subparagraph in the manner and on such terms as may be specified by the pension commission. Any member who elects to exercise this option to purchase additional pension credit pursuant to this subparagraph shall make a contribution to the fund for each fiscal year, or part thereof, for which he or she is purchasing credit hereunder equal to the sum of (1) the product of his or her salary during each such year, or part thereof, times the contribution rate in effect for the member at the time he or she was rehired as a full time employee, and (2) interest on the amounts derived pursuant to the foregoing calculated at the rate of seven (7) percent per annum from the date of the qualified prior part-time service time to be purchased, to the date the pension commission approves such member's application to acquire the same. All such amounts shall be paid to the fund in the manner and on the terms specified by the pension commission, providing, however, that no contributions which are required to be made pursuant to this subparagraph shall be "picked-up" and paid by the City of Hartford pursuant to the provisions of section 3(y) of this chapter. Nothing in this subsection shall be deemed to entitle any member to receive a retirement allowance in excess of that amount which may be specified to be, or which operates as, a maximum limit on the amount of any benefit which may be paid to such member pursuant to any other provisions of this chapter. For purposes of this subparagraph, a member's "qualified prior part-time service time" shall mean such prior service time for which he or she served as a part-time employee following a period of maternity leave and neither is receiving a retirement benefit, nor has retained a vested benefit, from any other employer; a member shall be deemed to be "receiving a retirement benefit" if, prior to May 30, 2003, he or she has filed an application to be paid, or has been awarded, any benefits under this chapter.

(i) *Optional form of retirement allowance.* Any member may, subject to such regulations as the pension commission may from time to time establish, elect to receive a reduced retirement allowance with the provision that such reduced retirement allowance, or such part thereof as may be specified by such person in his notice of election, shall be continued after his death to his spouse named in such election, for so long as his spouse lives. The reduced retirement allowance shall be in such an amount as the pension commission determines to be the actuarial equivalent of the retirement allowance that would have been payable had not the election been made. Unless the member files a written notice of his election of this option with the pension commission at least three (3) years before he becomes eligible for retirement he shall be required to pass a satisfactory physical examination at the time of making such election.

(j) *Contributions by members.* Each member shall contribute to the fund two (2) percent of that portion of his pay on which social security taxes are paid and five (5) percent of the balance of his pay, to be deducted at each pay period and credited to his account in the fund. Any member leaving the employment of the city before becoming eligible for retirement may withdraw on request to the pension commission the total of

all contributions to the fund made by him without interest, provided, if no request is made within ten (10) years, such contributions shall revert to the fund. In case of the death of a member before retirement, or after retirement without having made the election provided for in [this] subsection hereof, or in case of the death of the survivor of a member who has made such election and his spouse or domestic partner after he is eligible for retirement, his contributions to the fund without interest, less any retirement allowance paid to him, his spouse or domestic partner, shall be paid from the fund on the order of the pension commission to the beneficiary or beneficiaries, if any, named by such member. If no named beneficiaries survive the member, or the survivor of the member and his spouse or domestic partner, payment shall be made to the executors or administrators of such member or his spouse or domestic partner, as the case may be, except that, if the amount is less than one thousand dollars (\$1,000.00), the refund may be made, at the option of the pension commission, in accordance with the terms of Section 45-266 of the General Statutes or any amendment thereto. (Ord. No. 64-93, 11-22-93)

As of July 1, 1980, all nonbargaining unit employees and employees presently represented by Locals 566 and 1716, Council #4, AFSCME, AFL-CIO, and Local 818, Building and Ground Supervision, will have credited to their employee contributions to the pension fund three (3) percent interest on such contributions as of June 30, 1979. As of July 1, 1981, employees represented by Hartford Federation of Education Personnel, Local 3534, AFT, AFL-CIO will have credited to their employees contributions to the pension fund three (3) percent interest as such contributions as of June 30, 1980. Each July 1, thereafter, contributions and any interest credited as of the previous calendar year June 30 will be credited with three (3) percent interest. Once credited, the interest and contributions made by the employee to the pension fund shall be payable to the employee upon separation from city employment except that no such payment will be made to an employee granted a pension in accordance with this Chapter XVII, Section 3.

The employee contributions to the pension fund of employees represented by Local #2221 Hartford Federation of Paraprofessionals, CSFT, AFT, AFL-CIO will be credited with three (3) percent interest on such contributions. Present employees will be credited with such interest on their contributions as of June 30, 1987, or to the date of their employment, whichever is later. Each July 1 after July 1, 1987, contributions and interest shall be credited with three (3) percent interest. Once credited, the interest and contributions made by the employee to the pension fund shall be payable to the employee upon separation from the city employment, except that no such payment will be made to an employee granted a pension in accordance with this Chapter XVII, Section 3.

The employee contributions to the pension fund of employees represented by Local 1018 A/B Hartford Federation of School Health Professionals will be credited with three (3) percent interest on such contributions. Present employees will be credited with such interest on their contributions after August 31, 1988, or to the date of their employment, whichever is later. Each July 1 thereafter, contributions and interest

credited as of the previous calendar year on June 30 will be credited with three (3) percent interest. Once credited, the interest and contributions made by the employee to the pension fund shall be payable to the employee upon separation from the city employment, except that no such payment will be made to an employee granted a pension in accordance with this Chapter XVII, Section 3.

The employee contributions to the pension fund of employees represented by Local 1018 of Hartford Federation of Corridor Supervisors will be credited with three (3) percent interest on such contributions. Present employees will be credited with such interest on their contributions after June 30, 1988, or after the date of their employment, whichever is later. Each July 1 thereafter, contributions and interest credited as of the previous calendar year on June 30 will be credited with three (3) percent interest. Once credited, the interest and contributions made by the employee to the pension fund shall be payable to the employee upon separation from the city employment, except that no such payment will be made to an employee granted a pension in accordance with this Chapter XVII, Section 3.

The employee contributions to the pension fund of employees represented by Local 3534 of Hartford Federation of Technical Support Personnel will be credited with three (3) percent interest on such contributions. Present employees will be credited with such interest on their contributions after July 1, 1988, or after the date of their employment, whichever is later. Each July 1 thereafter, contributions and interest credited as of the previous calendar year on June 30 will be credited with three (3) percent interest. Once credited, the interest and contributions made by the employee to the pension fund shall be payable to the employee upon separation from the city employment, except that no such payment will be made to an employee granted a pension in accordance with this Chapter XVII, Section 3.

As of July 1, 1988, all employees who are members of the Hartford Federation of School Secretaries shall contribute to the pension fund a total of four (4) percent of the employee's earnings on which social security taxes are paid and seven (7) percent of the balance of the employee's earnings to be deducted at each pay period and credited to his or her account in the fund. This contribution shall be lieu of any previous contributions required.

Contributions to the pension fund by employees represented by Local 1018-C, Hartford Federation of School Secretaries, HFT, CSFT, AFT, AFL-CIO will be credited with three (3) percent interest. Said interest will be credited to contributions as of June 30, 1988, or the employee's date of employment, whichever is later. Each July 1, after July 1, 1988, contributions and interest shall be credited with three (3) percent interest. Once credited, the interest and contributions made by the employee to the pension fund shall be payable to the employee upon separation from the city employment except that no such payment will be made to an employee granted a pension in accordance with Chapter XVII, Section 3.

As of July 1, 1991, all employees then represented by the Hartford Educational Support Personnel (HESP) or Hartford Schools Support Supervisors Association



(HSSSA), will have credited to their employee contributions to the pension fund three (3) percent interest on all contributions previously made by such employees and all interest previously earned thereon as of June 30, 1990. Each July 1, thereafter, contributions and any interest credited as of the previous calendar year June 30, will be credited with three (3) percent interest. Once credited, the interest and contributions made by the employee to the pension fund shall be payable to the employee upon separation from city employment except that no such payment will be made to an employee granted a pension in accordance with this Chapter XVII, Section 3. (Ord. No. 19-94, 6-13-94)

(k) *Contributions by city.* The city shall pay annually into the fund such proportion of the pay of all members employed by the city as may be determined from time to time by the pension commission on sound actuarial principles to be necessary in addition to the contributions by members to provide future pensions based on service rendered by members. The pension commission shall make a complete actuarial study of the experience of the retirement system established by this section at intervals of no more than five (5) years and shall thereupon readjust the contributions to be made by the city.

(l) *Assignments prohibited.* Any assignment by a member, beneficiary or spouse of any allowance or benefit payable under the terms of this section shall be void. Each such allowance and benefit shall be for the support of the member, beneficiary or spouse entitled thereto and shall be exempt from the claims of creditors of such member, beneficiary or spouse, provided, if the provisions of this section are contrary to the laws governing a particular set of circumstances, as to that set of circumstances, any allowance or benefit payable hereunder shall be exempt to the maximum extent permitted by law.

(m) *Coordination with federal social security coverage.* In the case of any employee who was a member of the fund prior to the effective date of this act, and who is included in social security coverage thereby, if the pension commission should find that the sum of a normal retirement allowance or a disability retirement allowance plus the security benefit which such member is entitled to receive resulting from city service should be less than the allowance he would receive under the terms of the municipal employees' retirement fund in existence prior to the effective date of this act, then the commission shall increase his allowance accordingly for the period during which the lower total benefits would otherwise apply.

(n) *Effect of repeal.* In case of the repeal of this section, the liability of the city to members of the municipal employees' retirement fund shall be limited to the amount of their respective contributions thereto, provided all retirement allowances vested by retirement shall be paid in full in accordance with the provisions of this section.

(o) *Hartford Public Library employees.* Any full-time salaried employee or part-time professional employee entering the employ of the Hartford Public Library on or after January 1, 1959, shall be a member of Part B of the municipal employees' retirement fund, shall be entitled to all the benefits thereof, and shall make contributions

thereto, all in the same manner as if he were an employee of the City of Hartford. Any full-time salaried employee or part-time professional employee who is in the employ of the Hartford Public Library on December 31, 1958, may elect to become a member of the municipal employees' retirement fund as of January 1, 1959, by filing a written request therefor with the pension commission not later than January 15, 1959; after filing such request, said employee shall be entitled to all the benefits thereof, based on service rendered on and after January 1, 1959, and shall make contributions thereto from the same date, all in the same manner as if he were an employee of the City of Hartford. In addition, any such employees who have credit for service rendered to the Hartford Public Library for any period prior to January 1, 1959, under the pension plan maintained by the library with the Connecticut General Life Insurance Company shall be given credit in the municipal employees' retirement fund for the same period of service, but any benefits paid to such employee from the municipal employees' retirement fund shall be reduced by the amount of any annuity payable under the terms of the Connecticut General plan. Library employees who make this election shall become members of Part B of the municipal employees' retirement fund if they have previously expressed a desire for social security coverage; otherwise they shall be members of Part A of the municipal employees' retirement fund. Any library employee eligible to elect to become a member of the municipal employees' retirement fund, who fails to make such election before January 16, 1959, shall be deemed to have waived his rights to membership therein and benefits therefrom; failure to file such election on time shall not, however, invalidate his rights if it shall be shown to the satisfaction of the pension commission that it was not reasonably possible for him to file such an election on time, and that he did file such an election as soon as it was reasonably possible to do so.

(p) *Vesting.*

(1) *Vesting provisions generally applicable to employees whose last day of work is on or before December 31, 2001.* All pension benefits under the provisions of the municipal employees' retirement fund shall vest in each employee, except policemen and firemen, upon completion of ten (10) years' service regardless of age, provided said employee leaves his contributions in the pension fund and further provided that any retirement benefits shall be payable in accordance with [sub]sections (b) or (d) hereinbefore at the election of the employee, except that any survivor benefits hereinafter provided shall attach to the vesting privilege but shall be payable only at such time as the member becomes eligible, or would have become eligible in the case of a deceased member, under the provisions of [sub]sections (b) or (d).

(2) *Vesting provisions generally applicable to members who are sworn police officers or firefighters.* The vesting provisions applicable to all sworn police officers and firefighters (other than those senior officers who can and do elect to receive nonbargaining pension benefits) are set forth in sections 3(bi) and (cc) of this chapter, respectively.

(3) *Vesting provisions generally applicable to members employed on or after January 1, 2002.* The provisions of this subparagraph (3) shall to each member who is or was actively employed as a contributing member of the MERF on or after January 1, 2002 to the extent he or she is either a nonbargaining unit employee (excluding, however, any nonbargaining unit police officers or firefighters who have not elected to receive nonbargaining pension benefits) or a member of a collective bargaining unit whose collective bargaining unit has been amended to incorporate the provisions of this subparagraph. For purposes of this subparagraph only, each such member is hereinafter referred to in this subparagraph as a "qualifying member"; additionally, reference in this subparagraph to any "regular retirement" allowance or benefit means any normal or early retirement allowance payable to any member who qualifies to receive the same under and in accordance with sections 3(b) or 3(d) of this chapter and/or any like provisions of any collective bargaining agreement that apply to said member (hereinafter, the member's "regular retirement provisions"), as opposed to any benefit or allowance payable for or as a disability benefit or allowance.

(i) Notwithstanding any provision of this chapter or any collective bargaining agreement to the contrary, effective January 1, 2002, each qualifying member's rights to and/or interests in any regular retirement allowance shall vest upon completion of five (5) years' actual and continuous city service, regardless of age. Any survivor benefits hereinafter provided with respect to any regular retirement allowance shall attach to the vesting privilege, but shall be payable only at such time as the member becomes eligible, or, in the case of a deceased member, would have become eligible, under the member's regular retirement provisions.

(ii) Any member's and his or her qualified surviving spouse's rights to and/or interests in receiving any regular retirement or survivor's allowance from the fund shall be subject to and remain contingent upon the member's and, as applicable, his or her qualified surviving spouse's, leaving the member's contributions in the fund and such member's, and/or his or her qualified surviving spouse's, otherwise satisfying all of the eligibility requirements for receiving any normal or early retirement allowance under the member's regular retirement provisions (and/or, as applicable, any provisions governing the payment of survivor's benefits from the fund (hereinafter, the "survivorship provisions")), as amended by this subparagraph (3). Likewise, any regular retirement or survivor's benefits that are or may become payable to any such member and/or his or her qualified surviving spouse, if any, shall be paid under and in accordance with the member's regular retirement and/or survivorship provisions, as applicable, as amended by this subparagraph (3).

(iii) Notwithstanding any provision of this chapter to the contrary, effective January 1, 2002, any qualifying member who otherwise would be

eligible to receive any normal or early retirement allowance at any specified age upon completion of ten (10) years of service shall be entitled to retire and commence receiving such allowance at that same age, but with only five (5) years of actual and continuous city service.

(iv) None of the provisions of this subparagraph (3) amend or shall be deemed to otherwise affect the provisions of paragraphs (e), (f), (n), (t) and (w) of this section or any like provision set forth in or made a part of any collective bargaining agreement.

(4) *Additional opportunity for unclassified nonbargaining unit city employees to join the MERF between June 1, 2003 and September 2, 2003.* Notwithstanding any provision of this chapter to the contrary, any nonbargaining unit city employee who is actively employed as a contributing member of the MERF between June 1, 2003 and September 2, 2003, both dates inclusive, and who is (or, for purposes of this chapter, is required to be treated as) a member of the unclassified service, but previously has elected not to be a member of the municipal employees' retirement fund, shall have the right to elect to become a member of the fund in accordance and subject to the provisions of this subparagraph (4). Any such employee who desires to make such an election shall give written notice to the city treasurer of said election by September 2, 2003 and shall thereafter be entitled to receive those benefits applicable to, and obligated to make those contributions required of, nonbargaining unit city employees under and pursuant to the terms of this chapter as apply to such employees for and during the period of his or her service thereafter, providing, however, that no such employee shall be entitled to have any of his or her contributions "picked-up" and paid by the City of Hartford as otherwise would be provided pursuant to the provisions of section 3(y) of this chapter. Any election which is made to become a member of the fund pursuant to this subparagraph shall be irrevocable. Any such employee who elects to become a member of the fund pursuant to this subparagraph shall make a contribution to the fund for each year, or part thereof, of his or her qualified prior unclassified service time and, upon making such contribution, shall be entitled to have his or her qualified prior unclassified service time included in the calculation in his or her length of service for purposes of determining both his or her eligibility to receive any retirement or disability allowance under this chapter, as well as the amount of the same, subject to and in accordance with the terms of this chapter, including this subparagraph (4). Such contribution shall equal the sum of (A) the product of his or her salary during each whole or partial year of the employee's qualified prior unclassified service time times the contribution rate in effect for nonbargaining unit employees such as the member for each such year or part thereof, and (B) interest on the amounts derived pursuant to the foregoing calculated at the rate of seven (7) percent per annum, compounded annually, from the last day of each fiscal year, or part thereof, of the employee's qualified prior unclassified service time to be purchased, to the date the pension commission approves such employee's application to acquire the same. All such amounts shall be paid to the fund in the manner and on the terms specified by the pension commission,

providing, however that no contributions which are required to be made pursuant to this paragraph shall be "picked-up" and paid by the City of Hartford pursuant to the provisions of section 3(y) of this chapter. Nothing in this subparagraph shall be deemed to entitle any member to receive a retirement allowance in excess of that amount which may be specified to be, or which operates as, a maximum limit on the amount of any benefit which may be paid to such member pursuant to any other provisions of this chapter. For purposes of this paragraph, an employees "qualified prior unclassified service time" shall mean such period of prior unclassified service (or service that, for purposes of this chapter, is required to be treated as unclassified service) as a nonbargaining unit city employee for which such employee has not made any contributions to the MERF and is neither receiving a retirement benefit, nor has retained a vested benefit, from any other employer; a member shall be deemed to be "receiving a retirement benefit" with respect to any period of service if, prior to September 2, 2003, he or she has filed an application to be paid, or has been awarded, any benefit from any retirement plan or fund with respect to services provided during said period.

(q) *Survivor's allowance.* In lieu of the provisions of section (i), the surviving widow or widower of any member of the municipal employees' retirement fund who shall retire or who shall be eligible for retirement, or whose pension benefits shall have become vested under section (p), after July 1, 1968, except policemen and firemen shall, upon the death of said member, but not prior to the date on which said member would have been eligible to retire under sections (b) or (d), receive a monthly allowance from the municipal employees' retirement fund equal to one-half ( $\frac{1}{2}$ ) the monthly allowance being received by said member, or which said employee would have been entitled to receive if retired, at the time of his or her death until said widow or widower dies or remarries. The terms "widow" and "widower" as used in this section shall be limited in their meanings to the surviving spouse of such member who shall have been married to him or her prior to his or her retirement which shall be deemed to mean the date of his termination of active employment.

In addition to the contributions provided in section (j) hereinbefore, each member of the municipal employees' retirement fund eligible for the survivor's benefits hereinbefore provided, including nonbargaining employees of the board of education, shall contribute to the fund one (1) percent of his total pay in the same manner as provided in said section (j), except that all other employees of the board of education who are members of the municipal employees' retirement fund shall contribute to the fund one (1) percent of his pay on which social security taxes are not deducted only.

(r) *Transfers from the municipal employees' retirement fund.* Any member leaving the employment of the City of Hartford or other covered employment may transfer, if he is eligible for such transfer to the employees' retirement system of the federal government of the United States, or the retirement system of a state or any political subdivision thereof within the United States, which is being operated on an actuarial basis with contributions made during the active service of new members which are computed to be sufficient to provide the reserves needed to cover the retirement benefits payable on their account. Such transfer may not become effective, however,

unless an appropriate agreement of reciprocity is executed. Upon approval of the pension commission, the actuarial reserve for the member's vested annuity benefit, as determined by the commission shall be transferred to the retirement system under which the employee will be covered in his new position.

(s) *Transfers to the municipal employees' retirement fund.* Any person who has not attained his sixtieth birthday and who is a member of the employees' retirement system of the federal government of the United States or the retirement system of a state or any political subdivision thereof within the United States which is being operated on an actuarial basis with contributions being made during the active service of new members which are computed to be sufficient to provide the reserves needed to cover the retirement benefits payable on their account may, upon approval of the pension commission, transfer his membership to the municipal employees' retirement fund upon accepting employment with the City of Hartford; provided, however, such transfer may not become effective unless an appropriate agreement of reciprocity is executed. In order to transfer credit for such prior service, the member shall pay or cause to be paid into the municipal employees' retirement fund the amount of money required, as determined by the pension commission to purchase in full such credited service. In no event shall there be any city contributions made toward the purchase of such service. Whenever such employee enters the municipal employees' retirement fund, he must elect within thirty (30) days of entrance into said fund or of the date of adoption of this section, whichever is later, to purchase credit for such prior service. If the pension commission approves the payment of money due on an extended payment basis, interest at a rate to be determined by the pension commission, but not exceeding six and one-half (6½) percent per annum, may be charged. No credit under the municipal employees' retirement fund shall be granted, however, for any period of prior service for which the employee is either receiving a retirement benefit or has retained a vested benefit.

(t) *Limitation on credited service.* Notwithstanding any other provision of this section or of this article, any credited service earned, given or purchased by a member may not be used for qualifying that member for retirement benefits before normal retirement age and at least five (5) years of actual city service.

(u) [*Transferees from other departments.*] Any employees who transfer to the uniformed fire service from other city departments shall receive coverage under the provisions of the municipal employees' retirement fund as such provisions relate to other firemen, provided that employees so transferred shall be eligible for normal retirement benefits under their new coverage upon completion of twenty-five (25) years of service with the city, and provided further that such employees must complete at least fifteen (15) years in the fire department and, at the time of transfer, must pay into the municipal employees' retirement fund a sum of money equal to the difference between what the employee has paid into the municipal employees' retirement fund and what he would have paid had his entire municipal service been with the fire department, together with interest thereon as determined by the pension commission.

(v) *Length of service to include prior qualified noncity service.*

(i) For purposes of this subsection, the following terms shall have the meanings ascribed thereto below:

(1) "*Qualified Noncity Service*" shall mean that period of any service provided to a Qualified Noncity Organization as a full time employee (which, in the case of government service, shall also include any service as an elected or appointed official)(A) for which said member is neither receiving a retirement benefit nor has retained a vested benefit, (B) during which he or she did not hold any office or position with the City of Hartford or any other Qualified Noncity Organization for which such member seeks to be or has been given credit hereunder, and (C) for which said member, if his or her Section 3(v) Employment Date is on or after October 1, 1998, neither is, has been, nor will become, eligible to receive any credit pursuant to subsection (s) above, and;

(2) A "*Qualified Noncity Organization*" shall mean the State of Connecticut or any political subdivision thereof and the Hartford Housing Authority;

(3) A member's "*Section 3(v) Employment Date*" shall be that date on which he or she was first employed by the City after accruing the Qualified Noncity Service for which he or she seeks to be given credit pursuant to this subsection;

(4) A member's "*Section 3(v) Earnings*" shall equal the greater of (A) the actual earnings received by such member from the Qualified Noncity Organization from whom, and during the time, he or she provided the service for which he or she seeks to be provided credit hereunder, or (B) such member's Effective Noncity Earnings during such period; and

(5) A member's "*Effective Noncity Earnings*" shall equal such member's actual earnings as a City employee during the first year following his or her Section 3(v) Employment Date (hereinafter, his or her "Post Noncity Earnings"), except when, and then only if, such member is a Returning Member, in which case, such member's Effective Noncity Earnings shall equal the lesser of (A) his or her Post Noncity Earnings, or (B) the average of (i) such member's Post Noncity Earnings, and (ii) his or her earnings during the last year in which he or she served as a City employee before accruing the Qualified Noncity Service at issue;

(6) A "*Returning Member*" shall mean any member who, pursuant to other provisions of this Chapter, has or is to be given credit for at least one (1) year of Prior City Service in the computation of his or her retirement allowance;

(7) A member shall be deemed to have "*Prior City Service*" if he or she was a member of the MERF prior to providing the service to the Qualified Noncity Organization for which he or she may be given credit hereunder;

(8) A "*Qualifying Member*" shall mean any member who is not a member of a bargaining unit and is entitled to receive Nonbargaining Pension Benefits as defined in subsection (b) above.

(ii) Any Qualifying Member whose effective date of retirement occurs on or after October 1, 1998, shall have the option to be credited with up to four (4) years of any of his or her Qualified Noncity Service in the calculation in his or her length of service for purposes of determining his or her retirement allowance subject to and in accordance with the terms of this subsection. Any member who wishes to exercise this option must provide written notice of his or her desire to do the same by December 31, 1999 or one (1) year of his or her employment as a nonbargaining unit city employee, whichever is later, and shall thereafter pay the municipal employee's retirement fund an amount equal to the contributions required pursuant to this subsection (hereinafter, his or her "Section 3(v) Contribution") in the manner and on the terms specified by the pension commission. The period of such service for which the member receives credit hereunder shall not be used to establish eligibility for any retirement benefits unless such member already has obtained a vested interest in such benefits. Once a member has obtained a vested interest in his or her retirement benefits, the period of such member's Qualified Noncity Service for which he or she is to be given credit hereunder shall be counted for the purpose of both determining such member's eligibility to receive, and computing the amount of, his or her normal retirement allowance.

(iii) Any member who elects to exercise the option to purchase additional pension credit pursuant to this subsection shall make a contribution to the fund therefor equal to the sum of (1) the product of his or her Section 3(v) Earnings times the contribution rate which was in effect for such member as of his or her Section 3(v) Employment Date, and (2) interest on the amount derived pursuant to the foregoing calculation at the rate of seven (7) percent per annum from said Section 3(v) Employment Date to the date the pension commission approves such member's application to purchase any credits hereunder. All such amounts shall be paid to the fund in the manner and on the terms specified by the pension commission, providing, however, that no contributions which are required to be made pursuant to this subparagraph shall be "picked-up" and paid by the City of Hartford pursuant to the provisions of section 3(y) of this Chapter.

(iv) Nothing in this subsection shall be deemed to entitle any member to receive a retirement allowance in excess of that amount which may be specified to be, or which operates as, a maximum limit on the amount of any



benefit which may be paid to such member pursuant to any other provisions of this Chapter. In the event that any member's retirement allowance would exceed any such limit if he or she were given credit for any Qualified Noncity Service time purchased thereby, the fund shall refund such member the amount of his or her contributions applicable thereto with interest at the rate of three (3) percent per annum from the date such contributions were fully paid to the date they are refunded by the pension commission.

(w) *Credit for armed forces personnel.* Any member who is not employed by the board of education and not represented by a bargaining unit, who, prior to his or her date of employment with the City of Hartford served in any branch of the armed forces of the United States, during any part of the times set forth in Section 27-103 of the General Statutes of Connecticut, shall be credited with the length of such service including periods before or after said times to the extent that he or she makes contributions to said fund for all or any part of the period of such service, not to exceed four (4) years. Such contributions shall be at the same rate as said employee was charged when he or she first became a member of the municipal employees' retirement fund with interest at the rate of seven (7) percent per annum payable on or before January 1, 1985, by members employed on or before January 1, 1984, and within one (1) year of such employment thereafter. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have completed ten (10) years of continuous service or fifteen (15) years of active aggregate service with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment.

Any member who is a member of the bargaining unit represented by Hartford Federation of School Secretaries, Local 1018-C, HFSS-HFT AFT, AFL-CIO, who, prior to his or her date of employment with the City of Hartford served in any branch of the armed forces of the United States, during any part of the times set forth in Section 27-103 of the General Statutes of Connecticut, for which time he is neither receiving nor eligible to receive a pension, shall be credited with the length of such service to the extent that he or she makes contributions to said fund for all or any part of the period of such service, not to exceed four (4) years. Such contributions shall be at the same rate as said employee was charged when he or she first became a member of the municipal employees' retirement fund with interest at the rate of seven (7) percent per annum payable on or before January 1, 1987, by members employed on or before January 1, 1986, and within one (1) year of such employment thereafter. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have completed ten (10) years of continuous service or fifteen (15) years of aggregate service with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment.

Any member who is a member of the bargaining unit represented by Hartford Federation of School Health Professionals, Local 1018 A/B who, prior to his or her date

of employment with the City of Hartford served in any branch of the armed forces of the United States, during any part of the times set forth in Section 27-103 of the General Statutes of Connecticut, for which time he is neither receiving nor eligible to receive a pension, shall be credited with the length of such service to the extent that he or she makes contributions to said fund for all or any part of the period of such service, not to exceed four (4) years. Such contributions shall be at the same rate as said employee was charged when he or she first became a member of the municipal employees' retirement fund with interest at the rate of seven (7) percent per annum payable on or before September 1, 1989, by members employed on or before September 1, 1988, and within one (1) year of such employment thereafter. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have completed ten (10) years of continuous service or fifteen (15) years of aggregate service with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment.

Any member who is a member of the bargaining unit represented by Hartford Federation of Corridor Supervisors, Local 1018, Hartford Federation of School Health Professionals, Local 1018 A/B, Hartford Federation of School Secretaries, Local 1018-C, Hartford Federation of Technical Support Personnel, Local 3534, or Local 818, Building and Grounds Supervisors and any non-bargaining unit employees of the board of education, who, prior to his or her date of employment with the City of Hartford served in any branch of the armed forces of the United States, during any part of the times set forth in Section 27-103 of the General Statutes of Connecticut, for which time he or she is neither receiving nor eligible to receive a pension, shall be credited with the length of such service to the extent that he or she makes contributions to said fund for all or any part of the period of such services, not to exceed four (4) years. Such contributions shall be at the same rate as said employee was charged when he or she first became a member of the municipal employees' retirement fund with interest at the rate of seven (7) percent per annum payable on or before one (1) year after the date of adoption of this paragraph by members employed on or before such date of adoption, and within one (1) year of such employment thereafter. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have completed ten (10) years of continuous service or fifteen (15) years of aggregate service with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment.

Any nonbargaining unit employee of the Hartford Board of Education who, prior to his or her date of employment with the City of Hartford served in any branch of the armed forces of the United States, during any part of the times set forth in Section 27-103 of the General Statutes of Connecticut, for which time he or she is neither receiving nor eligible to receive a pension, shall be credited with the length of such service to the extent that he or she makes contributions to said fund for all or any part of the period of such service, not to exceed four (4) years. Such contributions shall be at the same rate as said employee was charged when he or she first became a member of the municipal

employees' retirement fund with interest at the rate of seven (7) percent per annum payable on or before one (1) year after the date of adoption of this paragraph by members employed on or before such date of adoption, and within one (1) year of such employment thereafter. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have completed ten (10) years of continuous service or fifteen (15) years of aggregate service with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment.

Any member who is a member of the bargaining unit represented by Local 3534 of Hartford Federation of Technical Support Personnel, prior to his or her date of employment with the City of Hartford served in any branch of the armed forces of the United States, during any part of the times set forth in Section 27-103 of the General Statutes of Connecticut, for which time he or she is neither receiving nor eligible to receive a pension, shall be credited with the length of such service to the extent that he or she makes contributions to said fund for all or any part of the period of such services, not to exceed four (4) years. Such contributions shall be at the same rate as said employee was charged when he or she first became a member of the municipal employees' retirement fund with interest at the rate of seven (7) percent per annum payable on or before one (1) year after the date of adoption of this paragraph by members employed on or before such date of adoption, and within one (1) year of such employment thereafter. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have completed ten (10) years of continuous service or fifteen (15) years of aggregate service with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment.

Any member who is a member of the Hartford Education Support Personnel bargaining unit or the Hartford School Support Supervisors Association, who, prior to this or her date of employment with the City of Hartford served in any branch of the armed forces of the United States, during any part of the times set forth in Section 27-103 of the General Statutes of Connecticut, for which time he or she is neither receiving nor eligible to receive a pension, shall be credited with the length of such service to the extent that he or she makes contributions to said fund for all or any part of the period of such service, not to exceed four (4) years. Such contributions shall be at the same rate as said employee was charged when he or she first became a member of the municipal employees retirement fund with interest at the rate of seven (7) percent per annum payable on or before June 30, 1995, by members employed on or before July 1, 1994, and within one (1) year of the commencement of such employee's employment thereafter. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have then completed ten (10) years of continuous service or fifteen (15) years of aggregate service with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment. (Ord. No. 20-94, 6-13-94)

Notwithstanding any provisions of this chapter to the contrary, any nonbargaining unit employee and any bargaining unit employee whose collective bargaining agreement is amended to incorporate the provisions of this paragraph who, prior to his or her most recent date of employment with the City of Hartford, served in any branch of the armed forces of the United States during any of the periods set forth in Section 27-103 of the General Statutes of Connecticut, for which time he or she neither is receiving nor eligible to receive a pension and who, as of the effective date of this ordinance, (i) is both a member of the fund and an active employee; (ii) is not then receiving, and is not then eligible to receive, any of the benefits provided under this chapter; and (iii) has not theretofore purchased pension service credit for such service from the fund, may purchase such credit for all or any portion of such service, subject to and in accordance with the terms of this paragraph. Any employee eligible to purchase pension service credit pursuant to this paragraph who desires to exercise this option must (1) notify the city treasurer in writing on or before the ninetieth (90<sup>th</sup>) day following the effective date of this ordinance of his or her election so to do, and (2) thereafter make such contributions to the fund as are required hereby. Such contributions shall be made on or before the expiration of thirty (30) days following the date the employee is advised in writing as to the amount of any contribution that will be required to be made by him or her hereunder at the same rate as said employee was charged when he or she most recently became a member of the fund with interest at the rate of seven percent (7%) per annum between the date of such employment and the thirtieth (30<sup>th</sup>) day following the date the aforementioned advice is provided to such employee. The period of such service for which the member purchases credit shall not be used to satisfy any of the eligibility requirements for any allowance under this chapter, but shall, to the extent that it constitutes qualified service, be counted for the purpose of computing the amount of his or her retirement allowance for which he or she otherwise is eligible, provided such member either shall have completed at least ten (10) years of continuous service, or fifteen (15) years of active aggregate service, with the City of Hartford or shall be retired prior thereto due to disability incurred in the course of his or her employment. Any pension service credit which is purchased pursuant to this paragraph (hereinafter, "purchased service") shall constitute "qualified service" if, and only if, each of the foregoing conditions are satisfied with respect thereto: (A) the length of such purchased service, when combined with other military service for which such employee may previously have purchased credit, does not exceed four (4) years in total; and (B) in the event any portion of an employee's such purchased service is for other than an entire year of service, such employee has additional partial years of service credit which, when combined with other service for which such employee is entitled to be given pension service credit, results in such employee's having another whole year of service. No employee who purchases any pension service credit pursuant to this paragraph shall be entitled to receive an allowance in excess of the lesser of (a) the maximum percentage of final average pay the employee is permitted to receive as a retirement benefit pursuant to the provisions of this chapter or an applicable collective bargaining unit agreement; or (b) the IRC Maximum Benefit. The amount of any contributions which are made pursuant to this paragraph to purchase any pension service credit that ultimately is unable to be included in the computation of member's retirement allowance shall be refunded to the member or his beneficiaries with interest

at the rate of three percent (3%) per annum from the date such contributions were fully paid by such member until the date they are so refunded. For purposes of this paragraph, the effective date of this ordinance shall be the date of its adoption, except in the case of a bargaining unit employee, in which event that date shall be the date on which his or her collective bargaining agreement is amended to incorporate the provisions of this paragraph.

(x) Notwithstanding any other provisions of this section to the contrary, whenever any contributions to the fund by any member are required to be made based upon a percentage of the employee's earnings on which social security taxes are paid (hereinafter "social security wages"), or any member's pension benefits are based upon such member's social security wages, and in either event, such member is or was a participant in any plan offered by the City of Hartford under Section 125 of the Internal Revenue Code or any like provisions of the code whereby the employee's earnings on which social security taxes are paid, are or were reduced by such employee's contributions under such plan (hereinafter, a "pre-tax benefit plan"), such contributions shall be made and such benefits shall be provided in the same amounts and in the same manner as if such member was not a participant in such pre-tax benefit plan; it being the intent hereof that any member's participation in a pre-tax benefit plan shall not have any effect on the timing and amounts of such member's contributions to or benefits from the fund. Without limiting the generality of the foregoing, any member who participates in a pre-tax benefit plan whose contributions to the fund are calculated based upon such member's social security wages shall contribute to the fund in those amounts and in that manner such that (i) such member's social security wages shall be deemed to include any amounts not subject to taxation by reason of such member's participation in such pre-tax benefit plan, and (ii) any increased contributions which otherwise are required to be made by such member in any given year on the balance of such member's earnings on which social security taxes are not paid (hereinafter, "excess wages"), shall commence only when such member has earned that amount when, but for such member's participation in a pre-tax benefit plan, such member otherwise would be required to begin making such increased contributions, but thereafter shall be made in respect of the total of such member's social security wages and his or her excess wages. Additionally, if any member's pension benefits are based upon such member's final average pay and/or social security wages, such pay and wages shall include any amounts not subject to taxation by reason of such member's participation in a pre-tax benefit plan.

(y) *The City of Hartford pickup of mandatory retirement contributions to the municipal employee's retirement fund:*

(1) The City of Hartford hereby establishes a 414(h)(2) pickup plan under Section 414(h)(2) of the Internal Revenue Code of 1986, as amended, (the "Code") subject to and in accordance with the terms set forth in this subsection. The purpose of this plan is to enable certain employees' mandatory contributions to the municipal employees' retirement fund to be made in such a manner that the value of such contributions are neither subject to the payment of federal income taxes until such contributions are distributed to such employees, nor

withholding of such taxes when such contributions are made, all as and to the extent permitted by the Code.

(2) Notwithstanding any other provisions of the Charter to the contrary, the City of Hartford shall pick up and pay all contributions which are required to be made to the municipal employees' retirement fund by nonbargaining unit employees, and all contributions which are required to be made to such fund by bargaining unit employees, if the collective bargaining agreement therefor provides for the implementation of a Section 414(h)(2) Plan, (together the "414(h)(2) Plan Participants") in respect of earnings earned by such employees on or after January 10, 1993, or such later date as specified in any collective bargaining agreement. Nothing herein shall relieve any employee from any obligation to make any contributions to the fund, it being the intent and effect hereof instead, that the City of Hartford shall, as of the date specified above, simply pay each 414(h)(2) Plan Participant's contributions to the fund in lieu of such employee paying such contributions.

(3) In consideration of the City of Hartford's picking up such contributions, all employees whose pension contributions are picked up by the City of Hartford shall have their earnings reduced by an amount equal to the contributions so picked up by the City of Hartford. Additionally, 414(h)(2) Plan Participants shall not have the option of electing to receive their pension contributions directly rather than having such amounts paid by the City of Hartford to the fund. Other than for federal income tax and withholding purposes, however, all employee pension contributions so picked up by the City of Hartford on behalf of any employee shall be considered to be included in such employee's annual gross salary and shall for all purposes of this Charter and the fund be deemed to be included in such employee's earnings and otherwise be treated in the same manner and to the same extent as employee pension contributions made prior to January 10, 1993.

(4) Notwithstanding anything set forth in subsection (a) of this section or any other provision of this Charter to the contrary: (1) on or after January 10, 1993, each and every nonbargaining unit employee of the city who is a member of the unclassified service also shall be a member of the municipal employees' retirement fund, unless (i) he or she elects (or already has elected) not to be a member of such fund prior to said date, or (ii) if he or she becomes a member of the unclassified service after January 10, 1993, he or she elects not to be a member of such fund within thirty (30) days of becoming a member of such service; and (2) any election not to be a member of the municipal employees' retirement fund which is made by, or is effective with respect to, any nonbargaining unit employee who is a member of the unclassified service on or after January 10, 1993 shall be irrevocable, unless (and then, only to the extent) he or she becomes a classified employee, in which case, he or she shall thereby become a member of such fund.

(5) Notwithstanding anything set forth in subsection (a) of this section or any other provision of this Charter to the contrary, all members of any collective bargaining unit (whether classified or unclassified) whose collective bargaining agreement provides for the implementation of a 414(h)(2) Plan, and who otherwise are eligible to participate in the municipal employees' retirement fund, shall be members of such fund.

(6) Notwithstanding anything set forth in subsection (w) of this section or any other provision of this Charter to the contrary, any member of the fund who makes contributions pursuant to the provisions of subsection (w) shall not have such amounts picked up by the City of Hartford pursuant to the provisions of this subsection.

(z) *Early retirement incentive provisions.*

(1) Any nonbargaining unit employee of the city or the Hartford Public Library, with at least twenty-five (25) years of service, who retires from city service and whose last day of work is between May 1, 1992 and September 30, 1992, both dates inclusive, shall be entitled to a normal retirement allowance without reduction because of age. Such an employee may continue on pay status to utilize accrued vacation as well as to obtain longevity pay and any pay increases that may affect the computation of his retirement benefit without affecting his or her eligibility to receive a normal retirement allowance as provided in this paragraph. In those instances where a September 30, 1992 retirement would cause an undue hardship to city operations, the city manager may grant a deferment in such cases to city employees which would enable those employees to continue to work beyond September 30, 1992, and still receive their normal retirement allowance as set forth herein, providing their last day of work for the city occurs on or before December 31, 1992.

(2) Any nonbargaining unit employee of the city or the Hartford Public Library, who is fifty-five (55) years of age with at least (10) years of service but less than twenty-five (25) years of service who retires from city service and whose last day of work is between May 1, 1992 and September 30, 1992, both dates inclusive, shall be entitled to a normal retirement allowance without reduction because of age. Such an employee may continue on pay status to utilize accrued vacation as well as to obtain longevity pay and any pay increases that may affect the computation of his retirement benefit without affecting his or her eligibility or receive a normal retirement allowance as provided in this paragraph. In those instances where a September 30, 1992 retirement would cause an undue hardship to city operations, the city manager may grant a deferment in such cases to city employees which would enable those employees to continue to work beyond September 30, 1992 and still receive their normal retirement allowance as set forth herein, provided their last day of work for the city occurs on or before December 31, 1992.

(3) Any nonbargaining unit city employee, any nonbargaining unit employee of the Hartford Public Library, any nonbargaining unit sworn police officer or firefighter, and any member of a collective bargaining unit which has agreed to the provisions of this subsection (z)(3) (hereinafter in this subsection "an employee") who either is, or, by operation of subparagraph (a) below, becomes, eligible to take an early or normal retirement between June 15, 1993 and July 31, 1993, both dates inclusive, and who takes an early or normal retirement and whose last day of work is between, June 15, 1993 and July 31, 1993, both dates inclusive, shall be entitled to the following adjustments in both his or her eligibility to qualify for a pension and the calculation of his or her pension benefits if he or she so desires:

(a) Subject to the provisions of subparagraphs (b), (h), (i) and (j) hereof, said employee's eligibility to receive a normal or early retirement as well as the amount of said employee's pension benefit shall be determined as if said employee were five (5) years older and had five (5) more years of city service than actually is the case, providing, however, that if any such employee has at least twenty-five (25) years of service by operation of this subparagraph (a), said employee shall also receive a normal retirement benefit without reduction because of age;

(b) Subject to the provisions of subparagraphs (d), (h), (i) and (j) hereof, the maximum pension benefit which said employee shall be entitled to receive shall be the lesser of (i) eighty (80) percent of his or her final average pay, or (ii) one hundred (100) percent of the product of fifty-two (52) times his or her final regular weekly salary;

(c) Subject to the provisions of subparagraphs (h), (i) and (j) hereof, said employee's final average pay shall be computed by adding any amounts payable to such employee upon his or her retirement on account of unused sick time to such other amounts that would normally be included in the calculation of such employee's final average pay (exclusive of such amounts which otherwise would be normally included in such calculation on account of accrued sick time, if any), with the amounts payable for unused sick time included in such calculation as if such amounts were earned and paid on and as of his or her last day of work;

(d) Subject to the provisions of subparagraphs (h), (i) and (j) hereof, and commencing with the pension payment due in January 1995, and then in each of January 1996, 1997, 1998 and 1999, any pension benefit otherwise payable to said employee or his or her survivors hereunder shall be increased by a factor of three (3) percent per annum over the amount of said benefit which was or would have been payable hereunder immediately prior to making such adjustment;



(e) Any employee so eligible for the benefit stated in this subsection (z)(3) may continue on pay status after his or her last day of work to utilize accrued vacation time without affecting his or her eligibility to qualify for the benefit provided by this subsection (z)(3);

(f) In those instances where an employee's retirement prior to July 31, 1993 would cause an undue hardship to city operations, the city manager may grant a deferment to such employee which enables such employee to continue to work beyond July 31, 1993 and still be eligible to qualify for the benefits provided under this subsection (z)(3), provided however, that (subject to subparagraph (e) above) any such employee's last day of work occurs on or before December 31, 1993, and providing, further, that the provisions of section 3(a)(ii) of this Chapter in effect as of July 31, 1993 shall continue to control; and

(g) Any employee who chooses to take advantage of the benefits provided under this subsection (z)(3) shall be subject to (i) all of the terms and conditions respecting the same as set forth in this subsection (z)(3), as well as (ii) the provisions set forth in the remainder of this Chapter and any collective bargaining agreements, as applicable, except to the extent any such provisions conflict with this subsection (z)(3).

(h) Notwithstanding anything contained in this Chapter to the contrary, (including, but not limited to subparagraphs (a) through (g) above), no employee shall be entitled to receive a pension benefit in excess of the IRC Maximum Benefit applicable to such employee as of the date such employee first commences receiving benefits under this Chapter (the employee's "Benefit Determination Date") except as provided in subparagraphs (i) and (j) below. The term "IRC Maximum Benefit" shall have the same meaning ascribed thereto in subsection 3(b) of this Chapter.

(i) The IRC Maximum Benefit applicable to any employee shall be increased in the years following his or her Benefit Determination Date to reflect (i) any post-retirement increases which are made to the applicable limitations of Section 415 of the Internal Revenue Code of 1986 as amended from time to time ("Section 415") in such years, and (ii) any applicable adjustments or other changes which may be made to any applicable limitations imposed by Section 415 by virtue of any changes which are made to the provisions of Section 415 or the regulations promulgated thereunder.

(j) Effective January 1, 1995, any employee who has elected to receive the benefits provided under this subsection (z)(3) who, but for the operation of subparagraphs (h) and (i) above, would be entitled, in any year, to receive a benefit from the Municipal Employees Retirement Fund

which is different than that actually payable to such employee thereby by reason of said subparagraphs (h) and (i), shall be entitled to receive the difference between the actual benefit such employee otherwise would have been entitled to receive but for the limitations imposed by subparagraphs (h) and (i) above and the benefit such employee actually is entitled to receive by virtue of the operation of said subparagraphs. Notwithstanding any provisions of this Charter to the contrary (including, without limitation, this subsection (z)(3)), any amounts paid or payable to any employee by reason of this subparagraph (j) shall not be paid or payable from the Municipal Employees Retirement Fund, but, rather, only shall be paid and payable from, and subject to all of the terms and conditions governing, the Section 415(m) Fund and the provision of benefits therefrom pursuant to subsection 3(bb) of this Chapter.

(4) Any nonbargaining unit employee of the Board of Education, and any non-certified employee of the Board of Education who is a member of a collective bargaining unit which has agreed to the provisions of this subsection (z)(4), (hereinafter, in this subsection, "an employee"), who (i) either is, or by operation of subparagraph (a) below, becomes, eligible to take an early or normal retirement between November 10, 1994 and December 30, 1994, both dates inclusive, and (ii) who takes an early or normal retirement with a last day of work between November 10, 1994 and December 30, 1994, both dates inclusive, shall be entitled to the following adjustments in both his or her eligibility to qualify for a pension and the calculation of his or her pension benefits if he or she so desires, subject, in each instance, to the provisions of subparagraph (b) below:

(a) Said employee's eligibility to receive a normal or early retirement as well as the amount of said employee's pension benefit shall be determined as if said employee were five (5) years older and had five (5) more years of city service than actually is the case;

(b) The maximum pension benefit which said employee shall be entitled to receive shall be the lesser of (i) seventy (70) percent of his or her final average pay, (ii) one hundred (100) percent of the product of fifty-two (52) times his or her final regular weekly salary, or (iii) the maximum amount which is permitted by law without jeopardizing the tax favored status of the fund or interests therein;

(c) The normal retirement allowance for each such employee shall amount to 2.5 percent of his or her final average pay for each whole year of service for his or her first twenty (20) years of continuous service, and two (2) percent of such employee's final average pay for each whole year of service thereafter, up to a maximum of seventy (70) percent of his or her final average pay;

(d) Final average pay for each such employee will be computed on the basis of said employee's highest three (3) out of the last five (5) years of his or her gross earnings;

(e) Any such employee who, after making the adjustments required by subparagraph (a) above, is age fifty-five (55) with at least fifteen (15) years of service but less than twenty-five (25) years of service shall be eligible to receive a pension based on the above formula but reduced by four (4) percent for each whole year the employee retires short of age sixty (60), which reduced pension shall remain in effect for the duration of the pension;

(f) Any employee who, without regard to subparagraph (a) above, has completed twenty-five (25) years of service as of his or her last day of work, shall be eligible for a normal retirement with no age requirement and shall be entitled to the adjustments provided for in subparagraph (a) above, in both his or her eligibility to qualify for a pension and the calculation of his or her pension benefits if he or she so desires, subject in each instance to the provisions of subparagraph (b), above;

(g) Any employee so eligible for the benefit stated in this section must utilize accrued vacation time prior to his or her last day of work, such date being between November 10, 1994 and December 30, 1994, or be paid for such accrued vacation time upon retirement. Such accrued vacation time may not be utilized in order to continue said employee on pay status after his or her last day of work.

(h) In those instances where an eligible employee's retirement prior to December 31, 1994 would cause an extreme hardship to Board of Education operations, the Superintendent of schools may grant a deferment to such employee which enables such employee to continue to work beyond December 31, 1994 and still be eligible to qualify for the benefits provided under this subsection (z)(4), provided however, that any such employee's last day of work occurs on or before March 31, 1995; and

(i) Any employee laid off effective July 1, 1994 and who would be eligible as of June 30, 1994 for early or normal retirement under the terms and conditions set forth in this ordinance [subsection] shall be deemed eligible to retire under said terms and conditions, with a retirement date of July 1, 1994.

(j) Any employee who chooses to take advantage of the benefits provided under this subsection (z)(4) shall be subject to (i) all of the terms and conditions respecting the same as set forth in this subsection (z)(4), as well as (ii) the provisions set forth in the remainder of

this Chapter and any collective bargaining agreements, as applicable, except to the extent any such provisions conflict with this subsection (z)(4).

(5) *Retirement incentives for nonbargaining unit employees of the city and Hartford Public Library and members of the CWA whose last day of work is between April 15, 2003 and May 30, 2003.*

(A) Any nonbargaining unit employee of the city, any nonbargaining unit employee of the Hartford Public Library, and any member of the Communication Workers of America, Local 1298 ("CWA"), provided that CWA has agreed to the provisions of this subsection (5) (hereinafter referred to in this subsection as an "Employee"), who either is, or, by operation of subparagraph (B) below, becomes, eligible to take an early or normal retirement between April 15, 2003 and May 30, 2003, both dates inclusive, and who takes an early or normal retirement and whose last day of work is between April 15, 2003 and May 30, 2003, both dates inclusive, and who, between 8:30 a.m. EST, March 10, 2003 and 4:30 p.m. EST, April 15, 2003, both dates and times inclusive, notifies the Personnel Department, in writing, on a form provided by the Personnel Department or its equivalent, of his or her intention to retire on or before May 30, 2003, shall be entitled to the adjustments in both his or her eligibility to qualify for a pension and in the calculation of his or her pension benefits as described in this subsection. In those instances where a May 30, 2003 departure date would cause an undue hardship to city operations, the city manager may grant a deferment in such cases to city employees which would enable those employees to continue to work beyond May 30, 2003, and still receive their retirement allowance as set forth herein, providing their last day of work for the city occurs on or before September 26, 2003.

(B) Any such employee who, as of his or last day paid, has at least fifteen (15) years of service, and whose age plus years of service equals at least fifty-five (55) years, but who, as of his or her last day paid does not have twenty (20) years of service, shall be entitled to retire and, effective as of the day following his or her last day paid, commence receiving an early retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below, but reduced by one-half of one (0.5) percent for each whole year the employee retires short of what would have been his or her earliest normal retirement date, with proration for any fraction of a year.

(C) Any such employee who, as of his or last day paid, in the absence of this provision, otherwise would have been eligible to retire and immediately commence receiving an unreduced, normal retirement allowance, shall be entitled to retire and, effective as of the day following

his or her last day paid, commence receiving a normal retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below.

(D) Any such employee's normal retirement allowance shall be calculated based upon the same percentage of final average pay for each whole year of the employee's pension service that otherwise would pertain to such employee, in the absence of this provision, plus an additional twenty-five one-hundredths (0.25) percent for each whole year of service, exclusive of any additional pension service purchased from accumulated sick leave pursuant to this chapter and/or employee's collective bargaining agreement, as applicable, (such pension service being that which is commonly known as the type that may be purchased through the "sick exchange" program), the retirement allowance for which shall be calculated as otherwise stated in this chapter and/or the employee's collective bargaining agreement, as applicable), up to a maximum of eighty (80) percent of final average pay.

(E) Any retirement allowance payable to any such employee shall be subject to and paid in accordance with the provisions of section 3(bb) of this chapter entitled "Section 415(m) Fund."

(F) For purposes of this subsection (5), the following terms shall have the meaning ascribed thereto below:

(i) An employee's "vested normal retirement allowance" is the amount of that reduced normal retirement allowance, expressed as an annual allowance, that, in the absence of this subsection (5), the employee otherwise would have been able to receive (assuming he or she still terminated his or her employment as of his or her last day worked), based on the employee's age and service through his or her last day paid;

(ii) The date that otherwise would have been an employee's "earliest normal retirement date" is that date on which the employee otherwise would have been able to first begin receiving his or her vested normal retirement allowance; and

(iii) For purposes of subparagraphs (B) and (C) of this subsection, the term "service" shall mean and include only that type of service upon or for which an employee otherwise could properly establish eligibility to receive a normal retirement allowance under this chapter and/or the employee's collective bargaining agreement, as applicable, in the absence of this subsection. Thus, for example, if an employee with twenty (20) years of service otherwise would be eligible to retire and begin receiving a normal retirement allowance,

only if his or her twenty (20) years of service were continuous, then that employee will not be eligible to retire under subparagraph (B) above unless his or her twenty (20) years of service are continuous; likewise, if an employee has purchased one (1) or more years of pension service credit for time he or she served in the U.S. armed forces pursuant to section 3(w) of this chapter, none of that service may be used to establish the employee's eligibility to retire under either subparagraph (B) or (C) above, even though such service shall continue to be able to be used as otherwise provided in this chapter to calculate the amount of any benefits payable to the employee if he or she otherwise is eligible to, and does, retire pursuant to said subparagraphs.

(6) *Retirement incentives for members of the MLA, HMEA and CHPEA whose last day of work is between April 15, 2003 and May 30, 2003.*

(A) Any member who is a member of the MLA, CHPEA OR HMEA, provided that the member's respective collective bargaining unit has agreed to the provisions of this subsection (6), (hereinafter referred to in this subsection as an "Employee"), who either is, or, by operation of subparagraph (B) below, becomes, eligible to take an early or normal retirement between April 15, 2003 and May 30, 2003, both dates inclusive, and who takes an early or normal retirement and whose last day of work is between April 15, 2003 and May 30, 2003, both dates inclusive, and who, between 8:30 a.m., EST, March 10, 2003 and 4:30 p.m., EST, April 15, 2003, both dates and times inclusive, notifies the personnel department, in writing, on a form provided by the personnel department or its equivalent, of his or her intention to retire on or before May 30, 2003, shall be entitled to the adjustments in both his or her eligibility to qualify for a pension and in the calculation of his or her pension benefits as described in this subsection. In those instances where a May 30, 2003 departure date would cause an undue hardship to city operations, the city manager may grant a deferment in such cases to city employees which would enable those employees to continue to work beyond May 30, 2003, and still receive their normal retirement allowance as set forth herein, providing their last day of work for the city occurs on or before September 26, 2003.

(B) Any such employee who, as of his or her last day paid, has at least fifteen (15) years of years of service and whose age plus years of service equals at least fifty-five (55) years, shall be entitled to retire and, effective as of the day following his or her last day paid, commence receiving an early retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below, but reduced by one-half of one (0.5) percent for

each whole year the employee retires short what would have been his or her sixtieth birthday, with proration for any fraction of a year.

(C) Any such employee who, as of his or last day paid, in the absence of this provision, otherwise would have been eligible to retire and immediately commence receiving an unreduced, normal retirement allowance, shall be entitled to retire and, effective as of the day following his or her last day paid, commence receiving a normal retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below.

(D) Any such employee's normal retirement allowance shall be calculated based upon the same percentage of final average pay for each whole year of the employee's pension service that otherwise would pertain to such employee, in the absence of this provision, plus an additional twenty-five one-hundredths (0.25) percent for each whole year of service, exclusive of any additional pension service purchased from accumulated sick leave pursuant to this chapter and/or employee's collective bargaining agreement, as applicable, (such pension service being that which is commonly known as the type that may be purchased through the "sick exchange" program), the retirement allowance for which shall be calculated as otherwise stated in this chapter and/or the employee's collective bargaining agreement, as applicable), up to a maximum of eighty (80) percent of final average pay

(E) Any retirement allowance payable to any such employee shall be subject to and paid in accordance with the provisions of section 3(bb) of this chapter entitled "Section 415(m) Fund."

(F) For purposes of this subsection (6), the following terms shall have the meaning ascribed thereto below:

(i) An employee's "vested normal retirement allowance" is the amount of that unreduced normal retirement allowance, expressed as an annual allowance, that, in the absence of this subsection (6), the employee otherwise would have been able to receive (assuming he or she still terminated his or her employment as of his or her last day worked), based on the employee's age and service through his or her last day paid; and

(ii) For purposes of subparagraphs (B) and (C) of this subsection, the term "service" shall mean and include only that type of service upon or for which an Employee otherwise could properly establish eligibility to receive a normal retirement allowance under this chapter and/or the employee's collective bargaining agreement, as applicable, in the absence of this subsection. Thus, for example,

if an employee with twenty (20) years of service otherwise would be eligible to retire and begin receiving a normal retirement allowance, only if his or her twenty (20) years of service were continuous, then that employee will not be eligible to retire under subparagraph (B) above unless his or her twenty (20) years of service are continuous; likewise, if an employee has purchased one (1) or more years of pension service credit for time he or she served in the U.S. armed forces pursuant to section 3(w) of this chapter, none of that service may be used to establish the employee's eligibility to retire under either subparagraph (B) or (C) above, even though such service shall continue to be able to be used as otherwise provided in this chapter to calculate the amount of any benefits payable to the employee if he or she otherwise is eligible to, and does, retire pursuant to said subparagraphs.

(7) *Retirement Incentives for bargaining unit employees of the Hartford Public Library whose last day of work is between April 15, 2003 and May 30, 2003.*

(A) Any employee of the Hartford Public Library who is a member of the Evelyn Ball Professional/Non-Professional Units, Local 1716, Council 4, American Federation of State, County and Municipal Employees, AFLCIO ("Evelyn Ball"), provided that Evelyn Ball has agreed to the provisions of this subsection (6) (hereinafter referred to in this subsection as an "employee"), who either is, or, by operation of subparagraph (B) below, becomes, eligible to take an early or normal retirement between April 15, 2003 and May 30, 2003, both dates inclusive, and who takes an early or normal retirement and whose last day of work is between April 15, 2003 and May 30, 2003, both dates inclusive, and who, between 8:30 a.m. EST, March 10, 2003 and 4:30 p.m. EST, April 15, 2003, both dates and times inclusive, notifies the head librarian, in writing, on a form provided by the head librarian or its equivalent, of his or her intention to retire on or before May 30, 2003, shall be entitled to the adjustments in both his or her eligibility to qualify for a pension and in the calculation of his or her pension benefits as described in this subsection. In those instances where a May 30, 2003 departure date would cause an undue hardship to library operations, the head librarian may grant a deferment in such cases to library employees which would enable those employees to continue to work beyond May 30, 2003, and still receive their retirement allowance as set forth herein, providing their last day of work for the library occurs on or before September 26, 2003.

(B) Any such employee who, as of his or last day paid, has at least fifteen (15) years of service, and whose age plus years of service equals at least fifty-five (55) years, but who, as of his or her last day paid does not have twenty-five (25) years of service, shall be entitled to retire



and, effective as of the day following his or her last day paid, commence receiving an early retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below, but reduced by one-half of one (0.5) percent for each whole year the employee retires short of what would have been his or her earliest normal retirement date, with proration for any fraction of a year.

(C) Any such employee who, as of his or last day paid, in the absence of this provision, otherwise would have been eligible to retire and immediately commence receiving an unreduced, normal retirement allowance, shall be entitled to retire and, effective as of the day following his or her last day paid, commence receiving a normal retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below.

(D) Any such employee's normal retirement allowance shall be calculated based upon the same percentage of final average pay for each whole year of the employee's pension service that otherwise would pertain to such employee, in the absence of this provision, plus an additional twenty-five one-hundredths (0.25) percent for each whole year of service, up to a maximum of eighty (80) percent of final average pay.

(E) Any retirement allowance payable to any such employee shall be subject to and paid in accordance with the provisions of section 3(bb) of this chapter entitled "Section 415(m) Fund."

(F) For purposes of this subsection (7), the following terms shall have the meaning ascribed thereto below:

(i) An employee's "vested normal retirement allowance" is the amount of that unreduced normal retirement allowance, expressed as an annual allowance, that, in the absence of this subsection (7), the employee otherwise would have been able to receive (assuming he or she still terminated his or her employment as of his or her last day worked), based on the employee's age and service through his or her last day paid;

(ii) The date that otherwise would have been an employee's "earliest normal retirement date" is that date on which the employee otherwise would have been able to first begin receiving his or her vested normal retirement allowance; and

(iii) For purposes of subparagraphs (B) and (C) of this subsection, the term "service" shall mean and include only that type of service upon or for which an employee otherwise could properly

establish eligibility to receive a normal retirement allowance under this chapter and/or the employee's collective bargaining agreement, as applicable, in the absence of this subsection (7). Thus, for example, if an employee with twenty-five (25) years of service otherwise would be eligible to retire and begin receiving a normal retirement allowance, only if his or her twenty-five (25) years of service were continuous, then that employee will not be eligible to retire under subparagraph (B) above unless his or her twenty-five (25) years of service are continuous; likewise, if an employee has purchased one (1) or more years of pension service credit for time he or she served in the U.S. armed forces pursuant to section 3(w) of this chapter, none of that service may be used to establish the employee's eligibility to retire under either subparagraph (B) or (C) above, even though such service shall continue to be able to be used as otherwise provided in this chapter to calculate the amount of any benefits payable to the employee if he or she otherwise is eligible to, and does, retire pursuant to said subparagraphs.

(8) *Retirement incentives for nonbargaining unit employees of the Hartford Board of Education, and members of HFSP0, HSSSA, HFSHP, HESP, HFSS, Local 818 and HFP, whose last day of work is between May 15, 2003 and June 30, 2003.*

(A) Any nonbargaining unit employee of the Hartford Board of Education (the "HBOE"), and any other employee of the HBOE who is a member of the HFSP0, HSSSA, HFSHP, HESP, HFSS, Local 818 or HFP collective bargaining units, provided that the member's bargaining unit has agreed to the provisions of this subsection (8), (hereinafter referred to in this subsection as an "employee") who either is, or, by operation of subparagraph (B) below, becomes, eligible to take an early or normal retirement between May 15, 2003 and June 30, 2003, both dates inclusive, and who takes an early or normal retirement and whose last day of work is between May 15, 2003 and June 30, 2003, both dates inclusive, and who, between 8:30 a.m. EST, April 14, 2003 and 4:30 p.m. EST, May 30, 2003, both dates and times inclusive, notifies the human resources department of the HBOE, in writing, on a form provided by such department or its equivalent, of his or her intention to retire on or before June 30, 2003, shall be entitled to the adjustments in both his or her eligibility to qualify for a pension and in the calculation of his or her pension benefits as described in this subsection. In those instances where a June 30, 2003 departure date would cause an undue hardship to HBOE operations, the superintendent may grant a deferment in such cases to employees which would enable those employees to continue to work beyond June 30, 2003, and still receive their retirement allowance as set forth herein, providing their last day of work for the HBOE occurs on or before September 26, 2003.

(B) Any such employee who, as of his or her last day paid, has at least fifteen (15) years of years of service and whose age plus years of service equals at least fifty-five (55) years, shall be entitled to retire and, effective as of the day following his or her last day paid, commence receiving an early retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below, but reduced by one-half of one (0.5) percent for each whole year the employee retires short what would have been his or her earliest normal retirement date, with proration for any fraction of a year.

(C) Any such employee who, as of his or last day paid, in the absence of this provision, otherwise would have been eligible to retire and immediately commence receiving an unreduced, normal retirement allowance, shall be entitled to retire and, effective as of the day following his or her last day paid, commence receiving a normal retirement allowance, which allowance shall be equal to his or her vested normal retirement allowance, adjusted pursuant to subparagraph (D) below.

(D) Any such employee's normal retirement allowance shall be calculated based upon the same percentage of final average pay for each whole year of the employee's pension service that otherwise would pertain to such employee, in the absence of this provision, plus an additional twenty-five one-hundredths (0.25) percent for each whole year of service, up to a maximum of eighty (80) percent of final average pay.

(E) Any retirement allowance payable to any such employee shall be subject to and paid in accordance with the provisions of section 3(bb) of this chapter entitled "Section 415(m) Fund."

(F) For purposes of this subsection (8), the following terms shall have the meaning ascribed thereto below:

(i) An employee's "vested normal retirement allowance" is the amount of that unreduced normal retirement allowance, expressed as an annual allowance, that, in the absence of this subsection (8), the employee otherwise would have been able to receive (assuming he or she still terminated his or her employment as of his or her last day worked), based on the employee's age and service through his or her last day paid; and

(ii) For purposes of subparagraphs (B) and (C) of this subsection, the term "service" shall mean and include only that type of service upon or for which an employee otherwise could properly establish eligibility to receive a normal retirement allowance under this chapter and/or the employee's collective bargaining agreement,

as applicable, in the absence of this subsection. Thus, for example, if an employee with twenty-five (25) years of service otherwise would be eligible to retire and begin receiving a normal retirement allowance only if his or her twenty-five (25) years of service were continuous, then that employee will not be eligible to retire under subparagraph (B) above unless his or her twenty-five (25) years of service are continuous; likewise, if an employee has purchased one (1) or more years of pension service credit for time he or she served in the U.S. armed forces pursuant to section 3(w) of this chapter, none of that service may be used to establish the employee's eligibility to retire under either subparagraph (B) or (C) above, even though such service shall continue to be able to be used as otherwise provided in this chapter to calculate the amount of any benefits payable to the employee if he or she otherwise is eligible to, and does, retire pursuant to said subparagraphs.

(aa) *Adjustments to certain Board of Education Employees Pension Benefits*

(1) Notwithstanding any other provisions in this Chapter to the contrary, the normal retirement allowance of all Qualified Board of Education Employees herein defined shall be adjusted in accordance with the provisions of this subsection. Such adjustment shall be made by multiplying the normal retirement allowance otherwise due such member by the factor set forth below adjacent to his or her Applicable Retirement Period.

Employee Unit	Applicable Retirement Period (July 1— June 30)	Adjustment Factor
Local 2221,	1992—1993	1.0106
Hartford	1993—1994	1.0330
Federation of	1994—1995	1.0560
Paraprofessionals	1995—1996	1.0681

Any Qualified Board of Education Employee who does not or cannot take a normal retirement allowance by retiring with a last day of work within an Applicable Retirement Period shall not be entitled to receive any adjustment to his or her normal retirement allowance hereunder.

(2) For purposes of this subsection, a "Qualified Board of Education Employee" shall mean any member who, (i) at any time during fiscal years 1992-1993 and/or 1993-1994 was a member of the bargaining unit listed in subparagraph (1) above, and (ii) is otherwise eligible to receive a normal

retirement allowance within, and in fact retires from city service with a last day of work which falls within, an Applicable Retirement Period.

(3) For purposes of this subsection, a member's "Applicable Retirement Period" shall be any of the fiscal years designated in subparagraph (1) above in respect of the employee unit in or to which such member last belonged during Fiscal Years 1992-1993 or 1993-1994. (Ord. No. 22-94, 6-27-94)

(bb) *Section 415(m) Fund.*

(1) The provisions of this subsection (bb) shall apply to all nonbargaining unit city employees as well as all bargaining unit employees for whom the provisions of this subsection (bb) have been adopted by their collective bargaining agreement.

(2) Except as provided in this subsection (bb), no employee shall be entitled to receive a pension benefit in excess of the IRC Maximum Benefit applicable to such employee as of the date such employee first commences receiving benefits under this Chapter (the employee's "Benefit Determination Date"). The term "IRC Maximum Benefit" shall have the same meaning ascribed thereto in subsection 3(b) of this Chapter.

(3) The IRC Maximum Benefit applicable to any employee shall be increased in the years following his or her Benefit Determination Date to reflect (i) any post-retirement increases which are made to the applicable limitations of Section 415 of the Internal Revenue Code of 1986 as amended from time to time ("Section 415") in such years, and (ii) any applicable adjustments or other changes which may be made to any applicable limitations imposed by Section 415 by virtue of any changes which are made to the provisions of Section 415 or the regulations promulgated thereunder.

(4) Effective January 1, 1995, any employee who, but for the operation of the limitations imposed on the level or amount of pension benefits which may be paid by a qualified plan pursuant to Section 415 as implemented by subsection 3(b) above and this section 3(bb) (together, the "Section 415 Limitations"), would be entitled, in any year, to receive a benefit from the Municipal Employees Retirement Fund which is different than that which actually is payable to such employee by reason of said Section 415 Limitations, shall be entitled to receive the difference between the actual benefit such employee otherwise would have been entitled to receive but for the Section 415 Limitations and the benefit such employee actually is entitled to receive by virtue of the operation of said limitations. A separate retirement fund is hereby established for the purpose of providing the benefits payable pursuant to this subparagraph (4) pursuant to Section 415(m) of the Internal Revenue Code of 1986, as amended, which fund shall be known as the Section 415(m) Fund and shall be administered by the Pension Commission subject to and in accordance with the provisions of section

5 of this Chapter. Notwithstanding any provision of this Charter to the contrary (including, without limitation, this subsection (bb)), any amounts paid or payable to any employee by reason of this subparagraph (4) shall not be paid or payable from the Municipal Employees Retirement Fund, but, rather, only shall be paid and payable from the Section 415(m) Fund. All benefits payable from the Section 415(m) Fund shall be subject to all of the terms and conditions that would apply thereto if they were paid from the Municipal Employees Retirement Fund; providing, however, that, in lieu of the provisions of subsection 3(k) of this Chapter, the City only shall be required to make such contributions to the Section 415(m) Fund in any year as may be determined from time to time by the Pension Commission to be necessary to provide the benefits payable therefrom in said year. No benefits shall be paid from the Section 415(m) Fund except as provided in this subparagraph (bb).

(cc) *Pension benefits of all members represented by Local #760, International Association of Fire Fighters.*

(1) *Applicability.* Notwithstanding anything to the contrary set forth in any provision of Section 3 of this Chapter, any provision of the Municipal Code, or any collective bargaining agreement which is in existence on the effective date of this ordinance, any member of the municipal employees retirement fund who is represented by Local #760, International Association of Fire Fighters, who is in the active service of the city on or after the effective date of this ordinance, and who did not commence receiving a normal, disability, special disability or early retirement allowance prior to the effective date of this ordinance (hereinafter a "Current 760 Member") shall be entitled to receive, and only shall be paid, the pension and other retirement allowances provided below:

(2) *Membership.* All members of Local #760, International Association of Fire Fighters who entered the service of the city after April 30, 1947 are members of the municipal employees' retirement fund.

(3) *City Contributions.* The city shall pay annually into the fund such proportion of the pay of all members employed by the city as may be determined from time to time by the pension commission on sound actuarial principles to be necessary in addition to the contributions by members to provide future pension allowances based on service rendered by members. The pension commission shall make a complete actuarial study of the experience of the municipal employees' retirement fund at intervals of no more than five (5) years and shall thereupon readjust the contributions to be made by the city.

(4) *Employee Contributions.* Any employee who is a Current 760 Member shall contribute to the fund eight percent (8%) of his or her total earnings, with said contributions being deducted at each pay period and credited to the member's account in the fund.

(5) *Vesting.* All pension benefits under the provisions of the municipal employees' retirement fund shall vest in each Current 760 Member after the completion of ten (10) whole years of continuous service, provided said member leaves his or her contributions in the fund. Vested members hired before July 1, 1984 shall receive a retirement allowance calculated in the same manner as a normal retirement allowance commencing on the date the member would normally have completed twenty (20) years of continuous service. Vested members hired on or after July 1, 1984 shall receive a retirement allowance calculated in the same manner as a normal retirement allowance commencing on the date such member would have completed twenty (20) years of continuous service or reached age forty-five (45), whichever is later. Any vested member shall receive at the time of separation from city service a statement by the appropriate city official indicating the date on which he or she shall first be entitled to receive a retirement allowance and the amount of said allowance.

(6) *Final Average Pay.* Final average pay for all Current 760 Members shall be calculated on the basis of the employee's weekly rate of pay immediately preceding the start of retirement multiplied by fifty-two (52), plus the "total amount of holiday pay" for an employee who regularly performs fire fighting duties and receives the additional twelve (12) hours pay for each holiday for the fifty-two (52) week period immediately preceding the start of retirement. "Weekly rate of pay" means the employee's normal total gross weekly pay including college incentive pay and the five percent (5%) "additional compensation", if applicable. "Weekly rate of pay" does not include private job (PJ) earnings, overtime earnings, standby pay or the five percent (5%) additional compensation provided to Deputy Chiefs assigned as shift commander. Said "weekly rate of pay" shall be used in calculating final average pay even when an employee is on a reduced or non-pay status. The "total amount of holiday pay" means the employee's normal total gross holiday pay. Said "total amount of holiday pay" shall be used in calculating final average pay even when an employee is on a reduced or non-pay status. In the event an employee experiences a reduction in rank, "weekly rate of pay" is based upon the final rate of pay, immediately preceding the start of retirement at his or her highest growth step of the highest rank held by the employee within two (2) years prior to retirement.

(7) *Normal Retirement.*

(a) *Eligibility.* Any Current 760 Member who was hired before July 1, 1984 shall be eligible to retire and to receive a normal retirement allowance upon completion of twenty (20) years of continuous service. Any such member who was hired on or after July 1, 1984 shall be eligible to retire and to receive a normal retirement allowance upon completion of at least twenty (20) years of continuous service or upon attainment of the age of forty-five (45), whichever is later.

(b) *Allowance.* The normal retirement allowance for a Current 760 Member who was hired before July 1, 1984, shall amount to two and

one half percent (2.5%) of final average pay for each whole year of service for the first twenty (20) years of continuous service and two percent (2%) of final average pay for each whole year thereafter. The normal retirement allowance for a Current 760 Member hired on or after July 1, 1984 shall amount to two and one half percent (2.5%) of final average pay for each whole year of service for the first twenty (20) years of continuous service and two percent (2%) of final average pay for each whole year of service thereafter to a maximum of seventy percent (70%) of final average pay.

(8) *Early Retirement*

(a) *Eligibility.* Any Current 760 Member shall be eligible for early retirement and to receive an early retirement allowance upon completion of ten (10) years of continuous service by or at any time after his or her fiftieth (50<sup>th</sup>) birthday.

(b) *Allowance.* Any Current 760 Member and who chooses to take early retirement may, in lieu of the refund of such member's contributions, elect to have his or her early retirement allowance calculated in accordance with one of the below options:

(1) To receive an immediate early retirement allowance which shall be determined by the pension commission and which shall be actuarially equivalent to the retirement allowance which the member would have received if the member had left his or her contributions in the fund until the date the member would have first become eligible for a normal retirement allowance; or

(2) To receive an immediate early retirement allowance equal to the amount of retirement allowance the member would have received if the member had left his or her contributions in the fund until the date the member would have first become eligible for a normal retirement allowance reduced by two percent (2%) for each whole year by which the date of the member's termination of service falls short of the date on which the member would have first become eligible for a normal retirement allowance, with proration for any fraction of a year.

(c) *Alternate Early Retirement Allowance.* Any Current 760 Member hired on or after July 1, 1984, who has completed twenty (20) years of continuous service but who has not reached age forty-five (45) shall be eligible for early retirement and to receive an immediate early retirement allowance which shall amount to two percent (2%) of such member's final average pay for each whole year of service.

(9) *Retirement for Disability.*



(a) *Service Connected Permanent and Total Disability.* Any Current 760 Member shall be eligible for retirement and to receive a disability retirement allowance, irrespective of length of service, if he or she becomes permanently and totally disabled from engaging in any gainful employment provided that such disability is shown to the satisfaction of the pension commission to have arisen out of and in the course of employment as defined in the Worker's Compensation Act. The amount of such service connected permanent and total disability allowance shall be determined as one hundred percent (100%) of the member's final average pay as defined in this subsection, less any amount or amounts received under the Worker's Compensation Act.

(b) *Non-Service Connected Permanent and Total Disability.* Any Current 760 Member shall be eligible for retirement and to receive a disability retirement allowance if he or she becomes permanently and totally disabled from engaging in any gainful employment provided the member has completed five (5) years of continuous service. The amount of said non-service connected permanent and total disability allowance shall be computed in the same manner as a normal retirement allowance and shall amount to two and one half percent (2.5%) of final average pay for each whole year of service for the first twenty (20) years of continuous service, and two percent (2%) for each whole year of continuous service thereafter, except that a minimum allowance equal to twenty five percent (25%) of final average pay is provided.

(c) *Service Connected Special Disability.* Any Current 760 Member shall be eligible to receive, irrespective of length of service, a special disability retirement allowance if the member suffers a permanent disability which prevents the member from performing the full duties of his or her class but does not prevent the member from engaging in other gainful employment provided that such disability is shown to the satisfaction of the pension commission to have arisen out of and in the course of employment as defined in the Worker's Compensation Act. The amount of said service connected special disability allowance shall be determined as fifty percent (50%) of the member's final average pay, plus two percent (2%) for each year of continuous service in excess of twenty (20) years of continuous service, if any.

If a Current 760 Member has completed less than fifteen (15) years of continuous service at the time the disability arises, the initial special disability allowance shall be reduced by any income

from gainful employment which, together with the special disability allowance, exceeds one hundred percent (100%) of the current rate of pay for an employee of the same or corresponding job classification held by the employee at the time of retirement. For purposes of this subsection, any amount or amounts received under the Worker's Compensation Act shall not constitute income from gainful employment.

(d) *Non-Service Connected Special Disability.* Any Current 760 Member shall be eligible to receive a special disability retirement allowance if the member suffers a permanent disability which prevents the member from performing the full duties of his or her class but does not prevent the member from engaging in other gainful employment provided that the member has completed ten (10) years of continuous service at the time the disability arises. The amount of said non-service connected special disability allowance shall be computed in the same manner as a normal retirement allowance and shall amount to two and one half percent (2.5%) of final average pay for each whole year of service for the first twenty (20) years of continuous service, and two percent (2%) for each whole year of continuous service thereafter, except that a minimum allowance equal to twenty five percent (25%) of final average pay is provided.

If a Current 760 Member has completed less than fifteen (15) years of continuous service at the time the disability arises his or her non-service connected special disability allowance is determined each year by reducing his initial allowance by the same specified percentage of the excess, if any, of the member's earnings from gainful employment over the amount of income which a Social Security beneficiary is entitled to earn without causing a reduction in his Social Security benefits.

(e) *Applications.* Applications for allowances payable to disabled members shall be filed within one year after the incurring of the disability, which shall be the date the member is notified that it has been medically determined that the member has suffered a disability which will prevent him or her from performing the full duties of his or her class.

(f) *Disability Statements.* Every member retired on account of disability under any provision of this subsection shall, by March 31<sup>st</sup>, of each year, file with the pension commission a sworn statement of all earnings received by the member from employment of any kind during the year ending on the 31<sup>st</sup> of December preceding the filing of such statement, or, if no such earnings have been received, a

sworn statement to that effect. If any member shall fail to make the report required herein, the payment of his or her disability retirement allowance shall be suspended until such report has been filed.

(10) *Survivorship Benefits.* Survivorship benefits are payable to the member's surviving spouse and qualified dependent children. For purposes of this subsection, the term "surviving spouse" shall mean the spouse of a member who shall have been married to and living with the member at the time of the member's death, if the member dies while in active service, or who shall have been married to the member prior to retirement and who shall have been married to and living with the member at the time of the member's death, if the member dies after retirement. For purposes of this subsection, the term "qualified dependent children" shall mean any unmarried children under the age of eighteen (18), or over the age of eighteen (18) if physically or mentally incapacitated from engaging in gainful employment.

(a) *Service Connected Cause of Death.* If a Current 760 Member dies before retirement from a cause arising out of and in the course of employment, as defined in the Worker's Compensation Act, the member's surviving spouse shall receive a survivor's allowance equal to fifty percent (50%) of the member's final average pay at the time of death, payable monthly until the surviving spouse's death or remarriage. If said member leaves qualified dependent children, each such child shall receive a survivor's allowance equal to ten percent (10%) of the member's final average pay, payable monthly until the child reaches age eighteen, marries or dies, whichever comes first. If the member leaves no surviving spouse, then each such surviving qualified dependent child shall receive fifteen percent (15%) of the member's final average pay, payable monthly until the child reaches age eighteen, marries or dies, whichever comes first. The total annual survivor's allowances payable under this subsection to a surviving spouse and children shall not exceed seventy five percent (75%) of the member's final average pay. In addition, the total annual survivor's allowances payable under this subsection, plus Worker's Compensation payments, if any, shall not exceed one hundred percent (100%) of the member's final average pay at the time of death. If a member dies after the member retires with a service connected disability allowance, the above survivor's benefits are payable to the member's survivors so long as they qualify for weekly Worker's Compensation benefits, the amounts of such allowances being based on the member's final average pay at the time of his retirement. Any allowances paid under this subsection shall be in lieu of the refund of the member's contributions, except that, if the total allowances paid under this subsection, should be less than the refund of contributions which would otherwise have been paid, than [then] the excess of said refund over said allowances shall be

paid in accordance with the provisions of this subsection governing the refund of contributions.

(b) *Non-Service Connected Cause of Death.* If a Current 760 Member dies before retirement from a cause other than one arising out of and in the course of employment, as defined in the Worker's Compensation Act, the member's surviving spouse shall receive a survivor's allowance equal to twenty five percent (25%) of the member's earnings during his last twelve (12) months of employment at full salary, payable monthly until the surviving spouse's death or remarriage. If said member leaves qualified dependent children, the first such child shall receive, until age eighteen (18), marriage or death, whichever comes first, a monthly survivor's allowance of One Hundred Dollars (\$100.00). In addition, each additional qualified dependent child shall receive, until age eighteen (18), marriage or death, whichever comes first, a monthly survivor's allowance of Fifty Dollars (\$50.00). Any survivor's allowance or allowances provided to qualified dependent children shall be payable to the surviving spouse if the children are in his or her care, or otherwise to the guardian of the children. The total annual survivor's allowances payable to the surviving spouse and qualified dependent children shall not exceed one hundred percent (100%) of the member's final average pay at the time of his death or retirement.

(11) *Refund of Member Contributions.* Any Current 760 Member leaving the employment of the city before becoming eligible for retirement may withdraw, on request to the pension commission, the total of all contributions to the fund made by him or her without interest. If the member is not vested, such request for a refund of contributions must be made within ten (10) years of separation from city service, or the member's contributions shall revert to the fund. In the case of the death of a member, the member's contributions, less any retirement allowances paid to the member, and less any survivors allowances paid to a surviving spouse and/or qualified dependent children, shall be paid from the fund on the order of the pension commission to the beneficiary or beneficiaries, if any, named by such member. If no named beneficiaries survive the member or his or her eligible survivors, than [then] the refund shall be made to the executors or administrators of such member or his or her spouse, as the case may be, except that, if the amount is less than one thousand dollars (1,000.00), the refund may be made, at the option of the pension commission, in accordance with the terms of Section 45-266 of the General Statutes or any amendment thereto. A member can designate his or her contributions beneficiary by completing a form which may be obtained and filed in the City Treasurer's office.

(12) *Continuity of Service.* For purposes of determining the eligibility of Current 760 Members to receive retirement allowances, periods of absence of not more than ninety (90) days in any one (1) calendar year shall not be considered as breaking continuity of service. Periods of absence of more than

ninety (90) days by reason of a leave of absence granted by the council, or where the absence is occasioned by disability involving the regular attendance of a physician, shall not be considered as breaking continuity of service. Any period of absence shall not be included in determining the amount of any retirement allowance provided herein. After any period of absence which is considered to break continuity of service, a returning member must complete ten (10) years of continuous service before becoming otherwise eligible for any retirement allowance. A member returning from such a period of absence who has previously withdrawn his or her contributions from the fund, may repurchase his or her prior service credits by repaying said contributions plus interest.

(13) *Assignments prohibited.* Any assignment by a member, beneficiary or spouse of any allowance or benefit payable under the terms of this subsection shall be void. Each such allowance and benefit shall be for the support of the member, beneficiary or spouse entitled thereto and shall be exempt from the claims of creditors of such member, beneficiary or spouse, provided, if the provisions of this subsection are contrary to the laws governing a particular set of circumstances, as to that set of circumstances, any allowance or benefit payable hereunder shall be exempt to the maximum extent permitted by law.

(14) *Service Credit.* "The pension includes credit for all service, including any period of military or related service during World War II, for which the member has paid the required contribution to MERF Fund. It also includes credit for his period of service in the Armed/Forces or during the Korean Conflict, from June 27, 1950 to October, 1953, provided he was employed by the city at the time of entry into such service."

(15) *Military Service Credit.* Any Current 760 Member who served in the active service of any branch of the armed forces of the United States during any part of the times set forth in Section 27-103 of the General Statutes may purchase credit for up to four (4) years of that military service. Such credit shall be purchased at the rate payable at the time of the member's entry into city service, with interest at the rate of seven percent (7%) per annum. The period of such service for which the member receives credit shall be counted for the purpose of computing the amount of his or her retirement allowance, provided such member shall have completed ten (10) years of continuous service or fifteen (15) years of active aggregate service with the City of Hartford, or shall be retired prior thereto due to disability incurred in the course of his or her employment. This provision shall not be used to establish eligibility for retirement allowances but shall be used as additional service credits for members who are qualified or become qualified for normal or disability retirement allowances. Each additional year of credited service purchased pursuant to this subsection shall be equal to two and one half percent (2.5%) of final average pay. Employees hired on or after July 1, 1984 shall not be permitted by the terms of this subsection to exceed the seventy percent (70%) maximum of their final average pay.

Employees hired on or before April 27, 1992, must complete the purchase of military service credits before April 27, 1993, provided, however, that employees who complete the purchase after April 27, 1993 may do so with a two percent (2%) per year penalty. All other employees must complete the purchase of military service credits within one (1) year of completion of the employee's probationary period, provided, however, that employees who complete the purchase of military service credits after one (1) year may do so with a two percent (2%) per year penalty. If Section 27-103 of the General Statutes is amended to include additional conflicts, employees may purchase said additional military time within one (1) year from the effective date of the amendment, provided, however, that employees who complete the purchase after one (1) year may do so with a two percent (2%) per year penalty. Any purchases period of military service credit which is less than a year, may be added to city service in order to make a complete year.

(16) *Sick Leave Exchange.* A Current 760 Member may, upon retirement, and prior to any sick pay formula reduction, exchange a portion of his or her accumulated sick leave for up to four (4) years of additional pension service credit for the purpose of computing the amount of the member's retirement allowance. Such additional service credits shall not be used for establishing eligibility for retirement benefits, but shall be used as additional service credit for employees who are qualified or become qualified for normal or disability retirement benefits. Additional service credit may be purchased from accumulated sick leave at the rate of twenty (20) days of accumulated sick leave for each year of pension service credit, and such credit must be purchased in whole years only. Each additional year of service credit acquired pursuant to this subsection shall amount to two and one half percent (2.5%) of final average pay. Employees hired on or after July 1, 1984 shall not be permitted by the terms of this subsection to exceed the seventy percent (70%) maximum of their final average pay.

(17) *Transfers from other departments.* Any employee who transfers to the Fire Department from other city departments and who becomes represented by Local #760, International Association of Fire Fighters, shall receive coverage under the provisions of the municipal employees' retirement fund as such provisions relate to other Current 760 Members, provided that employees so transferred shall be eligible for normal retirement allowances under their new coverage upon completion of twenty (20) years of service with the city and provided further that such employees must complete at least ten (10) years of service in the Fire Department and, at the time of transfer, must pay into the fund a sum of money equal to the difference between what the employee has paid into the fund and what the employee would have paid into the fund had his entire service been with the Fire Department, together with interest thereon as determined by the pension commission.

(18) *Transfers from the municipal employees' retirement fund.* Any Current 760 Member leaving the employment of the City of Hartford or other covered employment may transfer, if he is eligible for such transfer to the employees' retirement system of the federal government of the United States, or the retirement system of a state or any political subdivision thereof within the United States, which is being operated on an actuarial basis with contributions made during the active service of new members which are computed to be sufficient to provide the reserves needed to cover the retirement benefits payable on their account. Such transfer may not become effective, however, unless an appropriate agreement of reciprocity is executed. Upon approval of the pension commission, the actuarial reserve for the member's annuity benefit, as determined by the pension commission shall be transferred to the retirement system under which the employee will be covered in his new position.

(19) *Transfers to the municipal employees' retirement fund.* Any person who has not attained his sixtieth birthday and who is a member of the employees' retirement system of the federal government of the United States or the retirement system of a state or any political subdivision thereof within the United States which is being operated on an actuarial basis with contributions being made during the active service of new members which are computed to be sufficient to provide the reserves needed to cover the retirement benefits payable on their account may, upon approval of the pension commission, transfer his membership to the municipal employees' retirement fund upon accepting employment with the City of Hartford; provided, however, such transfer may not become effective unless an appropriate agreement of reciprocity is executed. In order to transfer credit for such prior service, the member shall pay or cause to be paid into the municipal employees' retirement fund the amount of money required, as determined by the pension commission to purchase in full such credited service. In no event shall there be any city contributions made toward the purchase of such service. Whenever such employee enters the municipal employees' retirement fund, he must elect within thirty (30) days of entrance into said fund to purchase credit for such prior service. If the pension commission approves the payment of money due on an extended payment basis, interest at a rate to be determined by the pension commission, but not exceeding six and one-half percent (6.5%) per annum, may be charged. No credit under the municipal employees' retirement fund shall be granted, however, for any period of prior service for which the employee is either receiving a retirement benefit or has retained a vested benefit.

(20) *Effect of repeal.* In case of the repeal of this subsection [(cc)], the liability of the city to members of the municipal employees' retirement fund shall be limited to the amount of their respective contributions thereto, provided all retirement allowances vested by retirement shall be paid in full in accordance with the provisions of this section.

(21) *Limitation on credited service.* Notwithstanding any other provision of this subsection [(cc)] or of this article, any credited service earned, given or purchased by a Current 760 Member may not be used for qualifying that member for retirement benefits before normal retirement age and at least five (5) years of actual city service.

(22) *Disputes.* Any dispute pertaining to benefits or allowances provided in this subsection shall not be subject to the grievance procedure.

(dd) *Amendments required to conform to Section 401(a) of the Internal Revenue Code of 1986, as amended (the "Code") and related provisions.* The provisions of this subparagraph (dd) shall control, notwithstanding any provision of this chapter to the contrary:

(i) As required under Section 401(a)(1) and (2) of the Code, no part of the corpus or income of the fund may be used for, or diverted to, purposes other than for the exclusive benefit of its members and their beneficiaries prior to the satisfaction of all liabilities of the fund thereto; it being the intent of this chapter that all contributions which have been and hereafter may be made to the fund shall be made for the purpose of distributing the corpus and income of the fund to such members and their beneficiaries in accordance with the terms governing the payment of benefits from the same. For purposes of this subparagraph (dd), the terms "beneficiary" and "beneficiaries" shall mean and include (a) qualified surviving spouses, (b) any alternate payees under any domestic relations orders which are determined by the commission to constitute qualified domestic relations orders in accordance with regulations adopted by the commission with respect to such matters, and (c) such other persons as lawfully constitute beneficiaries pursuant to Section 3(j) of this chapter or other proper authority.

(ii) As required by Section 401(a)(9) of the Code, effective July 1, 1997, any member who is eligible to receive any benefit payments from the fund shall commence receiving the same no later than his or her Required Beginning Date; likewise, any member who is not eligible to receive any benefit payments from the fund or who, although eligible, prefers to withdraw his or her contributions to the fund in lieu of receiving any benefits, shall commence receiving the same no later than on his or her Required Beginning Date. For purposes of this subparagraph (dd)(1), a member's "Required Beginning Date" shall mean the April 1 following the calendar year in which the member attains age 70 ½ or April 1 following the calendar year in which the member retires, whichever is later.

(iii) Notwithstanding anything to the contrary which is set forth in this chapter, no member shall be entitled to receive a pension benefit in excess of the maximum amount which is permitted under the Code in order for both the fund, and its members' interests therein, to retain the tax favored treatment provided by the Code thereto (herein, the "IRC Maximum Benefit"). Without limiting the generality of the foregoing:



(a) as required by Section 401(a)(16) of the Code (and except as otherwise provided in that section in respect of ancillary benefits and/or rollover contributions, if any, as apply to any member), no member shall be entitled to receive any benefit from the fund if, when expressed as an 'annual benefit' as provided in Code Section 415(b)(2), such annual benefit is greater than the Maximum Allowable Annual Benefit, as herein defined, as the same may be adjusted by the Secretary of the Treasury from time to time pursuant to Section 401(a)(16) of the Code; and

(b) as required by Section 401(a)(17) of the Code, the total amount of compensation paid to any employee in any year which may be taken into account in the calculation of any benefit which may be due to any member or any of his or her beneficiaries shall not exceed the Maximum Allowable Annual Compensation, as herein defined, as the same may be adjusted by the Secretary of the Treasury from time to time pursuant to Section 401(a)(17)(B) of the Code.

For purposes of this subparagraph (dd)(3[iii]), the term "Maximum Allowable Annual Benefit" shall mean the maximum annual benefit which may be paid to a member from a qualified trust pursuant to Sections 401(a)(16) and 415(b)(2) of the Code, while the term "Maximum Allowable Annual Compensation" shall mean the maximum annual compensation which may be taken into account in the context of calculating any benefit due to any member of a qualified trust pursuant to Section 401(a)(17) of the Code. As provided in the Code, effective with the plan year commencing July 1, 2002, the Maximum Allowable Annual Benefit payable to any member during any plan year is \$160,000, while the Maximum Allowable Annual Compensation which may be included in the calculation of any member's benefit is \$200,000.

(iv) Actuarial assumptions. As required by Section 401(a)(25) of the Code, whenever any benefit otherwise payable under this chapter is required to be determined on the basis of actuarial equivalency, the analysis used in establishing that benefit shall be based upon assumed mortality rates as set forth in the "UP-94 Mortality Table Projected by Scale AA to 2011" with compounded interest at the rate of eight percent (8%) per annum.

(v) Effective January 1, 1993, except to the extent that any contributions (and interest on those contributions, if any) are required to be paid to a member or a beneficiary pursuant to Subparagraph (dd)(ii) above in conformance with Code Section 401(a)(9), any member or beneficiary who elects to be paid any member's contributions (and interest on those contributions, if any) in lieu of receiving any benefits from the fund may elect to have such contributions (and interest on those contributions, if any) paid directly to another qualified retirement plan, subject to and in accordance with the terms of this subparagraph (dd)(v). Any such distribution shall be effected on behalf of a member or a beneficiary if he or she specifies the qualified retirement plan to which such distribution is to be made in writing (in such form and within such time period as

may be prescribed by the commission). Any contributions (and interest on those contributions, if any) with respect to which any member or beneficiary makes the election provided by this subparagraph (dd)(v) shall be distributed thereto in the form of a direct trustee-to-trustee transfer to the qualified retirement plan so specified. For the purposes of these direct rollover provisions, a qualified retirement plan shall mean (A) a qualified defined benefit or defined contribution plan, an individual retirement account, effective January 1, 2002, an annuity contract described in section 403(b) of the Code and an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state (or any agency or instrumentality of a state or political subdivision of a state), which (B) effective January 1, 2002, in any case, agrees to separately account for amounts transferred into such plan from this plan, as contemplated by Code Section 401(a)(31)(C).

(vi) As contemplated by Section 457(e)(17) of the Code, effective July 1, 2002, any member who is a participant in the city's Deferred Compensation Plan maintained under Section 457 of the Code (the "City's 457 Plan") may transfer all or any portion of the amounts held in his or her account in such plan to the fund in order to pay for any pension service credit which said member otherwise is eligible to, and has elected to, purchase with the fund to the extent the Code and the provisions governing the City's 457 Plan permit such a transfer to be made from that plan for that purpose; it being the intent of this provision that the fund shall accept such transfers for such purposes as permitted under Code Sections 401(a)(31)(E) and 457(e)(17). Any transfer of moneys from the City's 457 Plan which is received by the fund for said purpose shall be separately accounted for by the commission based on the extent to which such sums otherwise would or would not be includable in the member's gross income if they were distributed from the City's 457 Plan directly to the member.

(vii) The provisions set forth in subsections (v) and (vi) above are intended to reflect certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"). These provisions are intended as good faith compliance with the requirements of EGTRRA and are to be construed in accordance with EGTRRA and any guidance issued thereunder. These provisions shall supersede any other provisions governing the fund to the extent those other provisions are inconsistent with the terms set forth in subsections (v) and (vi) above.

(ee) *Pension rights upon reemployment by the city after periods of service in the uniformed services.*

(i) For purposes of this subparagraph (ee), the following terms shall have the meaning ascribed thereto below:

(1) "Service in the uniformed services" has the same meaning ascribed to that phrase in the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended ("USERRA"), [38](#) U.S.C.

Section 4301 et seq., and means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes (without expansion or imitation) active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(2) The term "uniformed services" has the same meaning ascribed to that phrase in USERRA and includes (without expansion or imitation) service in: any branch of the Armed Forces of the United States; the Army National Guard and the Air National Guard; the commissioned corps of the Public Health Service; and any other category of service designated as uniformed service by the President of the United States in the time of war or national emergency.

(3) "Qualified USERRA Service" consists of any service in the uniformed services by any member for or by reason of which the city is required under USERRA to permit said member to provide pension service credit or other rights with the fund upon his or her reemployment with the city. In no event shall Qualified USERRA Service include Disqualified USERRA Service.

(4) "Disqualified USERRA Service" means any service in the uniformed services from or for which a member (A) left on other than honorable conditions (including, but not limited to, under or with a dishonorable or bad conduct discharge), or (B) was dismissed or dropped from the rolls pursuant to 10 U.S.C. Sections 1161 (a) or (b).

(5) A member's "Effective USERRA Earnings" shall be (A) the total earnings (including, but not limited to, overtime pay, private duty pay, holiday pay, sick leave and vacation pay, and shift differential pay) the member would have received but for his or her being absent during the period of his or her Qualified USERRA Service, or (B) in the event that the pension commission cannot determine that amount with reasonable certainty, the product of (i) such member's USERRA Effective Weekly Rate of Pay, times (ii) the number of weeks and parts thereof during which said member was absent performing Qualified USERRA Service.

(6) A member's "USERRA Effective Weekly Rate of Pay" shall equal the quotient of (A) the member's total earnings during his or her USERRA Measuring Period, divided by (B) the number of weeks and parts thereof in the member's USERRA Measuring Period.

(7) A member's "USERRA Measuring Period" shall mean that period of time, expressed in weeks, but not exceeding fifty-two (52) weeks

in length, during which the member was employed by the city immediately prior to his or her USERRA Commencement Date.

(8) A member's "USERRA Commencement Date" is that day following his or her last day of employment with the city before he or she began his or her Qualified USERRA Service.

(9) "USERRA Reemployment Date" means that date on which a member is first reemployed by the city pursuant to or otherwise in accordance with USERRA after having performed any Qualified USERRA Service.

(ii) Effective December 12, 1994, any member who leaves the service of the city in order to serve in any of the uniformed services shall have the opportunity to purchase pension service credit with the fund for his or her Qualified USERRA Service upon reemployment by the city pursuant to, or otherwise in accordance with, USERRA. A member's eligibility to obtain pension service credit and/or any other rights under this subparagraph (ee) shall be established by such documentary and/or other evidence as is reasonably required for that purpose by the pension commission consistent with the requirements of [38](#) U.S.C. Section 4312(f).

(iii) Upon approval by the commission, any member seeking to obtain pension service credit with the fund for his or her Qualified USERRA Service shall pay the fund such amounts as are equivalent to those which the member would have contributed in the form of employee contributions during the period of his or her Qualified USERRA Service had the member, during that period of time, been employed by the City and paid his or her Effective USERRA Earnings as herein defined.

(iv) Any contributions required to be made by any member pursuant to this subparagraph (ee) may be paid in a lump sum, or, at the option of the member, in various increments, prior to the expiration of the Prescribed Time Period. For purposes of this provision, the "Prescribed Time Period" in which any contributions must be paid shall equal the lesser of (A) three (3) times the period of the member's Qualified USERRA Service, or (B) five (5) years, commencing, in either case, with the member's USERRA Reemployment Date. No contributions which are required to be made by any member pursuant to this subparagraph (ee) will be "picked up" and paid by the city of Hartford pursuant to the provisions of Section 3(y) of this Chapter.

(v) The period of any Qualified USERRA Service for which pension service credit is purchased by any member pursuant to this subparagraph (ee) shall be combined with those periods of the member's continuous service occurring immediately before and after the member's Qualified USERRA Service, and, as combined, deemed to constitute one (1) period of continuous city service

for all purposes under this chapter. Additionally, and regardless of whether any member has purchased pension service credit under this subparagraph (ee), any period of absence during which any member has provided Qualified USERRA Service (A) shall not cause any member to suffer any "break" in his or her continuity of service, and (B) shall be included in the computation of the member's continuous city service for the purpose of establishing any vested (i.e. nonforfeitable) rights to any benefits, as well as his or her eligibility to receive any benefits, which the member otherwise has accrued (or thereafter accrues) under this chapter. Except as otherwise provided in the preceding sentence, no member shall receive pension service credit or other rights under or in connection with the fund for any period of his or her Qualified USERRA Service (and no period of such service shall therefore be included in the computation of any member's city service) unless, and then only if and to the extent, he or she purchases pension service credit therefor in accordance with this subparagraph (ee). Without limiting the generality of the foregoing, no member shall be entitled to purchase or otherwise be given pension service credit for any period before or after his or her Qualified USERRA Service during which he or she has, but fails to exercise or delays in exercising, his or her reemployment rights under USERRA.

(vi) The provisions of this subparagraph are intended to implement, and only implement, the requirements of USERRA. Accordingly, no right or benefit not otherwise required to be provided to any member with regard to his or her rights and/or benefits in or with respect to the fund shall be deemed to be conferred hereby. Likewise, in the event any provision of this subparagraph (ee) conflicts with or is otherwise in contravention of the requirements of USERRA, the provisions of USERRA shall control. The rights and benefits conferred by this subparagraph (ee) shall be in addition to any other rights or benefits any member has or may obtain to purchase pension service credit for the period of any military service under any other provision governing the accrual or payment of benefits of or from the fund, providing, however, that no member shall be entitled to obtain pension service credit (expressed in terms of partial or whole years of service) under any of said provisions for any period of military or other service to the extent he or she has purchased and been awarded pension service credit for such service under this subparagraph (ee).

(vii) Nothing in this subparagraph (ee) shall be deemed to entitle any member to receive a retirement allowance in excess of that amount which may be specified to be, or which operates as, a maximum limit on the amount of any benefit which may be paid to such member pursuant to any other provisions of this chapter. In the event that any such member's retirement allowance would exceed any such limit if he or she was given credit for any Qualified USERRA Service purchased thereby, the fund shall refund such member the amount of his or her contributions applicable to thereto with interest at the rate of three (3) percent per annum from the date such contributions were fully paid until they are refunded by the pension commission.

(ff) *Mandatory sick exchange for members of certain collective bargaining units.* The provisions of this subsection shall apply to any member of CHPEA, HMEA, MLA or the Communication Workers of America, Local 1298, who, in absence of this provision, upon retirement and prior to any sick pay formula reduction, otherwise would have been eligible to use a portion of his or her accumulated sick leave to purchase up to four (4) years of additional pension service for the purpose of computing the amount of his or her retirement allowance, and whose collective bargaining agreement has been amended to incorporate the provisions of this subsection (ff).

(i) If any such member has at least twenty (20) days of accumulated, but unused, sick leave upon his or her retirement and the retirement allowance that otherwise would be payable to such member in the absence of this subsection would be less than the maximum percentage of the member's final average pay that is permitted to be paid to such member in the form of a normal retirement allowance as provided in the member's collective bargaining agreement (hereinafter, for purposes of this subsection, a "qualifying retiree"), then the amount of pension service used in the calculation of such person's retirement allowance, and the number of days of accumulated, but unused, sick leave for which such person otherwise would be entitled to be paid upon retirement, shall be adjusted in accordance with the terms of this subsection. Such adjustments shall be effected by increasing the amount of the qualifying retiree's pension service by one (1) whole year of service for each twenty (20) days of accumulated, but unused, sick leave that were credited to such person's account prior to the calculation of any amounts that otherwise would have been or will be paid to such person pursuant to the sick pay reduction formula applicable to that person, up to a maximum of four (4) whole years of pension service credit or the maximum percentage of final average pay permitted by the retiree's collective bargaining agreement, whichever results first. Likewise, the amount of accumulated sick leave for which the retiree otherwise is entitled to be paid a lump sum upon retirement shall be concomitantly reduced by twenty (20) days for each additional year of pension service that is credited to such retiree as aforesaid. Fractional years of pension service shall not be awarded pursuant to this provision.

(ii) The percentage of any qualifying retiree's final average pay attributable to any additional pension service credited to such retiree pursuant to this subsection shall be the same percentage of final average pay that otherwise would be used to determine such retiree's normal retirement allowance pursuant to the terms of his or her collective bargaining agreement in effect as of March 24, 2003 and in the absence of sections 3(z)(5) and (6) of this chapter. Additionally, any qualifying retiree's retirement allowance that is adjusted pursuant to this subsection shall be subject to and paid in accordance with the provisions of Section 3(bb) of this chapter entitled "Section 415(m) Fund."

(iii) The provisions of this subsection shall control notwithstanding, and shall be in lieu of, any other provisions contained in any qualifying retiree's

collective bargaining agreement to the extent those other provisions would allow such retiree to elect to (or would pertain to any election made by any such retiree to) exchange any sick leave (and/or payments that otherwise would be made on account of accrued, but unused, sick leave) for additional pension service credit. Nothing herein shall, however, affect the provisions of such agreements that pertain to the payment of a percentage of a member's accrued, but unused, sick leave to the extent that any such sick leave is not required to be, and, in fact, is not, exchanged for additional pension service credit pursuant to this subsection.

(iv) The provisions of this subsection shall be effective retroactive to January 1, 2003, provided the collective bargaining units referenced in this subsection agree in writing to this section.

### **Sec. 9. - Statement of earnings by employees retired on account of disability<sup>11</sup>.**

Every employee of the city retired on account of disability under any provisions of this chapter shall, by March 31st of each year, file with the pension commission a sworn statement of all earnings received by him or her from employment of any kind during the year ending on the thirty-first of December preceding the filing of such statement, or, if no such earnings have been received, a sworn statement to that effect. If any employee shall fail to make the report required above, the payment of his retirement allowance shall be suspended until such report has been filed.

### **Sec. 10. - Administration<sup>12</sup>.**

(a) For purposes of this section, the following terms shall have the meaning ascribed thereto below:

(i) "Savings accounts" shall mean any of such deposits in or accounts with (including, without limitation, certificates of deposit issued by) any banking institutions as referenced in C.G.S. Sections 45a-203 (a)(2) and (3).

(ii) "Equity investments" shall mean and include any and all securities, real property and other investments (including, without limitation, common stocks, and shares of (or units in) any closed or open-end investment companies or trusts) except the following: (A) cash and cash-equivalent securities, (B) savings accounts, (C) any corporate or government bonds, (D) mortgages, or (E) other fixed-income instruments or securities;

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<sup>11</sup> Recodification of Charter Appendix, Sec. 20.4. Sp. Laws 1947, Act No. 30, § 4; Ord. No. 28-67, 11-7-67; Ord. No. 6-93, 2-22-93.

<sup>12</sup> Recodification of Charter Appendix, Sec. 20.5. (Sp. Laws 1947, Act No. 30, Ch. XVI, § 5; Sp. Laws 1957, Act No. 641; Sp. Laws 1959, Act No. 496; Sp. Laws 1965, Act No. 234; Ord. No. 28-67, 11-7-67; Ord. No. 14-69, 5-12-69; Ord. No. 6-98, 4-27-98; Ord. No. 10-99, 4-26-99; Ord. No. 11-99, 4-26-99; Ord. No. 12-99, 4-26-99)

(iii) A "qualified custodian" shall be any state bank, trust company, state bank and trust company or national banking association located in the states of Connecticut or New York or in the commonwealths of Massachusetts or Pennsylvania which is a member of the Federal System and whose capital, surplus and undivided profits in the aggregate are not less than fifty million dollars;

(iv) "Administrative expenses" shall mean and include (A) the salaries of all personnel hired by the pension commission, (B) that portion of the salaries, benefits and other compensation of those other city officials and employees who provide services to the funds to the extent their duties are fairly allocable to performing such work as determined by the pension commission, and (C) the cost and expense of all goods and services (other than investment expenses) which are procured on the funds' behalf; and

(v) "Investment expenses" shall mean and include (A) the cost and expense of any and all custodial arrangements and investment advisory, consultant and management services, and (B) any and all costs and expenses such as brokerage fees and commissions which are typically added to, or subtracted from, the purchase price, or proceeds realized from the disposition, of any investment.

(b) In addition to its other responsibilities hereunder, the pension commission shall administer any and all of the city's other retirement and savings plans and benefits, which, together with the funds, shall be known as the city's retirement system. It shall appoint a plan administrator of, and, with the approval of the corporation counsel, a general counsel for, the system. It also shall appoint a chief investment officer and, subject in all cases to the provisions of subparagraphs (e) and (j) below, may appoint and remove such other employees as it deems necessary or desirable to carry out its responsibilities hereunder. At the pension commission's election, the general counsel may serve either as an employee or, pursuant to subparagraph (h) below, an independent contractor, and, if and so long as he or she serves as an employee, also as the plan administrator. Except as otherwise provided in this section, the pension commission shall have the sole authority for determining the titles, qualifications, duties, compensation and terms of office or employment of each official or employee which is appointed by it. All such personnel who are employed by the pension commission shall, however, be members of the Fund and entitled to the same retirement and insurance benefits as nonbargaining unit employees of the city in the unclassified service, and, at the discretion of the pension commission, other benefits similar to nonbargaining unit employees of the city in the unclassified service; providing that all the employer contributions required to fund or otherwise purchase or pay for such benefits, as well as the salaries and any other compensation payable to such personnel, shall be paid from the income of the funds. The pension commission shall be the sole authority capable of removing any employee which it has appointed from office. The pension commission shall only exercise such authority after (i) an employee has been served with written notice of the pension commission's intent to consider removing him or her therefrom,



containing a clear statement of the grounds for such removal and of the time and place, not less than ten (10) days after the service of such notice, at which he or she will be given the opportunity to be heard thereon, and (ii) such hearing is then concluded. After such hearing, which shall be public at the option of such employee, the action of the pension commission shall be final. The pension commission may suspend any such employee from duty for not more than thirty (30) days pending such final action at any time after the aforesaid notice has been served thereon. The pension commission shall select, appoint, retain and discharge any employees within its jurisdiction only in accordance with the standard of care set forth in subparagraph (e) below.

(c) The plan administrator shall be the head of the retirement system and, in that capacity, shall have responsibility for implementing the administration of the provision of benefits from the funds, including, without limitation, the calculation and payment thereof, and shall perform such other duties relative to the funds as may be prescribed by the pension commission. Such duties may include, without limitation, providing such assistance to the city treasurer in the performance of any of his or her duties under this section as is required by the pension commission. No changes shall be made in the nature or level of any pension benefits provided to any members of the funds, or to the qualifications for membership, unless the plan administrator is first given an opportunity to comment on the impact any proposed changes would have on the interpretation, administration or other matters affecting the provision of benefits from the funds, any of which comments shall be provided in writing within ten (10) days of the city manager's written request therefor or such additional period of time as is reasonably required in the circumstances. The general counsel shall represent the pension commission and the system in all legal proceedings affecting the same and provide such advice and counsel to the pension commission, plan administrator and city treasurer in connection with the system as the pension commission directs, providing, however, that no claims which are made or actions which are brought by or against, or which otherwise affect, the system, or any one or more of its plans or funds, or any person or body acting on their behalf shall be compromised without the approval of each of the pension commission, corporation counsel and the city council.

(d) The city treasurer shall have the care and custody of all of the assets in all of the pension funds and, with the approval of the pension commission and subject to the other provisions of this section, shall have power to invest and reinvest the same in securities, real property and other investments permissible by law for the investment of trust funds pursuant to the Connecticut Uniform Prudent Investor Act, Public Act 97-140; providing, however, that no more than sixty percent (60%) of the assets of any fund shall be invested in equity investments, at any one time. For purposes of making the foregoing calculations only, assets shall be taken at book value (carrying value) rather than market value, and assets held by insurance companies on behalf of any fund, including actuarial reserves for annuity contracts, shall be included within the fixed dollar portion of the account. Any investment which was made prior to April 27, 1998, and any investment which complies with the provisions of this section in effect at the time it is made, may be retained even though its purchase otherwise would be prohibited

hereunder unless the standard of care set forth in subparagraph (e) below requires its sale or other disposition.

(e) The city treasurer, plan administrator and the pension commission shall be fiduciaries of the system and, in that capacity, shall fulfill their duties hereunder with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would then use in the conduct of an enterprise of like character and purpose. Without limiting the generality of the foregoing, the city treasurer, plan administrator and the pension commission shall discharge their duties:

(i) Solely in the interests of, and for the purpose of providing benefits to, participants and beneficiaries of the applicable fund or plan consistent with the other provisions of this chapter and applicable law;

(ii) Impartially, taking into consideration any differing interests of various participants and beneficiaries within each fund and plan;

(iii) By diversifying the investments of the assets of the funds so as to minimize the risk of large losses unless under the circumstances it is clearly prudent not to do so;

(iv) Except to the extent they may be paid by the city as contemplated by subparagraphs (g) and (i) below, incurring and paying all reasonable and appropriate expenses of administering the funds and plans; and

(v) In accordance with a good faith interpretation of the terms of this chapter and other applicable law.

(f) Circumstances which shall be considered by the city treasurer, pension commission and any other fiduciaries when investing and managing any funds' assets also shall include, but not be limited to the following, to the extent relevant thereto:

(i) General economic conditions;

(ii) The possible effect of inflation or deflation;

(iii) The expected tax consequences, if any, of investment decisions, strategies and distributions;

(iv) The role that each investment or course of action plays within a fund's overall portfolio, which, except as otherwise provided in this section, may include financial assets, interests in closely held enterprises, tangible and intangible personal property and real property;

(v) The expected total return from income and the appreciation of capital;

(vi) Related trusts and other income and resources of the participants and beneficiaries;

(vii) Needs for liquidity, regularity of income and preservation or appreciation of capital;

(viii) An asset's special relationship or special value, if any, to the purposes of the fund;

(ix) The size and actuarial funding status of the fund; and

(x) The nature and estimated duration of the fund.

The fiscal integrity and economic well being of the city being of primary significance in its ability to ultimately fulfill its obligations to financially support the funds, the city treasurer and the pension commission, also may, when possible and consistent with their other fiduciary duties imposed hereunder and applicable law, consider whether the investment of any assets of, or expenditure of any income from, any fund will enhance or promote the general welfare of the city and its residents.

(g) The city treasurer, with the approval of the pension commission, may provide by contract with any qualified custodian for the care and custody of any or all securities and other assets of the pension funds by such custodian, or for investment advice with respect to such funds, or for both such care and custody and investment advice. Any securities held by the city treasurer or any qualified custodian also may, in turn, be deposited in a clearing corporation subject to and in accordance with the provisions of Section 45a-208 of the Connecticut General Statutes. Subject to approval by the pension commission, each of the city treasurer and plan administrator also may procure such other goods and services (including, but not limited to, the services of investment counsel, investment advisors, investment managers, actuaries, and pension benefit administrators) as may be reasonably required by them in connection with the efficient and effective administration of, or investment of any of the assets in, the funds. Subject to approval by the pension commission and the corporation counsel, the general counsel also may procure additional legal and other services as may be reasonably required in connection with his or her representation of the funds.

(h) The selection of and award of contracts to any persons or entities which are to provide any goods or services to any plan or fund shall be governed by the standard of care set forth in subparagraph (e) above, but shall not be subject to the provisions of Chapter VIII, Sections 8-11 or Chapter XVI of this Charter. The charges for all goods and services which are procured pursuant to subparagraph (g) above,

together with any and all other administrative expenses, shall be paid from the income of the funds, except to the extent that any appropriations have been made therefor.

(i) Any person or entity (including, but not limited to, any qualified custodian) which is contracted to invest, or direct or manage the investment of, any assets of the funds shall be, and shall specifically acknowledge in writing that such advisor is, (i) a fiduciary of the assets of the fund(s) for which such advisor has agreed to provide such services, (ii) registered as an investment company or investment adviser in good standing under the Investment Company and Advisers Acts of 1940, as amended, unless exempt from such registration, (iii) subject to the same limitations and standards governing the investment and reinvestment of such assets as apply to the city treasurer and the pension commission under or by reason of this section (unless, and then only to the extent, with respect to the standard set forth in subparagraph (e)(iii) above, the city treasurer, with the pension commission's approval, agrees that such is not the case), and (iv) in compliance, and that such advisor will comply, with all applicable laws and regulations governing the investment of the assets of the funds. Any duty or responsibility which is imposed or otherwise pertains to the investment of the assets of any fund hereunder shall apply, without limitation, to the selection, acquisition, retention and disposition of each security or other investment vehicle which is, or is to be, held by such fund; provided, however that any investment decisions respecting individual assets shall be evaluated not in isolation, but in the context of the entire portfolio of the fund of which they constitute a part and as a portion of an overall investment strategy for such fund which is consistent with the requirements of this section; and, provided, further, that the city treasurer and the pension commission shall not be liable for any specific investments which are made by any investment advisor, custodian or other fiduciary so long as said person or entity is selected, appointed and retained (and the performance of such person or entity is therefore reviewed), and any assets of the fund for which the same is delegated investment responsibility are allocated, in accordance with the standards and limitations otherwise set forth in this section. Except as otherwise provided by the city treasurer or the pension commission, the limitations placed on the percentage of any fund's assets which may be invested in equity investments as set forth in subparagraph (d) above shall be calculated on the basis of all of the assets in a fund as opposed to any portions thereof for which the city treasurer retains, or any investment managers or custodians may be delegated, investment responsibility hereunder.

(j) On or before the thirtieth day prior to the date set by the city manager for submitting budget requests in any year, the city treasurer, after consultation with the plan administrator, shall provide the pension commission with the city treasurer's recommended budget for all of the administrative expenses to be incurred in connection with the administration of the funds in the ensuing fiscal year. Each such budget shall identify (i) the amounts anticipated to be required to be paid for all administrative expenses in the ensuing year, (ii) the nature and source of all such expenses, (iii) the source of revenue (including, without limitation, soft dollars) which are anticipated to be used to pay such expenses, and (iv) the extent to which any of the foregoing differs from both the current and prior year's budgeted and actual expenses. At the time set by the

manager for making budget requests, the pension commission shall submit estimates of the sums necessary to be appropriated for the ensuing fiscal year for the purpose of meeting the obligations of the city under the provisions of this chapter, and an estimate of the appropriation necessary to meet the expenses of the commission in the performance of its duties during such year. The pension commission shall have sole authority to establish its budget each year, providing, however, that none of its expenses shall be paid from the city's general fund except within the amounts appropriated by the council therefor. Additionally, except as clearly may be required to fulfill the city treasurer's, plan administrator's and/or pension commission's duties pursuant to the standard of care set forth in subparagraph (e) above, the cumulative amount of any administrative expenses which are to be paid from the income of the funds in any fiscal year shall not exceed the total of such expenses reflected in the city treasurer's recommended budget for, or one percent (1%) of the carrying value of the funds as of the first day of, said year, whichever is less.

(k) The pension commission shall adopt a statement of investment policies and objectives for each fund which includes, without limitation, the following: (i) the desired rate of return for the fund as a whole; (ii) the desired rate of return and acceptable levels of risk for each asset class within the fund; (iii) the asset allocation goals for the fund; (iv) the guidelines which will apply to the selection and retention of custodians and investment managers for the fund; and (v) information on the types of reports which will be used to evaluate investment performance for the fund. The pension commission shall review such statement, and either change it or reaffirm or, at least once each year.

(l) The city treasurer, with the approval of the pension commission, may provide part or all of the pensions to which retired employees of any class, as determined by the rules of the commission, are entitled by contracting with one (1) or more life insurance companies authorized to do business in the State of Connecticut for the payment of annuities to such employees, and the purchase of an annuity for any employee shall satisfy the pension obligations of the city to such employee to the extent of the annuity payments made under such contract.

(m) The pension commission shall have the power to make rules and regulations for the purpose of carrying out the provisions of this chapter.

## RETIREMENT SYSTEM FOR CITY EMPLOYEES

### Sec. 11. - Charter 1941, section 233, as amended<sup>13</sup>.

(a) There shall be in the City of Hartford a retirement system for city employees except those employees who are included under the provisions of sections two hundred thirty-four and two hundred thirty-five of the Charter of the City of Hartford. The management of the retirement system shall be vested in a commission, to be known as the pension commission, which shall consist of three (3) electors of the city, none of whom shall be an employee thereof or shall hold any other appointive or elective office in the city government. The terms of the members now serving on said commission are continued until the expiration of the terms for which they were appointed, and their successors shall be appointed in accordance with the provisions of sections forty-three and forty-nine of the Charter of the City of Hartford. Not more than two (2) members of said commission shall be of the same political party. The treasurer of the city shall be, ex officio, secretary of said commission but shall have no vote.

(b) Any city employee shall be eligible for retirement from active service subject to the following conditions as to term of service and age, and shall receive, in lieu of any other compensation, an annual retirement allowance, payable monthly, for the term of his life, as hereinafter provided: (1) After fifteen (15) years of aggregate service preceding retirement, if so employed on May 5, 1927, or after twenty (20) years of aggregate service preceding retirement, if employed after May 5, 1927, and reaching the age of sixty-five (65) years if a man, or sixty (60) years if a woman, or (2) after ten (10) years of such service, if so employed on September 1, 1933, or after fifteen (15) years of such service, if employed after September 1, 1933, and becoming permanently disabled from continuing to render the service in which he has been employed, or (3) having reached the age of sixty (60) years if a man, or fifty-five (55) years if a woman, after twenty-five (25) years of such service, at a retirement allowance equal to fifty (50) percent of his average salary for the five (5) years next preceding his retirement; provided the retirement allowance of a person who is retired after becoming so disabled or after reaching the age of sixty (60) years if a man or fifty-five (55) years if a woman, and who has had more than twenty-five (25) years of aggregate service preceding retirement, shall be equal to two (2) percent of his average salary for the last five (5) years of his service multiplied by the number of whole years of such service. Employees of the Hartford board of education, having reached the age of fifty-five (55) years if a man with thirty (30) years of such service, or fifty-five (55) years if a woman, after twenty-five (25) years of such service, at a retirement allowance equal to fifty (50) percent of

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<sup>13</sup> Recodification of Charter Appendix, Sec. 21. (Sp. Laws 1941, Act No. 527, Ch. XXVII, § 233; Sp. Laws 1943, Act No. 327, § 1; Sp. Laws 1945, Act No. 436, §§ 1, 2; Sp. Laws 1945, Act No. 386, §§ 1, 2; Sp. Laws 1945, Act No. 305; Sp. Laws 1947, Act No. 360, §§ 1—4; Sp. Laws 1947, Act No. 379; Sp. Laws 1955, Act No. 649; Ord. No. 1867, 9-11-67; Ord. No. 15-69, 6-2-69; Ord. No. 13-76, § 1, 7-12-76)

**Editor's note**— Section 233 of the 1941 Charter Revision referred to in the catchline of the above section was expressly validated and continued in force and effect for the persons participating in the fund provided for thereby, by section 1, Chapter XVII, Act No. 30, of the 1947 Charter; said section was retained in the 1967 Revised Charter without change. The effective date of subsections (s) through (u) is June 2, 1969.

his average salary for the five (5) years next preceding his retirement; provided the retirement allowance of a person who is retired after becoming so disabled or after reaching the age of fifty-five (55) years, and who has had more than twenty-five (25) years of aggregate service preceding retirement, shall be equal to two (2) percent of his average salary for the last five (5) years of his service multiplied by the number of whole years of such service.

Any person permanently disabled from continuing to render the service in which he has been employed as a result of any injury received while in the performance of his duty as an employee of the city shall be retired at a retirement allowance equal to fifty (50) percent of his salary at the time of such retirement, regardless of his term of service unless such term shall entitle him to a greater percentage.

Any city employee who is not otherwise eligible to receive a retirement allowance under the provisions of this section and who, after reaching the age of fifty (50) years and after fifteen (15) years of continuous service, shall be obliged to retire involuntarily from service, except for malfeasance or misfeasance in office, shall receive a retirement allowance equal to two and one-half (2½) percent of his average salary for the last five (5) years of his service multiplied by the number of whole years of such service; provided no such retirement allowance shall exceed one-half of his average salary for the last five (5) years of his service or two (2) percent of his average salary for the last five (5) years of his service multiplied by the number of whole years of such service, whichever is greater; and provided, in computing the age and years of service hereunder, the termination of service in the case of an employee appointed under the provisions of law for a definite term shall be construed as of the date when such term would have ended in the event no change was made by law in such term. In the determination of the period of service, the period during which any city employee was engaged in the service of the Keney Park trustees, of the board of education of the Town of Hartford or of any of the former school districts, of the mayor's Americanization committee or of the trustees of the Hartford grammar school shall be included. Periods of absence of not more than ninety (90) days in any one (1) year, without pay, during the course of such service or transfers from one (1) city department to another shall not be considered as breaking the continuity of a year's service. Periods of absence of more than ninety (90) days by reason of authorized leave of absence or any disability necessitating the regular attendance of a physician, unless such requirement is waived in the event such attendance shall be declared unnecessary by medical authority satisfactory to the commission, shall not be considered as breaking its continuity, provided such absence shall not exceed a period of twelve (12) calendar months, nor shall the continuity of service of teachers employed by the board of education be considered broken when they are on authorized leave of absence for professional improvement for a period not to exceed twenty-four calendar months but such periods of absence shall not be included in the period of service in determining the amount of the retirement allowance. Any city employee who shall have attained the age of seventy (70) years, if a man, or sixty-five (65) years, if a woman, shall be retired from active service unless said commission shall, on written recommendation of his department head, permit such employee to remain in active service. Any city employee who shall have reached

retirement age after having served not less than ten (10) years but without having served twenty (20) years shall receive a retirement allowance equal to two and one-half (2½) percent of his average salary for the last three (3) years of his service multiplied by the number of whole years of such service. Each retirement allowance shall be based upon the basic salary of the employee, regardless of any general temporary increase or reduction thereof or any reduction or nonpayment on account of illness or temporary absence. No annual retirement allowance granted under the provisions of this act shall exceed the sum of four thousand dollars (\$4,000.00) or two-thirds of the employee's average salary for the five (5) years next preceding his retirement, whichever is greater.

(c) In the case of any city employee retired because of disability, existence and continuation of such disability shall be determined by the pension commission after such medical examination as it may require. Such allowance shall not be paid in any case when an award has been made under the workmen's compensation law except when such payments shall have terminated or when payments under said law shall be less than the allowance provided by the terms of this act, in which event the difference between such allowance and such compensation benefits shall be paid. In order to obtain the benefits of this section, such employee shall make application in writing for a disability retirement allowance to the pension commission within one (1) year after the termination of his service.

(d) Any annual retirement allowance payable to any teacher employed by the City of Hartford shall be reduced annually by an amount equal to the pension, if any, which such teacher is entitled to receive from the state retirement system by reason of the contribution or appropriation of state funds to said system, the amount of such reduction to be computed on the basis of such pension being payable as a life annuity on the pensioner's life, regardless of whether the pensioner shall actually receive his pension on this basis or whether, under the optional benefit provisions of said retirement system, the pension shall be based on the pensioner's life and that of a dependent, and provided such reduction shall be based on the proportion of the years of service in Hartford to the total number of years of service upon which the state pension is based. Reduction of the city's annual retirement allowance by the amount of the state pension contribution shall be computed by using the state pension formula in effect previous to July 1, 1967. Any member of the state teachers' retirement association who avails himself of the privilege of retirement under the provisions of this act before becoming eligible for a pension under the state retirement system shall be required to pay to the city the difference between his contribution for his years of service under this act and the contribution required of other city employees based on whatever percentages may have been stipulated for the same period, together with interest on such deferred contributions at a rate to be determined by the commission. In computing the retirement allowance, the years of active service of any employee shall include all the years that such employee has been in the employ of said city, of said board of education of the Town of Hartford or any of said school districts or of said Keney Park trustees. In computing such retirement allowance for that teacher in the high school department who is known as the "Master of Hartford Grammar School," the pension commissioner shall use as the basis of the computation the sum total of the compensation paid to such



teacher annually by the city and by the trustees of the Hartford grammar school, and the years of active service of such teacher shall include all the consecutive years that such teacher shall have been in the employ of said city or said trustees or of both. The term "salary" as used in this act, shall include the value of any maintenance furnished to an employee at the expense of the city when such maintenance, in the judgment of the pension commission, was furnished to such employee in lieu of salary. The value of the maintenance so included shall be as determined by said commission.

(e) The department of finance shall keep such records, both financial and statistical, as may be necessary for the proper administration of this section, and, upon request, the heads of the several city departments shall furnish the department of finance such information as may be necessary for such purpose.

(f) The pension commission shall have power to make reasonable rules and regulations for carrying out the provisions of this section and may employ such assistance, necessary for the effective performance of its duties as the court of common council shall by ordinance provide. It shall annually submit to the board of finance of said city, in accordance with the Charter and ordinances, its estimate of the appropriation required to pay the retirement allowances already in effect and to become effective during the ensuing fiscal year and the necessary expenses of said commission, and such estimates as revised by the board of finance shall be included in the report of said board to the court of common council of said city.

(g) The term "city employee," as used in this section shall not include those employees who are included under the provisions of sections two hundred thirty-four and two hundred thirty-five of the Charter of the City of Hartford, but shall include elected or appointed officials and employees of the Town of Hartford, and employees of the board of education of the Town of Hartford, and the term "teachers employed by the city," as used in this section, shall include teachers employed by the board of education of the Town of Hartford. Unless a different meaning is plainly indicated by the context, the term "retirement age" as used in this act shall be construed to mean the age of sixty-five (65) years.

(h) All retirement allowances or pensions heretofore granted by the City of Hartford are validated and continued in force.

(i) When any person employed by The Metropolitan District or by the City of Hartford shall be transferred, either temporarily or permanently, to the service of the other, the period of his service with each municipality shall be counted for the purpose of qualifying such employee for a retirement allowance and for the purpose of computing the amount thereof. The municipality by which such employee is employed at the time of his retirement shall pay to him the retirement allowance provided under the terms of its retirement system and the other municipality shall contribute monthly to such allowance a proportion of the total thereof equal to the ratio which his period of service with such other municipality shall bear to his total period of service with both municipalities; provided such proportionate contribution shall, in no case, exceed the

proportionate amount of retirement allowance which would be allocable to such period of service if his total period of service had been rendered to the municipality so contributing. The term "period of service," shall be construed to mean such service as may be considered in qualifying such employee for a retirement allowance under the provisions of the retirement system of the municipality to which such service shall have been rendered. If either of such municipalities shall not have adopted a retirement system or if the retirement systems of such municipalities shall not provide for retirement allowances on the same or substantially the same basis, such employee shall receive a retirement allowance based upon the terms of the retirement system of said city and contribution to such retirement allowances shall be made on the basis set forth in this subsection. The terms "municipality" and "municipalities" as used in this subsection, shall mean only the City of Hartford and The Metropolitan District, whichever is applicable.

(j) Whenever the pension commission shall determine that a pensioner who has been granted a retirement allowance based upon disability has sufficiently recovered from such disability to engage in gainful occupation or employment, it shall be incumbent upon the city to provide such pensioner with employment which, in the judgment of said commission, is suitable, at a rate of compensation consistent with the minimum rate which said commission shall establish. If such pensioner shall thereafter reenter active employment of the city, payment of the retirement allowance theretofore granted to such pensioner shall be suspended during the period or periods in which the pensioner is so employed. If, at any time, the city shall provide employment, approved by the commission, and the pensioner shall fail to accept such employment, such allowance shall be irrevocably canceled. If, at any time, subsequent to reemployment, the pensioner shall not be employed by the city for reasons beyond his control or deemed justifiable by the commission, the commission may order the payment of such retirement allowance to be resumed during the period of such unemployment, or until the city shall provide employment satisfactory to the commission. Any pensioner who shall reenter the active service of the city shall be required to make the monthly contributions provided for under subsection (l) of this section, and when thereafter retired under the provisions of subsections (b), (c) and (d) of this section shall be entitled to receive the same retirement allowance he was entitled to receive prior to such reemployment, and in addition thereto a further annual allowance for each additional year of active service, at the rate of two (2) percent of the average annual salary upon which such allowance was computed.

(k) Each application for retirement shall be made to the pension commission. The department of finance shall, upon request by any employee who is making contributions under the provisions of this section, notify such employee of the total amount of contributions credited to him as of the preceding April first.

(l) *Contributions.* Each person in the service of the city covered by this plan shall be required to contribute during the first six (6) years from September 1, 1943, a sum equal to two and one-half (2½) percent of his salary, including the full amount of any maintenance furnished to him, and thereafter such amount as the actuarial restudy

would indicate as necessary, except that the maximum contribution shall not exceed five (5) percent of his salary; provided any member of the state teachers' retirement association covered by this plan shall be required to contribute during the first six (6) years from September 1, 1943, a sum equal to one and one-half (1½) percent of his salary, including the full amount of any maintenance furnished to him, and thereafter such amount as the actuarial restudy would indicate as necessary, except that the maximum contribution shall not exceed three (3) percent of his salary. Such contributions shall be deducted from the payroll and shall be entered in the general ledger under a separate fund to be known as the "Retirement Allowance Fund." Not more than one-half of the retirement allowances provided for under subsection (b) of this section shall be paid from the fund created by the employees' contributions. The treasurer, with the approval of the board of finance, may invest as much of said fund as is not required for current disbursements in accordance with the statutes governing the investments of savings bank funds. The board of finance may authorize the treasurer to execute all instruments necessary to convey or transfer any of the assets belonging to said fund. The board of finance may authorize the transfer of any money remaining in said retirement allowance fund at the end of each fiscal year to the general fund for retirement allowance purposes only, and shall, thereafter, appropriate such moneys, with such additional moneys from the general fund as may be necessary, for the payment of retirement allowances provided for under this section and for no other purpose. An employee who entered the service of the United States in its armed forces after October 16, 1940, or who shall hereafter enter the service of the United States in its armed forces during the period while the United States shall be at war, shall not be required to contribute to the retirement allowance fund during the period of such service. If, not later than six (6) months after the termination of such period of service and within one (1) year after the United States shall have concluded treaties of peace with the countries with which it now is at war, such employees shall reenter the service of the city, his period of service in the armed forces of the United States shall be included in the determination of his period of service to the city in the same manner as if such service had been rendered, and the contributions required under this act had been paid, to the City of Hartford. Other employees absent from duty without pay shall make no contributions during such absence. Any person leaving the employment of the city before becoming eligible to retire may withdraw, on request, the total of all contributions made by him, without interest. If any employee who has made contributions to the retirement fund shall leave the employment of the city before becoming eligible to retire and if he shall not be reemployed by the city within five (5) years, he shall be conclusively presumed to have made the request referred to in the preceding sentence. In case of the death, either before or after retirement, of a person who has contributed to the retirement fund, his contributions to said fund, without interest, less any retirement allowance payments made to him, shall be refunded by the treasurer to the beneficiary named by such person, and the records of the pension commission shall be conclusive as to whether a beneficiary shall have been named and, if so, the name of such beneficiary. If a person shall have named more than one (1) beneficiary, then, unless otherwise specifically provided by him, the refund shall be made equally to such of the named beneficiaries as survive him. If no named beneficiary shall survive a person, the refund shall be made to the executors or administrators of such person, except that, if

the amount shall be less than five hundred dollars (\$500.00), the refund may, at the option of the treasurer, be made in accordance with the terms of Section 49-70 of the General Statutes.

(m) *Credit for war service.* Any employee of the city who entered the service of the United States in its armed forces and auxiliaries thereof after October 16, 1940, or who enters the service of the United States in its armed forces and auxiliaries thereof during the period while the United States is at war, and returns to the service of the city shall be credited with the period of such federal service to the same extent as though it had been a part of the term of his employment by the city. Except as otherwise provided in this section, in determining the length of service for the purpose of this section, (1) service prior to September 1, 1943, shall be included only for persons who commence to contribute to the retirement fund before October 1, 1943; (2) no month after August 31, 1943, shall be counted if the employee made no contributions to the retirement fund for such month; and (3) if the employee shall request the withdrawal of his contributions in accordance with subsection (l), no service prior to the date of such request shall be counted in determining his service.

(n) *Payment by city and employees.* If the income of the retirement allowance fund shall be found at any time insufficient to meet the requirements upon it, the city shall make an appropriation to make good such deficiency, and any prospective deficiency in the income of the fund shall be provided by the city in its annual appropriations. Except as otherwise provided herein, all persons in the service of the city shall contribute to said fund unless they shall have notified the pension commission in writing before September 15, 1943, that they elect to be excluded from the provisions of this section. If they shall not so contribute, they shall be deemed to have waived all rights for retirement allowance under the provisions of this section or any subsequent retirement act. Except as otherwise provided herein, all persons entering the service of the city after the effective date of this act shall contribute to said fund, provided any member of the state teachers' retirement association, upon entering the service of the city, may elect to be excluded from the provisions of this section by so notifying the pension commission within two (2) months after beginning such service. Temporary, emergency and provisional employees shall not be required to contribute unless their employment shall be given a permanent status, at which time they shall begin contributing with respect to salaries received thereafter, and may elect to contribute with respect to salaries received during the twelve (12) months next preceding their employment being given a permanent status, by paying arrears of contributions without interest. Any employee who notified the pension commission in writing before September 15, 1943, of his election to be excluded from the provisions of this act may elect to contribute to the pension fund by notifying the pension commission in writing on or before September 15, 1945, and he shall be entitled to all the benefits thereof; provided he shall pay into the pension fund a sum equal to two and one-half (2½) percent of his salary from September 1, 1943, until such time as he elects to contribute.

(o) *Optional form of retirement allowance.* Any person who may become entitled to a retirement allowance in accordance with this section may, subject to such

regulations as the pension commission may, from time to time, establish, elect to receive a reduced monthly retirement allowance with the provision that such retirement allowance, or such part thereof as may be specified by such person in his notice of election, shall be continued after his death to his spouse named in such election for as long as such spouse shall live. The reduced retirement allowance shall be in such an amount as may be determined by the pension commission to be the actuarial equivalent of the retirement allowance that would be payable were it not for the election of this option. The pension commission may provide that no person may elect this option unless he either makes such election in writing, filed with the pension commission at least three (3) years before the due date of his first retirement allowance payment, or passes a satisfactory health examination at the time of making such election. Any city employee having become eligible to receive a reduced retirement allowance under the provisions of this subsection may elect to have that portion of such reduced retirement allowance which would become payable to such employee's spouse upon the death of such employee after retirement, become payable to such spouse upon the death of such employee before retirement, by notifying the pension commission of his election to subscribe to such regulations as may be established by such commission for that purpose, and said commission shall establish such regulations therefor as they deem equitable.

(p) *Appeals.* Any person aggrieved by any decision of said pension commission may, within fifteen (15) days from the date when such decision shall have been rendered, take an appeal to the court of common pleas or the superior court for Hartford County, which appeal shall be made returnable to such court in the same manner as that prescribed for civil actions brought to such courts. Notice of such appeal shall be given by leaving a true and attested copy thereof with said commission within twelve (12) days before the return date to which such appeal shall have been taken. The appeal shall state the reasons upon which it shall have been predicated. The authority issuing the citation in such appeal shall take from the appellant a bond or recognizance to said commission, with surety, to prosecute such appeal to effect. Said commission shall be required to return either the original papers acted upon by it, and constituting the record of the case appealed from, or certified copies thereof. The court, upon such appeal, shall review the proceedings of said commission and if, upon the hearing upon such appeal, it shall appear to the court that testimony is necessary for the equitable disposition of the appeal, it may take evidence or appoint a referee or committee to take such evidence as it may direct and report the same to the court, with his or its findings of fact and conclusions of law, which report shall constitute a part of the proceedings upon which the determination of the court shall be made. The court, upon such appeal, and after a hearing thereon, may reverse or affirm, wholly or partly, or may modify or revise the decision appealed from. Costs shall not be allowed against said commission unless it shall appear to the court that it acted with gross negligence, in bad faith or with malice in making the decision appealed from.

(q) If an employee leaves the employ of the city and subsequently returns thereto, he shall be required to return to the city within one (1) year any contributions that he may have previously withdrawn, plus interest from the date of withdrawal, in

order to include his former years of employment to the aggregate of his employment for the purposes of this act.

(r) If a member dies before retirement from a cause arising out of and in the course of his employment, as defined in the Workmen's Compensation Act, his widow shall receive a monthly survivor's allowance at a rate equivalent to fifty (50) percent of his annual pay at the time of his death, until she dies or remarries. If said member leaves a child or children under the age of eighteen (18), each such child shall receive a monthly survivor's allowance at a rate of ten (10) percent, as measured as above, until he reaches age eighteen (18), marries or dies, whichever comes first; however, if the member leaves no widow, each child's allowance shall be at the rate of fifteen (15) percent. The total annual survivors' allowances payable under this section plus workmen's compensation payments, if any, shall not exceed three-quarters of the member's average annual pay during the five (5) years immediately preceding his death. Any allowances paid under this subsection shall be in lieu of the refund of contributions provided by subsection 1(l); except that if the total allowances paid under this subsection should be less than the refund of contributions which would otherwise have been paid, then the excess of said refund over said allowances shall be paid in accordance with subsection 1(l). As used herein the term "widow" shall include "widower."

(s) The surviving spouse of any teacher who retires after July 1, 1968, and who at the time of retirement elects to receive an actuarially reduced pension according to existing tables and procedures, shall be entitled to receive a survivor's allowance equal to one-half of the teacher's retirement allowance as so actuarially reduced until said surviving spouse dies or remarries.

(t) In lieu of the provisions of section (s), the surviving spouse of any teacher who retires after July 1, 1968, shall be entitled to receive a survivor's allowance equal to one-half of the teacher's full retirement allowance until said surviving spouse dies or remarries, provided the teacher shall pay an amount equal to twenty (20) percent of the total contribution made by said teacher to the retirement fund to the date of retirement. This twenty (20) percent payment may be made in a single payment at the time of retirement or may be made in installments over the period of three (3) years next preceding the date of actual retirement. The term "surviving spouse" as used in this section and section(s) aforesaid shall be limited to the spouse of such member who shall have been married to him or her prior to his or her retirement.

(u) Any teacher who has retired between July 1, 1968 and the effective date of these amendments may exercise the elections of (s) or (t) above within sixty (60) days from the effective date of these amendments.

**Sec. 12. - Social security for city employees—Contributions by employees; qualifications; computing allowances<sup>14</sup>.**

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<sup>14</sup> Recodification of Charter Appendix, Sec. 22. (Sp. Laws 1957, Act No. 347, § 2)

(a) The retirement system for city employees established by section 233 of Number 547 of the Special Acts of 1941, as amended, is further amended by adding the following: (a) Hereafter, each member of the system, except teachers, shall contribute to the system two (2) percent of that portion of his pay on which social security taxes are paid, and five (5) percent of the balance of his pay, including the full amount of maintenance furnished to him; contributions of teachers shall continue to be determined on the same basis as before.

(b) Qualifications as to age, service or disability required for a member to become eligible for a retirement allowance shall remain unchanged. However, all retirement allowances for members shall be computed by the same formula used in Section 1 of this act except as follows: (1) Retirement allowances for teachers shall continue to be determined on the same basis as before; (2) if the pension commission should find that for any individual who was a member of the system on the effective date of this act, the sum of any retirement allowance so computed plus the social security benefit which such member is entitled to receive resulting from city service should be less than the retirement allowance which would have been payable under the city employees' retirement system in the absence of this amendment, then the commission shall increase his allowance accordingly for the period during which the lower total benefits would otherwise apply.

**Sec. 13. - Same—Determining coverage<sup>15</sup>.**

Services of individuals in positions, other than policemen's or firemen's positions, covered under the retirement system for city employees or the municipal employees' retirement fund need not be excluded in determining coverage under the federal social security system.

**Sec. 14. - Same—Division of employees in two parts for purpose of social security coverage; payment of taxes<sup>16</sup>.**

The pension commission shall establish regulations for subdividing the municipal employees' retirement fund and the city employees' retirement system each into two (2) parts. One (1) part of each, which shall be known as Part A shall be composed of the positions of members who have not expressed a desire for social security coverage, and the other part of each, which shall be known as Part B, shall be composed of positions of members who have expressed a desire to be covered under the Social Security Act. Part B of the municipal employees' retirement fund shall also include all individuals becoming members of that fund after the date such coverage under the Social Security Act is extended. The city shall arrange to include services of individuals in positions covered by Part B of the city employees' retirement system or Part B of the

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**Editor's note**— Section 1 of this Act, being Act No. 347, Special Laws 1957 specifically amended section 3 of Chapter XVI (now XVII) of Act No. 30, Special Laws 1947, and may be found therein.

<sup>15</sup> Recodification of Charter Appendix, Sec. 23. Sp. Laws 1957, Act No. 347, § 3

<sup>16</sup> Recodification of Charter Appendix, Sec. 24. (Sp. Laws 1957, Act No. 347, § 4; Sp. Laws, Sept. Sess. 1957, Act No. 5, § 1). **Editor's note**— Section 3 of Act No. 5, Sept. Session, Sp. Laws 1957 provided that [section 19](#) of Public Act No. 465 shall not apply to Act No. 5.

municipal employees' retirement fund, except policemen's or firemen's positions, in the coverage of the social security law. Coverage shall be made retroactive to January 1, 1956, or to the individual's date of employment with the city, if later. The city's share of the taxes necessary to secure this retroactive coverage shall be paid out of the retirement allowance fund or the municipal employees' retirement fund, as the case may be. Each individual entitled to retroactive coverage shall be liable for his own share of the necessary retroactive taxes to be paid out of the fund of which he is a member and shall be charged against his contributions thereto.

**Sec. 15. - Same—Deductions for employee's share; payment of city's share<sup>17</sup>.**

Each individual who is included under social security coverage shall have deducted from his pay at each pay period the employee's share of social security taxes. The city shall provide for the payment of its own share as an employer with respect to each such individual.

**Sec. 16. - Same—Effective date<sup>18</sup>.**

Sections 1 and 2 of number 347 of the Special Acts of 1957 shall become effective as of the date on which an agreement is signed between the federal government and the State of Connecticut providing for social security coverage for city employees as described herein. The rest of said act shall be effective from date of passage. If, however, an agreement between the federal government and the state is not signed before January 1, 1959, this act shall then become void.

**Sec. 17. - Teachers' retirement—Election privileges of members of state teachers' retirement association<sup>19</sup>.**

Any member of the state teachers' retirement association who elects to retire under the terms of the state teachers' retirement act, as amended, before attaining the age of sixty (60), but after completing at least thirty (30) years of service, and who is entitled to receive a retirement allowance from the City of Hartford, may elect to have a portion of the retirement allowance due from said city commuted and paid in one (1) sum. The pension commission of said city shall determine the amount of the lump sum payment so that it will be actuarially equivalent to the reduction in the retirement allowance. The maximum portion of the retirement allowance payable by the city which may be commuted shall be an amount equal to the retirement annuity benefit payable by the state teachers' retirement system with respect to such member's contributions thereto.

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<sup>17</sup> Recodification of Charter Appendix, Sec. 25. Sp. Laws 1957, Act No. 347, § 5

<sup>18</sup> Recodification of Charter Appendix, Sec. 26. Sp. Laws 1957, Act No. 347, § 6; Sp. Laws 1957, Act No. 5, § 2. **Editor's note—** Section 1 of Act No. 347 specifically amended section 3, Chapter XVI (now XVII) of Act No. 30, Sp. Laws 1947 and may be located therein. Section 2 of Act No. 347 is numbered section 22 in this Appendix to Charter.

<sup>19</sup> Recodification of Charter Appendix, Sec. 27. Sp. Laws 1955, Act No. 18



**Sec. 18. - Same—Retirement credit for leaves of absence<sup>20</sup>.**

Any period of a leave of absence, not exceeding one (1) year in length, granted to any professionally certified employee by the Hartford board of education for such purposes of professional growth as such term is defined by said board, shall count as active service within the meaning of number 327 of the special acts of 1943, as amended, provided monthly payments to the Hartford retirement system for city employees shall be made on the basis of the salary to which such professionally certified employee would have been entitled if engaged actively in teaching in order to receive teaching credit. Such credit shall be limited to a total of one (1) year within a five-year period. Any such employee who was granted such leave prior to the effective date of this act may receive credit for such leave for retirement purposes, provided he shall pay into the Hartford retirement system such amount as would equal the contributions he would have made to said system during such period if he had been actively teaching, provided such credit shall be limited to a period of one (1) year within a five-year period.

**Sec. 19. - Same—Retirement credit for service in armed forces<sup>21</sup>.**

Any member of the teachers' retirement association who served or is serving in the armed forces, who, immediately prior to such service, was employed in the public schools of the City of Hartford or the City of New Haven and who reenters such employment in such city upon discharge from the armed forces, shall be credited for retirement purposes with the period of such service. The board of education of such city shall pay to the annuity fund the amounts due from such member for such period. If any such member dies prior to the effective date of his retirement, or prior to the date on which the coparticipant option becomes effective, as provided in Section 10-167 of the General Statutes, any amounts paid by the board of education of such city for the benefit of such member shall be used to finance death benefits to his survivors payable under Section 10-168 of the 1967 supplement to the General Statutes. Any board of education funds not used in the financing of survivorship benefits or retirement allowances shall be returned to the board of education of such city.

**Sec. 20. - Retirement credit for services in first world war<sup>22</sup>.**

The time during which any person who was employed by the City of Hartford at the time of his entry into the armed forces in the first world war served in such armed forces shall be considered, for retirement purposes, as a part of his total length of service to said city.

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<sup>20</sup> Recodification of Charter Appendix, Sec. 28. Sp. Laws 1957, Act No. 157. **Editor's note—** No. 327 is compiled as [section 21](#) of this Appendix.

<sup>21</sup> Recodification of Charter Appendix, Sec. 29. Sp. Laws 1951, Act No. 279; Sp. Laws 1969, Act No. 147, §1. **Editor's note—** This Act No. 279 was ratified by the voters of the City of Hartford on November 6, 1951.

<sup>22</sup> Recodification of Charter Appendix, Sec. 30. Sp. Laws 1945, Act No. 328.

## POLICE BENEFIT FUND<sup>23</sup>

### Sec. 21. - Charter 1941, section 234, as amended<sup>24</sup>.

(a) There shall be in the City of Hartford a fund to be known as the police benefit fund, to consist of: (1) Such sums of money as shall be appropriated to said fund from the treasury of the said city by the court of common council thereof; (2) all property specially devised or given for the benefit of disabled policemen of said city and property given to the police department of said city on account of services rendered by said department; (3) all lost, abandoned, unclaimed or stolen money and all moneys arising from the sale of unclaimed, abandoned, lost or stolen property in charge of the board of police commissioners of said city, at any time available for that purpose by the laws of this state; (4) all rewards, fees, gifts, testimonials and emoluments that may be presented to any member of the police force of said city on account of special services, except such as said board of police commissioners may allow any member or members to retain, and (5) the fund now known as "The Police Benefit Fund."

(b) The board of police commissioners of said city shall be a board of trustees of said fund, and the treasurer of the City of Hartford shall be the treasurer of said board. The president of the board of police commissioners shall be president of the board of trustees, and shall draw all orders upon such fund, which orders shall be countersigned by the secretary of said board of trustees, who shall be chosen by said trustees. The secretary shall keep a record of the proceedings of said board of trustees and all action taken by it in regard to said fund, and said board of trustees may direct the treasurer to invest any portion of said fund in any securities in which trust funds may be invested by the laws of the state or to deposit the same or any portion thereof in any of the savings banks of the state.

(c) Said board of trustees shall report to the court of common council yearly the condition of said fund, with all the items of receipts and disbursements on account thereof. If the income of the police benefit fund shall be found at any time insufficient to meet the requirements upon it, the court of common council, upon the application of said board of trustees, shall make an appropriation to make good such deficiency, and any prospective deficiency in the income of said fund shall be provided for by said court of common council in its annual appropriation for the police department.

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<sup>23</sup> **Editor's note**— Section 234 of the 1941 chapter revision was expressly validated and continued in force and effect for the persons participating in the fund provided for thereby, by section 1, Chapter XVII, Act No. 30, being the 1947 charter.

**Cross reference**— Retirement credit for policemen and firemen for service in armed forces, Appendix, § 16. Retirement credit for police and fire department employees during World War II, Appendix, § 17. Female employees in police and fire departments included in pension plans, Appendix, § 20.

<sup>24</sup> Recodification of Charter Appendix, Sec. 31. Sp. Laws 1941, Act No. 527, Ch. XXVII, § 234; Sp. Laws 1943, Act No. 215; Sp. Laws 1943, Act No. 327, § 2; Sp. Laws 1945, Act No. 309; Sp. Laws 1957, Act No. 478; Ord. No. 17-70, 5-11-70; Ord. No. 49-03, 10-14-03. **Editor's note**— Sections 553 and 554 now codified as sections 7-28 and 7-26 respectively, of the 1958 Revision of the General Statutes. The "Provided..." clause in the first paragraph of (i) was added by Act No. 327, Special Laws of 1943.

(d) In addition to the regular and supernumerary police force of the City of Hartford, there shall be an honorary grade known as the veteran reserve, to which the board of police commissioners of said city may transfer any member or employee of the police department who shall, through age or through physical disability incurred in the discharge of his or her duties, become permanently disqualified for the active duties of the police department, but such transfer may be revoked at any time if the disability shall be removed and the member or employee shall thereupon be returned to active duty in the police department. The pay of a member of the veteran reserve shall be one-half of the mean between the pay which such member received when transferred to the veteran reserve and the current rate of pay of a member or employee of the department of the same or corresponding grade, but the board of police commissioners may, in case of emergency, call upon any member of the veteran reserve for such temporary service as he or she may be fit to perform and during such service he or she shall receive pay equal to said mean between his or her pay at the date of transfer to veteran reserve and the current rate of pay of members or employees of the department of the same or corresponding grade.

(e) Said board of police commissioners may permanently retire any member of the regular force or of the veteran who has become permanently disqualified from performing any duty, upon a certificate of a police surgeon or a committee of surgeons appointed by said board of police commissioners showing that such member is permanently disqualified for the performance of all police duty and that such disqualification is caused by the natural infirmities of old age or by some injury received, disease contracted or exposure endured while performing the duties of his service, without fault on his part. The rate of pay of any member of the force so retired shall be one-half the mean between such member's pay at the time of retirement and the current rate of pay of a member of the force of the same or corresponding grade.

(f) Said board of police commissioners shall permanently retire any member or employee of the police department upon his or her written request, when such member or employee has performed twenty-five (25) years of service in the department. Said period of twenty-five (25) years shall include active supernumerary service, whether public or private, so long as such supernumerary work was actually performed in the line of duty as a policeman. Said board of police commissioners shall permanently retire any member or employee of the police department when such member or employee shall reach the age of sixty-five (65) years or is of the age of sixty-five (65) years or over. The pay of an employee, so retired, shall be at the rate of one-half of such employee's pay at the time of retirement and the pay of any member of the force so retired shall be at the rate of one-half of the mean between such employee's pay at the time of retirement and the current rate of pay of a member of the force of the same or a corresponding grade. Effective on July 1, 2003, the pay of any such employee who had been so retired prior to January 1, 1981, who had reached the rank of assistant chief or deputy chief, and were at such rank at the time of retirement, the pay of such an employee, so retired, shall be at the rate of one-half of such employee's pay at the time of retirement and the pay of any member of the force so retired shall be at the rate

of one-half of the mean between such employee's pay at the time of retirement and a combination of the minimum range of the current rate of pay of a member of the force of the same or a corresponding grade, together with an annual adjustment in such minimum range of the current rate of pay equal to any general wage increase called for in the collective bargaining agreement between the city and the Hartford Police Union in that particular year.

(g) The foregoing subsection shall apply in favor of all persons who were members or employees of said police department on May 2, 1939, in the same manner as if the same had been in force and effect at the time of their appointment or employment.

(h) The rate of pay provided for members of the veteran reserve and retired members of the force under the previous provisions of this act shall hereafter apply to all members of the force whether retired or transferred to the veteran reserve before or after May 1, 1929.

(i) When any member of the police department, who shall have served as a regular member of such department, shall die, the widow of such member shall, subject to the provisions hereinafter contained, receive, until her death or remarriage, out of said police benefit fund, a monthly sum equal to one-fourth of the compensation received by such member at the time of his death, if in active service, or a monthly sum equal to one-half of the payments received by such member at the time of his death, if retired. If no widow shall survive him, or upon the death of his widow, if she shall survive him and shall not remarry, said board of police commissioners may, by the affirmative vote of the majority of its whole number, cause to be paid monthly to the legally appointed guardian of his child or children under the age of sixteen (16) years, for their use and benefit, a sum not exceeding in total the amount hereinbefore provided to be received by such widow and may, from time to time, apportion such sums between such children as it may deem best; provided, as each such child shall arrive at the age of sixteen (16) years, the payments to such child shall cease and the same may, from time to time, be stopped, or the amount thereof changed, by vote of a majority of the whole number of said commissioners with the approval of the mayor. No such payment or payments shall be allowed or paid to such widow or children so long as such widow or children shall receive, or be entitled to receive, compensation under the provisions of the compensation laws of this state. The term "widow" as used in this section shall be limited in its meaning to the surviving spouse of such member who shall have been married to him and living with him at the time of his death, if such member is an active member of said department, or who shall have been married to him prior to his retirement from said department and who shall be living with him as his wife at the time of his death. The term "child" or "children," as used in this section, shall be limited in its meaning to the child or children born to such member by his wife, to whom he was married at the time of his death, if an active member of said department, or to whom he was married prior to his retirement from such department, if retired. Each active member of said department shall pay to the police benefit fund, and there shall be deducted from the monthly salary of each active member, a sum equal to one (1) percent of his monthly

salary, and each retired member of said department shall pay to the police benefit fund, and there shall be deducted from his monthly salary or pension, a sum equal to one (1) percent of his salary or pension. Provided each person who is an active member of said department at the time of the effective date of this act, if he shall have so notified the treasurer of the police benefit fund in writing before September 15, 1943, may elect, and all persons entering the service of said department after the effective date of this act shall be required to pay to the police benefit fund, in addition to the payment of a sum equal to one (1) percent of his salary hereinbefore required, an additional payment of a sum equal to one and one-half (1½) percent of his salary, and thereafter shall be entitled to and shall receive upon retirement, under the provisions of this section, after more than twenty-five (25) years of service, additional pay equal to two (2) percent of the mean between such member's pay at the time of retirement and the current rate of pay of a member of the force of the same or corresponding grade multiplied by that figure by which the number of whole years of his service shall exceed twenty-five (25) years. Any member of the police department who did not elect to contribute to the police benefit fund as provided in this section may elect to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary by notifying the treasurer of the police benefit fund in writing on or before September 15, 1945, and he shall be entitled to all the benefits thereof; provided he shall pay into the police benefit fund a sum equal to one and one-half (1½) percent of his salary from September 1, 1943, until such time as he elects to contribute. Any member of the police department who notified the treasurer of the police benefit fund of his election to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary after September 15, 1943, and has made such contribution shall receive all the benefits he would be entitled to in the same manner as though he had notified the treasurer of the police benefit fund before September 15, 1943.

Any member of the police department who did not elect to contribute to the police benefit fund as provided in this section may elect to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary by notifying the treasurer of the police benefit fund in writing on or before September 15, 1957; and he shall be entitled to all the benefits thereof, provided he shall pay into said fund a sum equal to one and one-half (1½) percent of his salary from September 1, 1943, until such time as he elects to contribute. Any member of the police department who notified said treasurer of his election to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary from September 15, 1943, and who has made such contribution shall receive all the benefits he would be entitled to in the same manner as though he had notified said treasurer before September 15, 1943.

Any member of the police department who did not elect to contribute to the police benefit fund as provided in this section may elect to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary by notifying the treasurer of the police benefit fund in writing on or before September 15, 1970; and he shall be entitled to all the benefits thereof, provided he shall pay into said fund a sum equal to one and one-half (1½) percent of his salary from September 1, 1943, until such time as he elects to contribute. Any member of the police department who notified said treasurer

of his election to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary from September 15, 1943, and who has made such contribution shall receive all the benefits he would be entitled to in the same manner as though he had notified said treasurer before September 15, 1943. (Ord. No. 17-70, 5-11-70)

(j) When a member of the police force, a retired member thereof or a member of the veteran reserve shall die leaving no widow or children as beneficiaries under the police benefit fund of the City of Hartford, payments under said fund shall be made by the police commissioners to any beneficiary previously designated by the deceased member. Such payments shall cease upon the marriage of such beneficiary, but otherwise shall continue for a period of ten (10) years.

(k) The pay of all members of the veteran reserve and of all retired members of the police department, together with any payments authorized to be made under the provisions of the foregoing subsection, shall be a special charge upon the police benefit fund<sup>25</sup>.

(l) The provisions of Sections 553 and 554 of the General Statutes shall not apply to the City of Hartford.

(m) All payments of compensation heretofore made or provided for from the police benefit fund are validated and continued in force.

## **FIREMEN'S RELIEF FUND**

### **Sec. 22. - Charter 1941, section 235, as amended<sup>26</sup>.**

(a) There shall be in the City of Hartford a firemen's relief fund which shall consist of moneys received from the following sources: All bequests or donations to the fire department from private or public sources for the purpose for which this fund is constituted; monthly assessments on the salaries or pay of members of the fire department, not exceeding one (1) percent per annum thereof, as the board of trustees of said relief fund shall, from time to time, determine; all fines imposed by the board of fire commissioners, from time to time, upon any member or members of the fire department by way of discipline; all moneys received from the sale of condemned, unfit or unserviceable property under the control of the board of fire commissioners, where the same does not exceed the sum of two hundred fifty dollars (\$250.00) in value for

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<sup>25</sup> **Editor's note**— Section 235 of the 1941 Charter Revision was expressly validated and continued in force and effect for persons participating in the fund provided for thereby, by section 1, Chapter XVII, Act No. 30, being the 1947 charter.

**Cross reference**— Retirement credit for policemen and firemen for service in armed forces, Appendix, [§ 16](#). Retirement credit for police and fire department employees during World War II, Appendix, [§ 17](#). Female employees in police and fire departments included in pension plans, Appendix, [§ 20](#).

<sup>26</sup> **Recodification of Charter Appendix, Sec. 32.** Sp. Laws 1941, Act No. 527, Ch XXVII, § 235; Sp. Laws 1943, Act No. 327, § 3; Sp. Laws 1943, Act No. 358; Sp. Laws 1943, Act No. 177; Sp. Laws 1945, Act No. 308; Sp. Laws 1957, Act No. 477.

any one (1) article; all rewards, fees, gifts or emoluments that may be paid or given for extraordinary services rendered by an officer or member of the fire department, except when allowed to be retained by such officer or member by the board of fire commissioners; such sums of money as shall be appropriated to said relief fund from the treasury of the city by the court of common council thereof, and the fund now known as "The Firemen's Relief Fund."

(b) Said relief fund shall be under the general charge of a board of trustees composed of three (3) fire commissioners, to be elected annually by the board of fire commissioners, the treasurer of the City of Hartford and three (3) firemen in the active service of the Hartford fire department who, at the time of their election, shall have had at least five (5) years' active service in the department, and who shall be elected, by a majority vote of the entire department, in the manner provided in subsection (c) of this section. The new members of the board of trustees shall take office on the first day of October in each year and shall continue in office until their successors shall be chosen and shall have qualified. Any vacancies occurring in said board shall be filled for the unexpired portion of the term by special election of the board of fire commissioners or of the fire department, as the case may be. The board of trustees shall, annually, within two (2) weeks after the first day of October, organize and choose from their own number a president and a secretary of the board to serve for the ensuing year. The treasurer of the City of Hartford shall, by virtue of his office, be the treasurer of said board. The board of trustees shall have discretionary power to make and change the investments of said fund; they may make rules and regulations consistent with the provisions of this act, concerning the operation and management of said fund, the times and methods of election of members of the board of trustees and the form of application for relief, and may do all things necessary and proper towards carrying out the purposes of said fund. All orders drawn against said relief fund shall be signed by the president and countersigned by the secretary of said board.

(c) An election for trustee or trustees of the firemen's relief fund from the fire department shall be held annually at such time and place and under such regulations as the board of trustees shall appoint, but not later than the month of September. At least ten (10) days' notice of such election shall be given. At the expiration of the term of each of the present trustees of the firemen's relief fund from the fire department his successor shall be elected to serve for a term of three (3) years. Special elections shall be held to fill vacancies in similar manner and upon like notice.

(d) Said board of trustees shall report to the court of common council annually, not later than the month of February, the condition of said fund, with all the items of receipts and disbursements on account thereof. If the income of the firemen's relief fund shall be found at any time insufficient to meet the requirements upon it, the court of common council, upon the application of said board of trustees, shall make an appropriation to make good such deficiency, and any prospective deficiency in the income of said fund shall be provided for the court of common council in its annual appropriations.

(e) From this relief fund said board of trustees, by a majority vote, may appropriate and cause to be paid such sums and at such times as it may deem advisable, except as hereinafter provided, to the following-named persons and for the following purposes: First. Any permanent member of said fire department who, upon such medical examination as the board of fire commissioners and said board of trustees may prescribe, shall be declared permanently disabled for the performance of ordinary duty, as the result of injury received or exposure endured in the performance of duty, shall be retired, but such retirement may be revoked at any time if the disability shall be removed, and such member shall thereupon be returned to active duty in the fire department on occasion of the first vacancy. The retirement compensation of any such member shall not exceed one-half the yearly compensation received by such member at the time of retirement, plus twenty-five (25) percent of any increase granted to active members of the Hartford fire department after the effective date of this act of equal or corresponding rank or grade; Second. Any member of said fire department whose term of service shall have been one (1) year or more of continuous, permanent service, who shall have become incapacitated from sickness contracted or injuries received while not in the actual performance of duty, and who, upon such medical examination as the board of fire commissioners and said board of trustees may prescribe, shall be declared permanently disabled for the performance of ordinary duty, may be retired upon the request of the board of fire commissioners, and, when retired, said board of trustees may direct annual compensation upon the following basis: If the term of service of such retired member shall have been one (1) year of continuous, permanent service, such annual compensation shall not exceed two (2) percent of the yearly compensation received by such member at the time of retirement; if his term of service shall include more than one (1) year of continuous, permanent service, the board of trustees may increase the annual compensation by allowing an additional two (2) percent for each year of continuous, permanent service rendered beyond the first year, provided, if his term of service shall have been more than twenty-five (25) years of continuous, permanent service, such annual compensation shall not exceed fifty (50) percent of his yearly compensation at the time of retirement; such members retired for nonservice-connected disability shall receive a percentage increase, in the event of any salary increases granted to active members of the Hartford fire department after the effective date of this act of equal or corresponding rank or grade. Such increase shall be equal to the percentage with which they were retired but in no event shall any such increase exceed twenty-five (25) percent; Third. Any permanent member of said department whose term of service shall include both call service and permanent service and who shall be retired after twenty-five (25) years' continuous service, shall, when retired, receive one-half the yearly compensation received by such member at the time of retirement, plus twenty-five (25) percent of any increase granted to active members of the Hartford fire department after the effective date of this act of equal or corresponding rank or grade. Each person who is an active member of said department at the time of the effective date of this act, if he shall have so notified the treasurer of the firemen's relief fund in writing before September 15, 1943, may elect, and all persons entering the service of said department after the effective date of this act shall be required, to pay to the firemen's relief fund, in lieu of the monthly assessment provided for in subsection (a) of this section, a sum equal to two and one-half (2½) percent of his salary, and



thereafter shall be entitled to and shall receive upon retirement, under the provisions of this section, after more than twenty-five (25) years of service additional pay equal to two (2) percent of the yearly compensation received by such member at the time of retirement, multiplied by that figure by which the number of whole years of service shall exceed twenty-five (25) years, plus twenty-five (25) percent of any increase granted to active members of the Hartford fire department after the effective date of this act of equal or corresponding rank or grade.

Any member of the fire department who did not elect to contribute to the firemen's relief fund as provided in this section may elect to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary by notifying the treasurer of the firemen's relief fund in writing on or before September 20, 1963; and he shall be entitled to all the benefits thereof, provided he shall pay into the firemen's relief fund a sum equal to one and one-half (1½) percent of his salary from September 1, 1943, until such time as he elects to contribute. Any member of the fire department who notified the treasurer of the firemen's relief fund of his election to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary from September 15, 1943, and who has made such contribution shall receive all of the benefits he would be entitled to in the same manner as though he had notified the treasurer of the firemen's relief fund before September 15, 1943.

Any member of the fire department who did not elect to contribute to the firemen's relief fund as provided in this section may elect to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary by notifying the treasurer of the firemen's relief fund in writing on or before September 15, 1970; and he shall be entitled to all the benefits thereof, provided he shall pay into the firemen's relief fund a sum equal to one and one-half (1½) percent of his salary from September 1, 1943, until such time as he elects to contribute. Any member of the fire department who notified the treasurer of the firemen's relief fund of his election to contribute an additional payment of a sum equal to one and one-half (1½) percent of his salary from September 15, 1943, and who has made such contribution shall receive all the benefits he would be entitled to in the same manner as though he had notified the treasurer of the firemen's relief fund before September 15, 1943. (Ord. No. 16-70, 5-11-70)

(f) The board of fire commissioners shall permanently retire any member of the fire department, upon written request of such member, when such member shall have performed twenty-five (25) years of service in the department. Said period of twenty-five (25) years shall include substitute fireman service if such substitute work is actually performed in the line of duty as a fireman. Said board of fire commissioners shall permanently retire any member of the fire department when such member shall reach the age of sixty-five (65) years or is of the age of sixty-five (65) years or over. The pay of any member of the department upon such retirement by said board of fire commissioners shall be from said relief fund, not to exceed one-half the yearly compensation received by such member at the time of retirement, plus twenty-five (25) percent of any increase granted to active members of the Hartford fire department after the effective date of this act of equal or corresponding rank or grade. In the event of the

death of a retired member, his widow, while unmarried, shall receive not more than one-half of the yearly compensation received by such member at the time of his death. If any member shall marry after being retired and placed on the relief fund, neither his widow nor his children by such marriage shall, upon his death, participate in, or be entitled to any of the benefits accruing from said relief fund. The foregoing provisions of this subsection shall apply in favor of all persons who were members of said fire department on May 2, 1939, in the same manner as if the same had been in full force and effect at the time of their appointment.

(g) When any member of said fire department shall have been killed in the performance of duty or shall have died from the effects of injuries received or exposure endured in the performance of duty, said board of trustees shall, upon the request of the board of fire commissioners, direct annual compensation to be paid to his widow or other dependents hereinafter designated, not exceeding one-half the yearly compensation received by such member at the time he was killed or when such injuries resulting in his death were received. Such annual compensation shall be paid from said relief fund to the widow of the deceased member; if he shall leave no widow, to his child or children under the age of sixteen (16) years, or over said age but physically or mentally incapacitated from earning a livelihood. If such deceased member shall leave no widow, or children under sixteen (16) years of age, or over said age but physically or mentally incapacitated from earning a livelihood, then such annual compensation shall be paid to such dependent father, mother, sister or other dependents as he may leave. Such annual compensation shall be payable in installments and for such periods as said board of trustees shall direct, provided such payments to his widow shall cease if she shall remarry and payments for each child shall cease as such child shall attain the age of sixteen (16) years, except a child physically or mentally incapacitated from earning a livelihood, in which case such payments shall cease when such incapacity shall be removed; and payments to any other dependents shall cease if such dependent shall marry. When a member of said fire department, whose term of service shall have been one (1) or more years of continuous, permanent service, shall have died from sickness contracted or injuries received while not in the actual performance of duties, said board of trustees shall, upon request of the board of fire commissioners, direct annual compensation to be paid to his widow or other dependents hereinafter designated upon the following basis: If the term of service of such member of the department at the time of his death shall include one (1) year of continuous, permanent service, such annual compensation shall not exceed one (1) percent of the yearly compensation received by such member at the time of his death; if such term of service shall include more than one (1) year of continuous, permanent service, such annual compensation may be increased by allowing an additional one (1) percent for each year of continuous, permanent service rendered beyond one (1) year, provided, if his term of service shall have been more than twenty-five (25) years of continuous, permanent service, such annual compensation shall not exceed twenty-five (25) percent of his annual compensation. Such annual compensation shall be paid from said relief fund to the widow of the deceased member, or to or for his other dependents in the same manner and under the same limitations as hereinbefore in this section provided in the case of compensation to the widow or other dependents of the member of said fire

department who shall have been killed while in the performance of duty or shall have died from the effects of injuries received in the performance of duty.

When any member of said department leaves a widow entitled to benefits, upon the death of said widow the children of the member of said department under sixteen (16) years of age, or over said age but physically or mentally incapacitated from earning a livelihood, shall be entitled to compensation from the date of the death of such widow in the same manner and under the same limitations as if such widow had predeceased such member. Persons entitled to benefits from the firemen's relief fund at the time of the passage of this act shall be entitled to the same benefits as if this act had been in force at the time of the death of the widow of such member of the department.

(h) Substitute members of the fire department may receive benefits under this act subject to such regulations as the board of trustees of the relief fund may prescribe. Any such substitute member, detailed for permanent duty or special duty, who, upon such medical examination as the board of fire commissioners and said board of trustees may prescribe, shall be declared permanently disabled for the performance of ordinary duty, as the result of injury received or exposure endured in the performance of duty, may be retired on not more than one-half the mean between the yearly compensation received by a permanent member for the first year of service in the fire department at the time such substitute member is declared to be permanently disabled and the current yearly compensation of a permanent member of the department for the first year of service. Such retirement may be revoked at any time if the disability shall be removed, and said substitute shall thereupon be restored to the substitute roll.

(i) The compensation from the relief fund for members of the department and their dependents under the previous subsections of this section shall apply in determining the amounts of such compensation to be paid hereafter, irrespective of when the right to receive compensation from said relief fund accrued in the first instance.

(j) The secretary of the board of trustees shall record all proceedings and votes taken by said board in reference to said fund and payments therefrom, stating the name and vote of each member of said board of trustees upon any matter relating thereto.

(k) Any member of the fire department who shall neglect or refuse to pay whatever assessments may be laid by said board of trustees shall not be entitled to any benefits from said fund.

(l) The board of trustees shall have power to make all rules and regulations necessary to carry the foregoing provisions into effect.

(m) The term "member of the fire department" as used in this section shall be construed to include all regular male employees of the fire department of the City of Hartford who are under the jurisdiction of the board of fire commissioners of said city.

(n) All payments of compensation heretofore made or provided for from the firemen's relief fund are validated and continued in force.